

Brussels,

28 NOV. 2008

Dear Sir,

AS 15.12.2008
- legal & SDO

In order to establish a framework for mutual collaboration through the exchange of classified information between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (hereinafter, "Frontex") and the General Secretariat of the Council (hereinafter, the participants), I would like to propose that the following arrangements be applied to that effect.

The participants will ensure that classified information (i.e. any information (namely knowledge that can be communicated in any form) or material determined to require protection against unauthorised disclosure and which has been so designated by a security classification) exchanged between them under these arrangements retains the security classification given to it in accordance with the relevant rules of the providing participant.

The General Secretariat of the Council will ensure that it safeguards and protects classified information provided to it by Frontex in accordance with the Council's Security Regulations¹. Frontex will ensure that it safeguards

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¹ Council Decision 2001/264/EC of 19 March 2001, Official Journal of the European Union L 101 of 11 April 2001, page 1, as subsequently amended.

and protects classified information provided to it by the General Secretariat of the Council in accordance with the rules, measures and procedures as set out in the Frontex Security Manual, which provide a level of protection no less stringent than the one provided by the Council's security regulations.

In order to fulfil their obligations:

- The participants will not use the classified information released to them for purposes other than those for which that classified information has been released or for purposes other than those established by the originator;
- The participants will not disclose such information to third parties without the prior written consent of the originator;
- The participants will ensure that access to classified information released to them will be authorised only for individuals who have a need-to-know and, where appropriate, a valid security clearance;
- The participants will ensure that, before being given access to classified information, all individuals who require access to such information are briefed on the requirements of the protective security regulations relevant to the classification of the information they are to access. All individuals handling classified information must comply with such requirements;
- Taking into account the level of classification, the classified information will be forwarded by secure mail services, secure telecommunications or personal carriage. The participants will notify to each other in advance the name and address of the body responsible for the security of classified information and the precise addresses to which the information and documents must be forwarded;

- The participants will ensure that all premises, areas, buildings, offices, rooms, communication and information systems, in which classified information and documents are stored and/or handled, are protected by appropriate physical security measures;
- The participants will ensure that the classified documents released to them are, on their receipt, recorded in a special register. The participants will ensure that copies of the classified documents released to them which may be made by the recipient body, their number, distribution and destruction, are recorded in this special register;
- The participants will notify each other about any case of actual or suspected breach or compromise of the classified information released to them. In such a case, the participants will initiate investigations and take appropriate measures to prevent a recurrence.

For the purposes of the present arrangement, Frontex information protected at level RESTRICTED, CONFIDENTIAL and SECRET will be protected by the General Secretariat of the Council at Council level RESTREINT UE, CONFIDENTIEL EU and SECRET UE respectively. Council information protected at level RESTREINT UE, CONFIDENTIEL EU and SECRET UE will be protected by Frontex at level RESTRICTED, CONFIDENTIAL and SECRET respectively.

The present arrangement may be reviewed for consideration of possible amendments at the request of one of the participants. Any amendment to the present arrangement will be made in writing and will be signed by the relevant authority of each of the participants.

If either Frontex or the General Secretariat of the Council considers it necessary to terminate the present arrangement, it may do so by notification six months in advance of the effective date of termination. In

such a case, all classified information or material provided or exchanged pursuant to the present arrangement will continue to be protected in accordance with the provisions set forth herein.

Should the above meet with your approval, I have the honour to propose that the present letter and your reply constitute an administrative arrangement which will take effect from the date of your reply.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Javier Solana', with a stylized, cursive script.

Javier SOLANA