

(Acts adopted under Title VI of the Treaty on European Union)

**COUNCIL ACT**

**of 5 June 2003**

**amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information**

(2003/C 152/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention) <sup>(1)</sup>, and in particular Article 31(1) thereof,

Having regard to the initiative of the Kingdom of Denmark <sup>(2)</sup>,

Having regard to the Opinion of the European Parliament <sup>(3)</sup>,

Having regard to the draft prepared by the Management Board of Europol,

Whereas:

(1) The classification levels to be applied within Europol should be aligned, with respect to the security measures to be applied, so that they correspond as far as possible to the levels currently applied within the institutions of the European Union and to existing international standards.

(2) It is for the Council, acting unanimously, to adopt appropriate rules on the confidentiality of information which is obtained by, or exchanged with, Europol on the basis of the Europol Convention,

HAS ADOPTED THIS ACT:

*Article 1*

The Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information <sup>(4)</sup> is hereby amended as follows:

1. Article 1(g) shall be replaced by the following:

‘(g) “classification level” means a security marking assigned to a document processed by or through Europol as mentioned in Article 8;’

2. The last sentence of Article 8(1) shall be replaced by the following:

‘Information which is subject to the basic protection level and to which no classification level has been assigned shall be marked as “Europol Unclassified not for public dissemination”;

3. Article 8(4) shall be replaced by the following:

‘4. The Europol classification levels will be named as follows:

“Europol Restricted”: This classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of Europol or of one or more Member States.

“Europol Confidential”: This classification shall be applied to information and material the unauthorised disclosure of which could harm the essential interests of Europol or of one or more Member States.

“Europol Secret”: This classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of Europol or of one or more Member States.

“Europol Top Secret”: This classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of Europol or of one or more Member States.

Each Europol classification level shall relate to a specific security package, to be applied within Europol. The security packages shall offer different levels of protection, depending on the content of the information, and taking account of the detrimental effect, which unauthorised access, dissemination or use of the information, might have on the interests of Europol or the Member States.

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2, Convention as last amended by the Protocol of 28 November 2002 (OJ C 312, 16.12.2002, p. 2).

<sup>(2)</sup> OJ C 286, 22.11.2002, p. 19.

<sup>(3)</sup> Opinion of 9 April 2003 (not yet published in the Official Journal).

<sup>(4)</sup> OJ C 26, 30.1.1999, p. 10.

When information protectively marked at different levels is gathered, the classification level to be applied shall be at least as high as that applicable to the information protected at the highest level. At all events, a group of information may be given a higher protection level than that of each of its parts.

The translation of protectively marked documents shall be subject to the same protection as the originals.'

4. Article 8(5) shall be replaced by the following:

'5. The security packages shall consist of various measures of a technical, organisational or administrative nature, as laid down in the Security Manual.'

5. Article 9(2) shall be replaced by the following:

'2. In choosing any classification level, Member States shall take account of the classification of the information under their national regulations, the need for the operational flexibility required for Europol to function adequately and the requirement that classification of law enforcement information should be the exception and

that, if such information has to be classified, the lowest possible level should be assigned.'

6. In Article 11(3) the terms 'level 1 or 2' shall be replaced by 'Europol Restricted level or Europol Confidential level';

7. Throughout the text, the words 'security level' or 'security levels' shall be replaced by the words 'classification level' or 'classification levels' respectively.

*Article 2*

This Act shall enter into force on 1 July 2003.

*Article 3*

This Act shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 5 June 2003.

*For the Council*

*The President*

M. CHRISOCHOÏDIS

**COUNCIL ACT**

**of 5 June 2003**

**amending the Staff Regulations applicable to Europol employees**

(2003/C 152/02)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Convention on the establishment of a European Police Office (Europol Convention)<sup>(1)</sup>, and in particular Article 30(3) thereof,

(1) The Staff Regulations applicable to Europol employees, as laid down in Council Act of 3 December 1998<sup>(4)</sup>, should be amended in particular in order to establish special provisions for Europol officials serving in third countries, on account of special living conditions there.

Having regard to the initiative of the Kingdom of Denmark<sup>(2)</sup>,

(2) It is for the Council, acting unanimously, to lay down detailed arrangements applicable to Europol employees,

Having regard to the Opinion of the European Parliament<sup>(3)</sup>,

HAS ADOPTED THIS ACT:

Having regard to the opinion of the Management Board of Europol,

*Article 1*

The Staff Regulations applicable to Europol employees are amended as follows:

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2. Convention as last amended by the Protocol of 28 November 2002 (OJ C 312, 16.12.2002, p. 2).

<sup>(2)</sup> OJ C 286, 22.11.2002, p. 20.

<sup>(3)</sup> Opinion of 9 April 2003 (not yet published in the Official Journal).

<sup>(4)</sup> OJ C 26, 30.1.1999, p. 23. Act as last amended by the Council Act of 19 December 2002 (OJ C 24, 31.1.2003, p. 1).