

AGREEMENT

between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union

(2011/C 202/05)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION, MEETING WITHIN THE COUNCIL,

national organisations and provided to or exchanged with the Parties.

Whereas:

Article 2

- (1) The Member States of the European Union (hereinafter referred to as 'the Parties') recognise that full and effective consultation and cooperation may require the exchange of classified information among them in the interests of the European Union, and between them and European Union institutions or agencies, bodies or offices established by the latter.
- (2) The Parties share the common desire to contribute to putting in place a coherent and comprehensive general framework for the protection of classified information originating in the Parties in the interests of the European Union, in European Union institutions, or in agencies, bodies or offices established by the latter or received from third States or international organisations in this context.
- (3) The Parties are conscious that access to and exchanges of such classified information require appropriate security measures for its protection,

For the purposes of this Agreement, 'classified information' shall mean any information or material, in any form, the unauthorised disclosure of which could cause varying degrees of prejudice to the interests of the European Union, or of one or more of the Member States, and which bears one of the following EU classification markings or a corresponding classification marking as set out in the Annex:

- 'TRÈS SECRET UE/EU TOP SECRET'. This marking is applied to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the European Union or of one or more of the Member States.
- 'SECRET UE/EU SECRET'. This marking is applied to information and material the unauthorised disclosure of which could seriously harm the essential interests of the European Union or of one or more of the Member States.
- 'CONFIDENTIEL UE/EU CONFIDENTIAL'. This marking is applied to information and material the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of the Member States.
- 'RESTREINT UE/EU RESTRICTED'. This marking is applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of the Member States.

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to ensure the protection by the Parties of classified information:

- (a) originating in European Union institutions, or in agencies, bodies or offices established by the latter and provided to or exchanged with the Parties;
- (b) originating in the Parties and provided to or exchanged with European Union institutions, or agencies, bodies or offices established by the latter;
- (c) originating in the Parties in order to be provided or exchanged between them in the interests of the European Union and marked to indicate that it is subject to this Agreement;
- (d) received by European Union institutions or agencies, bodies or offices established by the latter from third States or inter-

Article 3

1. The Parties shall take all appropriate measures in accordance with their respective national laws and regulations to ensure that the level of protection afforded to classified information subject to this Agreement is equivalent to that afforded by the security rules of the Council of the European Union for protecting EU classified information bearing a corresponding classification marking as set out in the Annex.

2. Nothing in this Agreement shall cause prejudice to the national laws and regulations of the Parties regarding public access to documents, the protection of personal data or the protection of classified information.

3. The Parties shall notify the depositary for this Agreement of any changes to the security classifications set out in the Annex. Article 11 shall not apply to such notifications.

Article 4

1. Each Party shall ensure that classified information provided or exchanged under this Agreement is not:

- (a) downgraded or declassified without the prior written consent of the originator;
- (b) used for purposes other than those established by the originator;
- (c) disclosed to any third State or international organisation without the prior written consent of the originator and an appropriate agreement or arrangement for the protection of classified information with the third State or international organisation concerned.

2. The principle of originator consent shall be respected by each Party in accordance with its constitutional requirements, national laws and regulations.

Article 5

1. Each Party shall ensure that access to classified information is granted on the basis of the need-to-know principle.

2. The Parties shall guarantee that access to classified information bearing the classification marking 'CONFIDENTIEL UE/EU CONFIDENTIAL' or above or a corresponding classification marking as set out in the Annex is granted only to individuals who hold an appropriate security clearance or who are otherwise duly authorised by virtue of their functions in accordance with national laws and regulations.

3. Each Party shall ensure that all individuals granted access to classified information are informed of their responsibilities to protect such information in accordance with the appropriate security regulations.

4. Upon request, the Parties shall, in accordance with their respective national laws and regulations, provide mutual assistance in carrying out security investigations relating to security clearances.

5. In accordance with its national laws and regulations, each Party shall ensure that any entity under its jurisdiction which may receive or generate classified information is appropriately security cleared and is capable of providing suitable protection, as provided for in Article 3(1), at the appropriate security level.

6. Within the scope of this Agreement, each Party may acknowledge the personnel and facility security clearances issued by another Party.

Article 6

The Parties shall ensure that all classified information within the scope of this Agreement transmitted, exchanged or transferred within or between any of them shall be appropriately protected, as provided for in Article 3(1).

Article 7

Each Party shall ensure that appropriate measures are implemented for the protection, as provided for in Article 3(1), of classified information processed, stored or transmitted in communication and information systems. Such measures shall ensure the confidentiality, integrity, availability and, where applicable, non-repudiation and authenticity of classified information as well as an appropriate level of accountability and traceability of actions in relation to that information.

Article 8

The Parties shall provide one another, upon request, with relevant information about their respective security rules and regulations.

Article 9

1. The Parties shall take all appropriate measures, in accordance with their respective national laws and regulations, to investigate cases where it is known or where there are reasonable grounds for suspecting that classified information within the scope of this Agreement has been compromised or lost.

2. A Party which discovers a compromise or loss shall, through the appropriate channels, immediately inform the originator of such an occurrence and subsequently inform the originator of the final results of the investigation and of the corrective measures taken to prevent a recurrence. Upon request, any other relevant Party may provide investigative assistance.

Article 10

1. This Agreement shall not affect existing agreements or arrangements on the protection or exchange of classified information entered into by any Party.

2. This Agreement shall not preclude the Parties from entering into other agreements or arrangements relating to the protection and exchange of classified information originated by them, provided that such agreements or arrangements do not conflict with this Agreement.

Article 11

This Agreement may be amended by written agreement between the Parties. Any amendment shall enter into force upon notification pursuant to Article 13(2).

Article 12

Any dispute between two or more Parties relating to the interpretation or application of this Agreement shall be settled through consultations between the Parties concerned.

Article 13

1. The Parties shall notify the Secretary-General of the Council of the European Union of the completion of the internal procedures necessary for the entry into force of this Agreement.

2. This Agreement shall enter into force on the first day of the second month following notification to the Secretary-General of the Council of the European Union of the completion of the internal procedures necessary for its entry into force by the last Party to take this step.

3. The Secretary-General of the Council of the European Union shall act as depositary for this Agreement which shall be published in the *Official Journal of the European Union*.

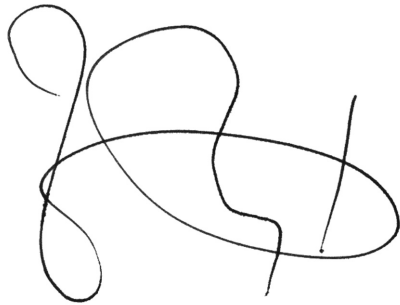
Article 14

This Agreement is drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, all 23 texts being equally authentic.

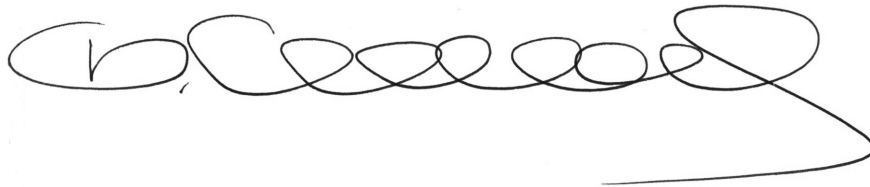
IN WITNESS WHEREOF, the undersigned Representatives of the Governments of the Member States, meeting within the Council, have signed this Agreement.

Done at Brussels on the fourth day of May in the year two thousand and eleven.

Voor de regering van het Koninkrijk België
Pour le gouvernement du Royaume de Belgique
Für die Regierung des Königreichs Belgien



За правителството на Република България



Za vládu České republiky



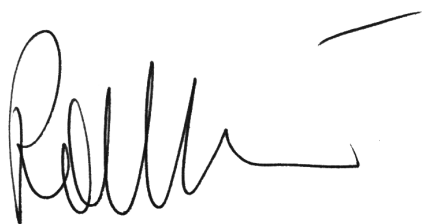
For Kongeriget Danmarks regering



Für die Regierung der Bundesrepublik Deutschland




Eesti Vabariigi valitsuse nimel



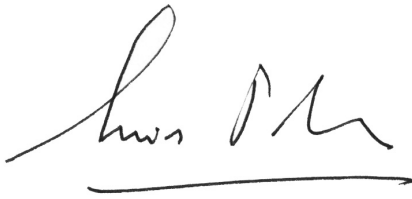
Thar ceann Rialtas na hÉireann
For the Government of Ireland



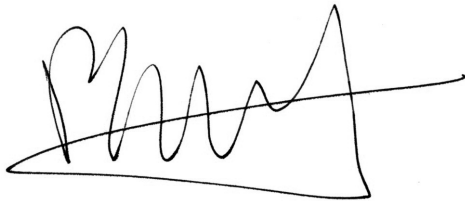
Για την Κυβέρνηση της Ελληνικής Δημοκρατίας



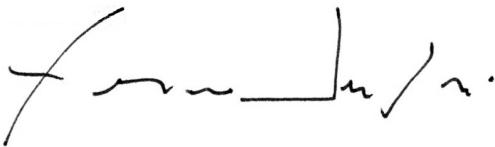
Por el Gobierno del Reino de España

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Pour le gouvernement de la République française

A handwritten signature in black ink, featuring a large, stylized initial 'M' followed by several loops and a long horizontal stroke.

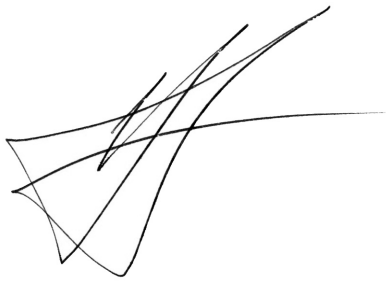
Per il Governo della Repubblica italiana

A handwritten signature in black ink, starting with a large 'F' followed by several loops and a long horizontal stroke.

Για την Κυβέρνηση της Κυπριακής Δημοκρατίας

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Latvijas Republikas valdības vārdā



Lietuvos Respublikos Vyriausybės vardu



Pour le gouvernement du Grand-Duché de Luxembourg



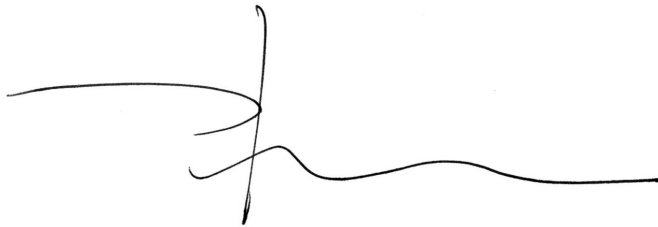
A Magyar Köztársaság kormánya részéről



Għall-Gvern ta' Malta



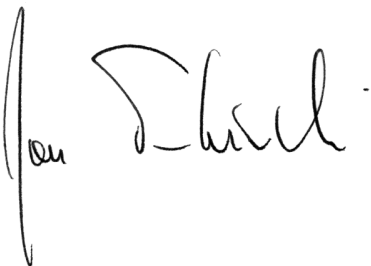
Voor de Regering van het Koninkrijk der Nederlanden



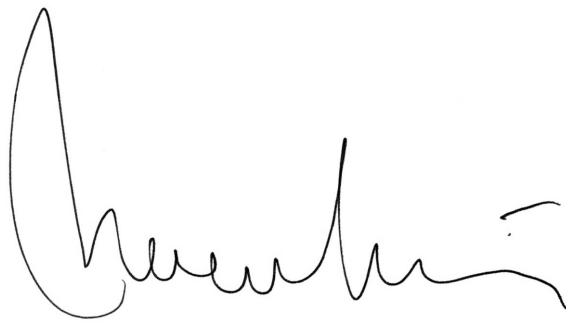
Für die Regierung der Republik Österreich



W imieniu Rządu Rzeczypospolitej Polskiej



Pelo Governo da República Portuguesa



Pentru Guvernul României



Za vlado Republike Slovenije



Za vládu Slovenskej republiky



Suomen tasavallan hallituksen puolesta
För Republiken Finlands regering



För Konungariket Sveriges regering



For the Government of the United Kingdom of Great Britain and Northern Ireland



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ANNEX

Equivalence of security classifications

EU	TRÈS SECRET UE/EU TOP SECRET	SECRET UE/EU SECRET	CONFIDENTIEL UE/ EU CONFIDENTIAL	RESTREINT UE/EU RESTRICTED
Belgium	Très Secret (Loi 11.12.1998) Zeer Geheim (Wet 11.12.1998)	Secret (Loi 11.12.1998) Geheim (Wet 11.12.1998)	Confidentiel (Loi 11.12.1998) Vertrouwelijk (Wet 11.12.1998)	<i>nota below</i> ⁽¹⁾
Bulgaria	Строго секретно	Секретно	Поверително	За служебно ползване
Czech Republic	Prísne tajné	Tajné	Důvěrné	Vyhrazené
Denmark	Yderst hemmeligt	Hemmeligt	Fortroligt	Til tjenestebrug
Germany	STRENG GEHEIM	GEHEIM	VS (?) — VERTRAULICH	VS — NUR FÜR DEN DIENSTGEBRAUCH
Estonia	Täiesti salajane	Salajane	Konfidentsiaalne	Piiratud
Ireland	Top Secret	Secret	Confidential	Restricted
Greece	Άκρως Απόρρητο Abr: ΑΑΠ	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Spain	SECRETO	RESERVADO	CONFIDENCIAL	DIFUSIÓN LIMITADA
France	Très Secret Défense	Secret Défense	Confidentiel Défense	<i>nota below</i> ⁽²⁾
Italy	Segretissimo	Segreto	Riservatissimo	Riservato
Cyprus	Άκρως Απόρρητο Abr: (ΑΑΠ)	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Latvia	Sevišķi slepeni	Slepeni	Konfidenciāli	Dienesta vajadzībām
Lithuania	Visiškai slaptai	Slaptai	Konfidencialiai	Riboto naudojimo
Luxembourg	Très Secret Lux	Secret Lux	Confidentiel Lux	Restreint Lux
Hungary	Szigorúan titkos!	Titkos!	Bizalmas!	Korlátozott terjesztésű!
Malta	L-Oghla Segretezza	Sigriet	Kunfidenzjali	Ristrett
Netherlands	Stg. ZEER GEHEIM	Stg. GEHEIM	Stg. CONFIDENTIEEL	Dep. VERTRouwELIJK
Austria	Streng Geheim	Geheim	Vertraulich	Eingeschränkt
Poland	Ścisłe tajne	Tajne	Poufne	Zastrzeżone
Portugal	Muito Secreto	Secreto	Confidencial	Reservado
Romania	Strict secret de importanță deosebită	Strict secret	Secret	Secret de serviciu
Slovenia	Strogo tajno	Tajno	Zaupno	Interno
Slovakia	Prísne tajné	Tajné	Dôverné	Vyhradené
Finland	ERITTÄIN SALAINEN YTTERST HEMLIIG	SALAINEN HEMLIG	LUOTTAMUKSELLINEN KONFIDENTIELL	KÄYTTÖ RAJOITETTU BEGRÄNSAD TILLGÅNG
Sweden ⁽⁴⁾	HEMLIG/TOP SECRET HEMLIG AV SYNNERLIG BETYDELSE FÖR RIKETS SÄKERHET	HEMLIG/SECRET HEMLIG	HEMLIG/CONFIDENTIAL HEMLIG	HEMLIG/RESTRICTED HEMLIG
United Kingdom	Top Secret	Secret	Confidential	Restricted

⁽¹⁾ 'Diffusion Restreinte/Beperkte Verspreiding' is not a security classification in Belgium. Belgium handles and protects 'RESTREINT UE/EU RESTRICTED' information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

⁽²⁾ Germany: VS = 'Verschlussache'.

⁽³⁾ France does not use the classification 'RESTREINT' in its national system. France handles and protects 'RESTREINT UE/EU RESTRICTED' information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

⁽⁴⁾ Sweden: the security classification markings in the top row are used by the defence authorities and the markings in the bottom row by other authorities.