



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 March 2011

**8054/11
ADD 1**

CSC 15

ADDENDUM TO “I/A” ITEM NOTE

From: The Antici Group

To: COREPER / Council

Subject: Council Decision on the security rules for protecting EU classified information
- Draft declarations for the Council minutes

Delegations will find attached a set of five draft declarations to be entered in the minutes of the Council session at which the above-mentioned Council Decision will be formally adopted.

**I. Declaration by the Council and the Commission
on the protection and handling of classified information**

1. The Council and the Commission consider that their respective security rules, and the Agreement between the Member States, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union, together constitute a more comprehensive and coherent general framework within the European Union for the protection of classified information originating in the Member States, in institutions of the European Union or in EU agencies, bodies or offices, or received from third States or international organisations.
2. The Council and the Commission recall that their respective security rules will continue to contain equivalent standards for the protection of EU classified information, while taking into account their specific institutional and organisational needs. In order to ensure close cooperation on matters relating to the protection of classified information and communication and information systems handling such information, the Council and the Commission:
 - (a) will consider the protection of EU classified information as a matter of common interest and undertake to provide mutual assistance in all matters relating to the handling and protection of EU classified information;
 - (b) agree that where a security of information agreement on the exchange of classified information is required with a third State or international organisation, a single agreement may be concluded which constitutes an overall framework to that effect;
 - (c) will consult each other before entering into security arrangements with third parties;

- (d) agree that security inspections or assessment visits will continue to be carried out on the basis of a joint EU inspection programme; and
- (e) will consult each other on any modification of their respective security rules before they are adopted in order to maintain the present equivalence of provisions.

In this framework, arrangements and procedures for exchanging EUCI will be worked out as necessary between the General Secretariat of the Council and the Commission services. The directors of the GSC Security Office and the Commission Security Directorate will be responsible for liaison in security matters between the Council and the Commission.

**II. Declaration by the Council and the Commission
on the protection and handling of EU classified information (EUCI)
by EU agencies, bodies or offices**

The Council and the Commission will endeavour to ensure maximum consistency in the application of security rules regarding the protection of EUCI by them and by EU agencies, bodies or offices. In particular, the Council and the Commission will ensure that, where such EU agencies, bodies or offices are established, the entity in question applies a level of protection for creating and managing classified information which is equivalent to that afforded by the security rules of the Council or the Commission, as appropriate. The GSC Security Office and the Commission's Security Directorate may provide guidance when requested regarding implementation of the Council's or the Commission's security rules in the internal organisation of such agencies, bodies or offices.

In particular, the Council and the Commission will take all possible steps, where necessary by entering into administrative arrangements, to the effect that:

- (a) classified information created by such entities in accordance with the applicable security rules is marked as EUCI. It may also bear an additional marking indicating the agency, body or office originating the information;
- (b) the exchange of EUCI originating in the Council, the Commission or the European External Action Service with any such entity, or between such entities, is contingent on the satisfactory outcome of an inspection visit led by the GSC Security Office or the Commission Security Directorate, as appropriate, aimed at ascertaining the effectiveness of measures implemented for protecting EUCI.

The Secretary-General of the Council and the Secretary-General of the Commission, as appropriate, will inform agencies, bodies or offices about any agreement or administrative arrangement put in place with third States or international organisations regarding the exchange of classified information.

The Council notes that, in line with the approach taken by the Council with regard to the EDA-OCCAR Administrative Arrangement, the direct exchange of classified information between the EDA and any third State or international organisation under an administrative arrangement entered into by the EDA requires the prior conclusion by the Council of a security of information Agreement between the EU and the third State or international organisation in question.

**III. Declaration by the Council
on protecting EU classified information within EU crisis management operations
and by EU Special Representatives and their teams**

The Council will ensure that acts adopted pursuant to Title V, Chapter 2 of the TEU stipulate that CSDP crisis management operations and their personnel, and EU Special Representatives and their teams, apply the security rules adopted by the Council for protecting EU classified information.

It notes accordingly that NSAs will, upon request from the EU Special Representative, the Head of Mission or the Force Commander, conduct the necessary security clearance procedures for individuals deployed in CSDP operations under Title V, Chapter 2 of the TEU or as part of EU Special Representatives' teams who are not already in possession of a valid security clearance. For civilian CSDP operations under Title V, Chapter 2 of the TEU and for EUSR teams, such requests will be forwarded to NSAs by the designated Mission or EUSR Security Officer, whose name will be notified to NSAs through the European External Action Service.

**IV. Declaration by the Council and the Commission
on the approval of cryptographic products**

Given the need for the European Union to deploy communication and information systems (CIS) handling EUCI swiftly and securely, the Council and the Commission underline the urgency for the European Union to have at its disposal a sufficiently wide choice of cryptographic products for protecting EUCI approved in accordance with Article 10(6) of the Council's security rules. To that end, the Council and the Commission note that:

- Member States will step up their efforts to offer as many nationally approved cryptographic products as possible for second party evaluation, and
- Member States with appropriately qualified authorities commit themselves to undertaking as a matter of priority such second party evaluations.

The Council and the Commission also underline the long-term objective of achieving as consistent a level of assurance as possible throughout the EU with regard to protecting the confidentiality of EUCI. The Council accordingly invites the Security Committee to review the situation and the relevant provisions of the security rules by the end of 2012 and report to COREPER.

V. Declaration regarding the European External Action Service

The European External Action Service (EEAS) is an integral part of the general framework within the European Union for protecting classified information originating in the Member States, in institutions of the European Union or in EU agencies, bodies or offices, or received from third States or international organisations.

As required under the Council Decision establishing the EEAS, the High Representative will decide on security rules for the EEAS, which will cover the full range of security issues, including the protection of classified information. Similarly, the High Representative will take all appropriate measures to ensure that the EEAS manages effectively the risks to its staff, physical assets and information.
