



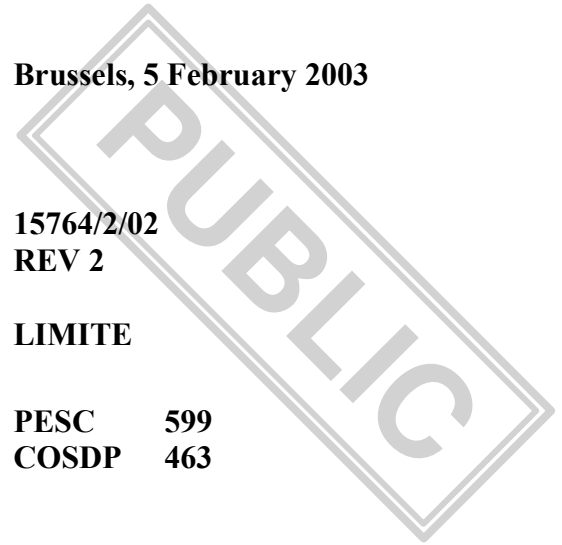
**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 February 2003**

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**FORWARDING NOTE**

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from: Secretariat  
to: Delegations  
Subject : Agreement between the European Union and the North Atlantic Treaty  
Organisation on the security of information

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Delegations will find attached a further revised version of a draft agreement between the European Union and the North Atlantic Treaty Organisation on the security of information, which takes account of some additional amendments proposed in NATO for Articles 9b and 12 respectively.

These amendments have been submitted to NATO Member States under silence procedure expiring on 7 February c.o.b.

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**AGREEMENT BETWEEN  
THE EUROPEAN UNION  
AND THE NORTH ATLANTIC TREATY ORGANISATION  
ON THE SECURITY OF INFORMATION**

The North Atlantic Treaty Organisation, hereafter NATO,

represented by the Secretary General of NATO,

and

The European Union, hereafter the EU,

represented by the Presidency of the Council of the European Union, acting on the basis of Article 24 of the Treaty on the European Union,

Hereinafter referred to as the Parties,

Considering the “North Atlantic Treaty” signed at Washington on 4 April 1949;

Considering the Treaty on the European Union done in Maastricht on 7 February 1992, as subsequently amended;

Considering the “Agreement between the Parties to the North Atlantic Treaty for the Security of Information” done at Brussels on 6 March 1997;

Considering that the Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000 tasked the Secretary General of NATO to immediately initiate contacts with the EU and to prepare the ground for the future security arrangements between the two Parties in anticipation of the envisaged consultations on this matter;

Considering that, following the decisions taken by the Heads of State and Government of NATO member States at Washington and subsequent Ministerial Meetings and by the European Council at Feira, Nice, Göteborg and Laeken, NATO and the EU agree that consultations and co-operation will be developed on questions of common interest relating to security, defence and crisis management, so that crises can be met with the most appropriate military response and effective crisis management ensured;

Considering that the EU objectives in the field of military capabilities and those arising, for those countries concerned, from NATO's defence capabilities initiative are mutually reinforcing;

Recognising that full and effective consultation and co-operation may require access to NATO and EU classified information and material, as well as the exchange of classified information and related material between NATO and the EU;

Conscious that such access to and exchange of classified information and related material requires appropriate security measures;

Noting the Interim Security Arrangement between the North Atlantic Treaty Organisation and the General Secretariat of the EU Council through an Exchange of Letters between their respective Secretaries General dated 26 July 2000;

Have agreed as follows:

#### Article 1

The present Agreement applies to classified information or material in any form either provided or exchanged between the Parties.

## Article 2

Classified information is defined as 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.

## Article 3

For the purposes of the implementation of the present Agreement :

- (a) NATO shall mean the North Atlantic Treaty Organisation ,
- (b) EU shall mean the Council of the European Union, the Secretary General/High Representative and the General Secretariat of this Council, and the Commission of the European Communities (hereafter European Commission).

## Article 4

Each Party shall:

- (a) protect and safeguard classified information or material subject to the present Agreement provided or exchanged by the other Party;
- (b) ensure that classified information or material subject to the present Agreement provided or exchanged keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard the classified information or material according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the Security Arrangements to be established pursuant to Articles 11 and 12;

- (c) not use such information or material subject to the present Agreement for purposes other than those established by the originator and those for which the information is provided or exchanged;
- (d) not disclose such information or material subject to the present Agreement to third parties, and to any EU institution or entity not mentioned in Article 3 or to States not mentioned in Article 5(a), without the consent of the originator

#### Article 5

- (a) Classified information or material disclosed or released, in accordance with the principle of originator control, by one Party, “the providing Party”, to the other Party, “the receiving Party”, may be disclosed or released to States which are members of NATO, and to other States which are members of the EU and have subscribed to the "Partnership for peace" framework document and, in that context, have a valid security agreement with NATO that also meet the standards established pursuant to Articles 11 and 12.
- (b) For release to recipients other than those mentioned in Articles 3 and 5(a), a decision on disclosure or release of classified information or material will be made by the receiving Party following the consent of the providing Party, in accordance with the principle of originator control as defined in the providing Party's Security Regulations.
- (c) In implementing (a) and (b) above, no generic release is permissible unless procedures have been established and agreed between the Parties regarding certain categories of information, relevant to their operational requirements;

#### Article 6

Each of the entities of the Parties, as defined in Article 3 of the present Agreement, shall have a security organisation and security programmes, based upon such basic principles and minimum standards of security which shall be implemented in the security systems of the Parties to be established pursuant to Articles 11 and 12, to ensure that an equivalent level of protection is applied to classified information or material subject to the present Agreement.

## Article 7

- (a) The Parties shall ensure that all persons of their respective organisation who, in the conduct of their official duties require access, or whose duties or functions may afford access, to information or material classified CONFIDENTIAL or above, provided or exchanged under the present Agreement are appropriately security cleared before they are granted access to such information and materials;
- (b) The security clearance procedures shall be designed to determine whether an individual may, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information or material.

## Article 8

The Parties shall provide mutual assistance with regard to security of classified information or material subject to the present Agreement and matters of common security interest. Reciprocal security consultations shall be conducted by the authorities as defined in Article 11 to assess the effectiveness of the Security Arrangements within their respective responsibility to be established pursuant to Articles 11 and 12.

## Article 9

- (a) For the purpose of the present Agreement
  - (i) As regards the EU:

all correspondence shall be sent to the Council at the following address:

Council of the European Union  
Chief Registry Officer  
Rue de la Loi/Wetstraat, 175  
B 1048 Brussels;

All correspondence shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the Commission subject to paragraph (b) and in accordance with Article 5 (a) .

- (ii) As regards NATO, all correspondence shall be sent to the Secretary General acting in the name of the North Atlantic Council at the following address (or such addressed as may be notified to the other Party):

NATO Headquarters  
B 1110 Brussels.

- (b) Exceptionally, correspondence from one Party which is only accessible to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and only be accessible to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need to know principle. Such correspondence will be accessible to the Member States of the two organisations defined in Article 5 (a), if they so request. As far as the European Union is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council.

#### Article 10

The Secretaries General of NATO, of the Council of European Union and of the European Commission shall oversee the implementation of the present Agreement.

## Article 11

In order to implement the present Agreement:

- (a) The NATO Office of Security (NOS), under the direction and on behalf of the Secretary General of NATO and the Chairman, NATO Military Committee, acting in the name of the North Atlantic Council and the NATO Military Committee and under their authority, is responsible for developing security Arrangements for the protection and safeguarding of classified information or material provided to or exchanged with NATO under the present Agreement;
- (b) The EU Council General Secretariat Security Office (hereinafter GSC Security Office), under the direction and on behalf of the Secretary General of the EU Council, acting in the name of the EU Council and under its authority is responsible for developing Security Arrangements for the protection and safeguarding of classified information or material provided to or exchanged with the EU under the present Agreement.
- (c) The European Commission Security Office, acting under the authority of the member of the Commission responsible for security matters, is responsible for developing Security Arrangements for the protection within the Commission of classified information subject to the present agreement.

## Article 12

For the preparation of their Security Arrangements, the NATO "Office of Security", the GSC Security Office and the European Commission Security Office shall agree on standards of the reciprocal security protection for classified information and material subject to this Agreement. At NATO, these standards shall be subject to approval by the NATO Security Committee. At the EU, these standards shall be subject to the approval by the Council Security Committee.



### Article 13

The Authorities defined in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information or material subject to the present Agreement.

### Article 14

Prior to the provision or exchange of classified information or material subject to the present Agreement between the Parties, the responsible security authorities defined in Article 11 must agree that the receiving Party is able to protect and safeguard the information or material subject to the present Agreement in a way consistent with the arrangements to be established pursuant to Articles 11 and 12.

### Article 15

The present Agreement in no way prevents the Parties from making other Agreements with third Parties relating to the provision or exchange of classified information or material subject to the present Agreement provided that they do not conflict with the provisions of the present Agreement.

### Article 16

The present Agreement shall enter into force on the date on which the Parties have signed it.

The present Agreement may be reviewed for consideration of possible amendments at the request of either Party.

Any amendment to the present Agreement shall only be made in writing and shall be signed by each of the Parties to the present Agreement.

## Article 17

The present Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of the present Agreement. In particular, all classified information or material provided or exchanged pursuant to the present Agreement shall continue to be protected in accordance with the provisions set forth herein.

## Article 18

The present Agreement supersedes the Interim Security Arrangement concluded between NATO and the General Secretariat of the Council of the EU through an Exchange of Letters dated 26 July 2000.

In witness whereof the undersigned, respectively duly authorized, have signed the present Agreement.

Done at ..., this ... day of ... 2003 in two copies each in both the English and French languages, each text being equally authoritative.

For the North Atlantic Treaty  
Organisation

For the European Union

ROBERTSON

PAPANDREOU