



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2013

10096/13

CSC 51

NOTE

From: The Chair

To: Council Security Committee

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 four 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, the Commission and
the High Representative of the Union for Foreign Affairs and Security Policy
on the protection and handling of classified information**

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) consider that the respective security rules of the Council, the Commission and the European External Action Service (EEAS), and the Agreement between the Member States, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union¹, together aim to establish a 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, the Commission and the High Representative recall that the respective security rules of the Council, the Commission and the EEAS 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, the Commission and the High Representative:
 - (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 the Council, Commission and EEAS departments will consult each other on any modification of the respective security rules before they are adopted in order to maintain the present equivalence of provisions;

¹ OJ C 202, 8.7.2011, p. 13.

- (c) agree that where a security of information agreement is required with a third State or international organisation, a single agreement may be concluded by the Union as an overall framework to that effect;
- (d) will inform each other before entering into security arrangements with third parties;
- (e) agree that security assessment visits will continue to be carried out on the basis of a joint EU inspection programme;
- (f) agree that practical arrangements will be put in place by the General Secretariat of the Council, the Commission and the EEAS for conducting assessment visits to verify that the visited entity's practices comply with the basic principles and minimum standards governing the protection of EU classified information. Such arrangements will ensure that assessment visits are conducted efficiently and cost-effectively by streamlining practices, pooling available expertise and by avoiding duplication of effort;
- (g) agree that prior to the approval of cryptographic products for the protection of EU classified information by their respective Crypto Approval Authority, such products will in principle have undergone a second-party evaluation and have been recommended for approval in accordance with the Council Decision on the security rules for protecting EU classified information.

Under this framework, arrangements and procedures for sharing EU classified information will be worked out as necessary between the directors of the GSC Security Office, the Commission Security Directorate and the EEAS Security Directorate.

**II. Declaration by the Council, the Commission
and the High Representative of the Union for Foreign Affairs and Security Policy
on the protection and handling of EU classified information (EUCI)
by EU agencies, bodies or offices**

The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) 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 are available to 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, the Commission and the High Representative 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 sharing of EUCI originating in the Council, the Commission or the European External Action Service (EEAS) with any EU agency, body or office, or between such entities, is contingent on the satisfactory outcome of an assessment visit aimed at ascertaining the effectiveness of measures implemented for protecting EUCI.

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

The Council and the Commission will invite those agencies, bodies or offices to inform the Council, the Commission and the High Representative when those agencies, bodies or offices intend to negotiate an agreement or administrative arrangements with a third State or international organisation covering the exchange of classified information.

The Council confirms that 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 and/or Civilian Operations Commander or the Operation and/or Force Commander or Mission 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 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 on existing security policies and guidelines

Security policies and guidelines approved or agreed under Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information or under Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations will continue to be valid under the 2013 Council Decision on the security rules for protecting EU classified information, until such security policies and guidelines are replaced, repealed or amended.
