



Brussels, 14 December 2017
(OR. en)

15074/17

CSC 283
CSCI 70

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
On: 13 December 2017

Subject: European Court of Justice – determination of equivalence of security standards for protecting EU classified information

1. The security rules of the General Court¹ and the security rules of the Court of Justice² were adopted on 14 September 2016 and 20 September 2016, respectively, and entered both into force on 25 December 2016.
2. Throughout the process of developing its security rules, the Court of Justice of the European Union has actively sought the Council Security Committee's advice on security matters. The Committee has on several occasions examined the draft rules and forwarded its recommendations to the Court who has taken them into account in revised documents. The Court has also asked for technical advice from the relevant GSC experts in preparing its more detailed technical instructions to support implementation of the security rules.

¹ Decision (EU) 2016/2387 of the General Court of 14 September 2016 concerning the security rules applicable to information or material produced in accordance with Article 105(1) or (2) of the Rules of Procedure (OJ L 355, 24.12.2016, p. 18).

² Decision (EU) 2016/2386 of the Court of Justice of 20 September 2016 concerning the security rules applicable to information or material produced before the General Court in accordance with Article 105 of its Rules of Procedure (OJ L 355, 24.12.2016, p. 5).

3. On 25 October 2016, members of the CSC visited the Court premises in Luxembourg, and got an overview of the preparations made by the Court for handling EUCI. It was observed that the premises have in place all the required physical security measures.
4. At the CSC meeting on 8 June 2017, a representative of the Court gave a presentation on their implementing documents for protection of classified information. These documents were then put at the disposal of the Committee for examination.
5. On 11 December 2017 the CSC concluded that rules and procedures, as well as the security facilities and measures put in place by the Court meet the minimum requirements for the protection of classified information in paper form up to the level SECRET UE/EU SECRET, and that it would be appropriate to confirm that the measures in place are adequate to afford protection to EUCI in the Court premises equivalent to the protection required by the Council Security Rules³.
6. In the light of the above, and subject to confirmation by COREPER, the Council is invited to determine that equivalence has been established regarding the protection of EU classified information up to the level SECRET UE/EU SECRET in paper form in the premises of the Court of Justice of the European Union in Luxembourg.

³ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).