

Decision of the Secretary-General of the Council/High Representative for the CFSP on measures for the protection of classified information (27 July 2000)

Caption: Decision of the Secretary General of the Council of the European Union/High Representative for the Common Foreign and Security Policy (CFSP) of 27 July 2000 on measures for the protection of classified information. This Decision lays down rules governing the arrangements for classifying information processed or prepared at the General Secretariat of the Council, enabling information so classified to be protected.

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Decision of the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy of 27 July 2000 on measures for the protection of classified information applicable to the General Secretariat of the Council (2000/C 239/01)

THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE FOR COMMON FOREIGN AND SECURITY POLICY,

Having regard to the second subparagraph of Article 23(2) of the Council's Rules of Procedure of 5 June 2000, whereby the Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat,

Whereas:

(1) The European Council, meeting in Helsinki in December 1999, provided political impetus to developing the European Union's means for military and non-military crisis management in the framework of reinforced European security and defence policy.

(2) It is therefore necessary to amend Decision No 24/95 of the Secretary-General on measures for the protection of classified information applicable to the General Secretariat of the Council with regard to the grades of classification by adding the grade 'TRÈS SECRET/TOP SECRET' and by reinforcing internal arrangements, it being understood that this amendment is provisional pending the adoption of more complete measures in the near future.

(3) With a view to publication in the Official Journal, it is necessary to incorporate those amendments into a consolidated version replacing the aforementioned Decision No 24/95,

HAS ADOPTED THIS DECISION:

Article 1

This Decision lays down rules governing the arrangements for classifying information processed or prepared at the General Secretariat of the Council, enabling information so classified to be protected, whatever its origin, medium or stage of completion.

Article 2

1. Only the following information shall be graded as classified, in one of the following categories:

(a) TRÈS SECRET/TOP SECRET: information the unauthorised disclosure of which could cause extremely serious prejudice to the essential interests of the Union or to one or more of its Member States;

(b) SECRET: information the unauthorised disclosure of which could seriously harm the essential interests of the Union or of one or more of its Member States;

(c) CONFIDENTIEL (confidential): information the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of its Member States;

(d) RESTREINT (restricted): information the unauthorised disclosure of which would be inappropriate or premature;

2. LIMITE and SN documents shall not be classified information within the meaning of this Decision. The references LIMITE and SN shall apply to documents internal to the institution which are not intended for disclosure to the public.

The same shall apply to other information, for example General Secretariat in-house notes, documents or

correspondence, subject, where appropriate, to special treatment where protection is warranted, in particular pursuant to Article 3(3).

Disclosure of such documents and information shall require the authorisation of the Director-General responsible.

3. Information shall be classified only in so far and for as long as necessary. Where the period of classification of information has not been laid down, a decision on its maintenance or declassification shall be taken after no more than five years.

4. Officials or other servants of the General Secretariat of the Council shall classify information on instruction from, or with the agreement of, their Directors-General.

Article 3

1. Where a number of items of information constitute a whole, that whole shall be classified at least as highly as its most highly classified constituent item.

2. The category in which information is classified when transmitted to the General Secretariat by a national or international authority or body may not be altered except by that authority or body. Where such information is particularly sensitive, it shall be given special treatment by decision of the Secretary-General.

3. Information containing classified information shall be classified in the same category.

Article 4

1. A classified document may have its classification downgraded or be declassified ⁽¹⁾ only with the written authorisation of the authority from which the document originated and, if necessary, after consultation with the other interested parties. In urgent cases, authorisation may be given orally. It shall then be confirmed immediately in writing. It shall be for the authority from which the document originated to inform the addressees of the change in classification and they shall in turn be responsible for passing on this information to any further addressees to whom they have forwarded the original or a copy of the document.

2. Where possible, the authority from which the document originated shall indicate on the classified document the date or lapse of time after which the information contained therein may have its classification downgraded or be declassified. Otherwise, the authority shall ensure that the situation is monitored permanently to check that the original classification is still applicable.

Article 5

Directors-General shall take all appropriate steps to protect classified information, ensuring that it circulates and is distributed only as far as it is strictly necessary for the requirements of the service.

Article 6

1. The category in which information has been classified shall be indicated by marking with a conspicuous stamp: for documents, at the top and bottom of each page; for other media, by means of a corresponding reference.

Information classified as TRÈS SECRET/TOP SECRET or SECRET shall, in addition and using the same method, bear a serial number so that its recipient may be identified.

2. In the event of temporary classification, information shall also bear an indication of the date beyond which it may be regarded as declassified.

3. Where the classification of information its changed, it shall be stamped with its new category.

Article 7

1. The number of copies of an item of classified information shall be limited to that strictly necessary for the requirements of the service.

2. The reproduction of all or part of an item of information classified as TRÈS SECRET/TOP SECRET, SECRET or CONFIDENTIEL shall not be permitted except with the agreement of the Director-General responsible.

If classified information is reproduced under conditions which ensure its protection.

3. Recipients of classified information shall receive no more than one copy each.

4. Without prejudice to Article 14(1) of the Council's Rules of Procedure, documents classified as TRÈS SECRET/TOP SECRET or SECRET shall not be translated unless the Secretary-General or the Director-General responsible, acting on the Secretary-General's authority, decides otherwise.

5. Translations of classified information shall be protected under the same conditions as originals.

Article 8

Under the authority of the Director-General for Personnel and Administration, the Security Department shall be responsible for:

- instructing staff on their duties with regard to the protection of classified information,
- applying physical protection measures,
- ensuring compliance with this Decision,
- reporting to the Secretary-General any problem or difficulty encountered in applying this Decision.

Article 9

1. The Classified Information Office shall monitor information classified as TRÈS SECRET/TOP SECRET or SECRET or CONFIDENTIEL contained in Council documents.

Under the authority of the Director-General for Personnel and Administration it shall:

- manage operations relating to the registration, reproduction, translation, transmission, dispatch and destruction of such information,
- update the list of particulars on classified information,
- periodically question issuers on the need to maintain the classification of such information,
- lay down, in collaboration with the Security Department, the practical arrangements for classifying and declassifying information.

2. The Classified Information Office shall keep a register of the following particulars:

- the date of preparation of the classified information,

- the category of classification,
- the expiry date of the classification,
- the name and department of the issuer,
- the recipient or recipients, with serial number,
- the subject,
- the number,
- the number of copies circulated.

Article 10

1. In each department the Director-General shall appoint a correspondent responsible for security (hereinafter referred to as the 'security correspondent'), who shall take the measures required for the protection of information classified as TRÈS SECRET/TOP SECRET, SECRET and CONFIDENTIEL.

2. Each security correspondent shall, in agreement with the Security Department and the Classified Information Office, lay down measures for the protection of Council documents to be applied in his department. To that end, the security correspondent shall:

- communicate to the Classified Information Office the particulars listed in Article 9(2),
- advise the Security Department of the holding of meetings at which such information is to be discussed,
- examine whether it is necessary to maintain classification once a period of five years has passed since the information was prepared,
- ensure that classified information is stored and forward it to central archives once it has been declassified.

Article 11

1. Any item of information which is to be classified as TRÈS SECRET/TOP SECRET or SECRET shall be prepared in a room providing adequate protection.

2. Information classified as TRÈS SECRET/TOP SECRET, SECRET or CONFIDENTIEL prepared by word processor shall be prepared on individual machines not connected to the normal computer network. Such information may in no case be stored in the memory of the machine.

3. Diskettes containing classified information shall be protected under the same conditions as documents having the same classification category.

Article 12

1. When classified information is to circulate within a building or between buildings, precautions shall be taken for its protection.

2. When information classified as TRÈS SECRET/TOP SECRET or SECRET is dispatched, the following procedures shall apply:

- by authorised messenger with acknowledgement of receipt; the information shall be enclosed in a double envelope, the outer envelope without any distinctive sign, the inner envelope sealed and marked TRÈS

SECRET/TOP SECRET or SECRET,

- in encrypted form, according to a system approved by the Security Department and, if necessary, after verification by telephone,

- in each of the above cases the recipient shall be indicated by name.

3. When information classified as CONFIDENTIEL is dispatched, the following procedures shall apply:

- by internal mail enclosed in a double envelope, the outer envelope without any external distinctive sign, the inner envelope marked CONFIDENTIEL,

- by registered post with acknowledgement of receipt or by private courier service; in this case, the information shall be enclosed in a double envelope and CONFIDENTIEL marked on the inner envelope only,

- in encrypted form,

- in each of the above cases the recipient shall be indicated by name.

4. When information classified as RESTREINT is dispatched, the following procedures shall apply:

- by internal mail: in a plain envelope without any external distinctive sign,

- by post: in an envelope without any external distinctive sign,

- by electronic means, provided that the addressee receives the information personally,

- in each of the above cases the recipient shall be indicated by name.

5. The transmission of information classified as CONFIDENTIEL and RESTREINT to interpreters shall be the responsibility of the Conference Service, subject to the following conditions:

- each booth shall receive one copy of each document,

- documents shall be distributed just before the subject in question is discussed in the meeting room,

- all documents shall be recovered at the end of the meeting.

6. Information classified as TRÈS SECRET/TOP SECRET or SECRET shall be communicated to interpreters and recovered from them by the security correspondent.

Article 13

1. The transportation of classified information on missions or for meetings taking place outside the buildings in which the information is held shall be limited to what is strictly necessary for the requirements of the service.

2. No information classified as TRÈS SECRET/TOP SECRET or SECRET may be circulated outside the territories of the Member States except by diplomatic bag. Such information may exceptionally be transported by an official or other servant of the General Secretariat on instruction from, or with the agreement of, his Director-General.

3. Classified information transported outside Council buildings shall be permanently kept in conditions affording every guarantee of security.

Article 14

1. No classified information shall be left uncovered at any place of work. At no time shall such information be left unsupervised, even for a short time.

2. Information classified as TRÈS SECRET/TOP SECRET, SECRET or CONFIDENTIEL shall be stored in furniture the strength and locks of which have been recognised as reliable by the Security Department.

Information classified as RESTREINT shall be kept in furniture that may be locked.

Article 15

1. Time-expired or surplus copies of classified information shall be destroyed.

2. The destruction of classified information shall be carried out by means of shredding machines or any other process approved by the Security Department.

Classified information may be passed to the Security Department for destruction.

3. For information classified as TRÈS SECRET/TOP SECRET or SECRET, a document shall be drawn up jointly by the Security Department and the security correspondent, confirming that it has been destroyed; the security correspondent shall send the document to the Classified Information Office.

Article 16

Any suspected, reported or established infringement of this Decision shall be investigated by the Security Department at the request of the Director-General concerned or of the Director-General for Personnel and Administration. The Secretary-General shall be informed of the outcome of such investigation.

Article 17

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on the day of its publication. It shall apply only to information and documents processed and prepared at the General Secretariat from that date.

Article 18

Decision No 24/95 of the Secretary-General of the Council of 30 January 1995 on measures for the protection of classified information applicable to the General Secretariat of the Council is hereby repealed.

Done at Brussels, 27 July 2000.

For
Javier SOLANA
Secretary-General/High Representative

Pierre DE BOISSIEU
Deputy Secretary-General

(1) The term 'downgrading' refers to a reduction in the category in which information is classified. The term 'declassification' refers to the removal of any classification.