Subject: Decision on measures to protect classified information

1. Officials and other staff of the General Secretariat will find attached a Decision I have adopted today on measures to protect classified information applicable to the General Secretariat of the Council. The Decision is adopted pursuant to the second subparagraph of Article 21(2) of the Council’s Rules of Procedure of 9 December 1993 which empowers me to take all the measures necessary to ensure the smooth running of the General Secretariat.

The new areas of competence we have acquired as a result of the entry into force of the Treaty on European Union, particularly in the spheres of common foreign and security policy and cooperation on justice and home affairs, clearly require the introduction of rules and procedures designed to guarantee the protection and security of certain documents handled or prepared within the Directorates-General and the departments concerned.

The new procedures constitute a major change in the system of classifying documents followed within the General Secretariat hitherto. I would ask you to study most carefully the contents of the Decision and this note. Implementing the Decision will undoubtedly mean a change in established habits and practices for many of us.

The Decision will enter into force on 1 March 1995. It replaces the rules and procedures currently applicable.
2. Documents to be protected are not merely "paper documents"; they may also take the form of disquettes, word-processing programmes, etc. The Decision therefore uses the very broad term "information". Some of this information must be "classified", which means that a "level of protection" must be given to it corresponding to its level of confidentiality.

The new classification system differs from the one currently in force in that the criterion adopted is not one of distribution but of security.

The classification categories are as follows: "SECRET", "CONFIDENTIEL" and "RESTREINT" (restricted). Each category is defined in Article 2 of the Decision by reference to the harm which would be done to the European Union and its Member States if unauthorized information were disclosed. Obviously information will be classified only where there is good reason to do so.

The classification "SECRET" for instance is applied to "information unauthorized disclosure of which could seriously harm the essential interests of the European Union or of one or more of its Member States".

There will be very few "SECRET" documents. The "CONFIDENTIEL" category will comprise more documents, although these will still be comparatively few in number: the criterion "harm the essential interests of the European Union ..." is strictly applied. These two classifications are for occasional, even exceptional, use.

The "RESTREINT" classification will henceforth apply to documents containing information "unauthorized disclosure of which would be inappropriate or premature" (Article 2 of the Decision).

The existing RESTREINT classification for its part is replaced by the reference "LIMITE" (limited circulation). Documents marked as such will be circulated only to authorized addressees but they will not be the subject of any special protection, i.e. they will not be given a security classification.

"LIMITE" will thus become the most common classification.
The "SN" reference is completely unaffected by the attached Decision.

3. It was not deemed advisable to restrict the scope of this Decision to the CFSP and JHA spheres since, in certain circumstances, documents requiring protection may have to be drawn up in other sectors of Community competence.

You will note as you read the Decision that it specifies and lays down all the rules, procedures and practices which must be introduced within the General Secretariat at an early date. These apply not only within the Directorates-General but also to the language divisions and the coordination, production and circulation departments.

In this context, particular powers have been given to Directors-General and to the Security Service. A Classified Information Office will be set up within General Coordination.

The Decision has been drawn up under the responsibility of the Legal Service and in close consultation with the Directorates-General and the departments concerned. The staff representatives have been consulted.

I should like to make two points:

- this is not the Decision it was at one time proposed that the Council adopt on procedures for screening officials and other servants with access to classified information. The Council has not as yet adopted any rules on that matter. The Decision I have signed concerns only the "physical" handling of documents and information circulating within the General Secretariat of the Council;

- the Decision must not in any way prejudice the rules and procedures the Council has set itself as regards transparency.

4. I realise that implementing this Decision on documents newly classified as "SECRET", "CONFIDENTIEL" or "RESTREINT" within the General Secretariat will require us to make some adjustments.
Where "LIMITE" documents are concerned - by far the largest category of document - there will be no change in their preparation other than the allocation of the new reference.

Since the new procedures do not enter into force until 1 March 1995, I think enough time has been allowed for the necessary changes.

I would ask everyone affected by these rules or likely to be so to accept the new constraints they may involve and facilitate their application in the interests of the smooth running of the Secretariat.

Thank you in anticipation.

Jürgen TRUMPF
Secretary-General

NB: If required, further information can be obtained from the Legal Service (Mr Y. CRETIEN), the Security Service (Mr J. BURGERS) or General Coordination (Mr J.M. HOLLMAN).

Annex
DECISION No 24/95 OF THE SECRETARY-GENERAL OF THE COUNCIL ON MEASURES FOR THE PROTECTION OF CLASSIFIED INFORMATION APPLICABLE TO THE GENERAL SECRETARIAT OF THE COUNCIL

THE SECRETARY-GENERAL OF THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the second subparagraph of Article 21(2) of the Council's Rules of Procedure of 6 December 1993, whereby the Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat,

Whereas, in order to ensure the smooth running of the General Secretariat and pending the Council's adoption of rules on the basis of Article 23 of its Rules of Procedure, it is necessary to take appropriate measures to protect classified information in the General Secretariat of the Council,

HAS ADOPTED THIS DECISION:
Article 1

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

Article 2

1. Information may be graded in one of the following categories:

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

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

(c) RESTREINT: information unauthorized 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(4).

Disclosure of such documents and information shall require the authorization of the Director-General responsible.
3. Information shall be classified only insofar 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 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. The category of classification of information emanating from the General Secretariat may be changed or cancelled by an official or other servant on instruction from or with the agreement of the Director-General. The recipients shall be informed accordingly.

4. Information containing classified information shall be classified in the same category.
Article 4

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

Article 5

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 SECRET shall in addition and using the same method, bear a 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 is changed, it shall be stamped with its new category.

Article 6

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 SECRET or CONFIDENTIEL shall not be permitted except with the agreement of the Director-General responsible.
If classified information is reproduced, it shall be so under conditions which ensure its protection.

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

4. Without prejudice to Article 10(1) of the Council’s Rules of Procedure, documents classified as 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 shall be protected under the same conditions as originals.

Article 7

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

- instructing staff on its 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 8

1. The Classified Information Office shall monitor information classified as 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 issues on the need to maintain the classification of 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 9

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 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 to his department. To that end, the security correspondent shall:

- communicate to the Classified-Information Office the particulars listed in Article 8(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 when the five-year period from the processing of the information has expired;

- ensure that classified information is stored and forward it to central archives once it has been declassified.

Article 10

1. Any item of information which is to be classified as SECRET shall be processed in a room providing adequate protection.

2. Information classified as SECRET or CONFIDENTIEL processed by word processor shall be processed 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 11

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

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

   - by authorized 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 SECRET;
   
   - in encrypted form, according to a system approved by the Security Department, and, if necessary, after prior 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 SECRET shall be communicated to interpreters and recovered from them by the security correspondent.

Article 12

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 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 13

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 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 14

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 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 15

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

Article 16

This Decision shall enter into force on 1 March 1995. It shall apply only to information and documents processed and prepared at the General Secretariat from that date.
Pending full implementation of the arrangements under this Decision, the Director-General for Personnel and Administration in agreement with the Directorates-General of the departments concerned shall take appropriate measures to ensure the level of protection required.

Done at Brussels, 30 January 1995

The Secretary-General
Jürgen TRUMPF