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NOTE

From:	General Secretariat of the Council
To:	Security Committee
No. prev. doc.:	ST 14595/12, ST 7997/16, WK 9795/19, WK 261/20
Subject:	Determination of equivalence pursuant to Article 8(3) of the Interinstitutional Agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of common foreign and security policy – Electronic transmission of EUCI to the EP Update of paragraph 17 of the Council implementing arrangements - Outcome of written consultation

1. On 9 April 2019, GSC experts conducted a technical assessment visit to the premises of the European Parliament in Brussels, where they assessed the technical and physical measures put in place by the EP in order to prepare for the reception of classified information in electronic form. On the basis of this assessment visit, GSC experts concluded that the prerequisites are met for the EP to receive from the Council information classified at the level RESTREINT UE/EU RESTRICTED in electronic form.

2. The Council Security Committee, at its meeting of 24 September 2019, received updated information about the GSC recommendation on the subject¹ and endorsed² the use of the offline encryption tool ZEUS for electronic transmission of information classified at the level RESTREINT UE/EU RESTRICTED from the Council to the European Parliament.
3. In order to put the above-mentioned electronic transmission of EUCI into effect, it is also necessary to update paragraph 17 of the Council implementing arrangements³. The updated text of paragraph 17 thereof is set out in the Annex to this Note (changes to the previous version are marked in **bold**).
4. The Council Security Committee, by written consultation⁴ which ended on 24 January 2020, endorsed:
 - its recommendation that the conditions exist for the Council to determine that equivalence has been established pursuant to Article 8(3) of the Interinstitutional Agreement⁵ regarding the reception from the Council of information classified at the level RESTREINT UE/EU RESTRICTED in electronic form in the EP premises in Brussels; and
 - the draft updated paragraph 17 of the Council implementing arrangements, as set out in the Annex to this Note.

¹ Doc. ST 9795/19.

² Doc. ST 12937/19.

³ Council implementing arrangements for the 2012 "Interinstitutional Agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the Common Foreign and Security Policy" (doc. ST 14595/12).

⁴ WK 261/20.

⁵ OJ C 95, 1.4.2014, p. 1–7.

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Updated Council implementing arrangements for the 2012 "Interinstitutional Agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the Common Foreign and Security Policy"

(iii) Transmission

17. Once agreement has been reached on which MEPs are eligible for access to the classified information in question, the Secretary-General will forward the information and address it to the President of the EP (or to the office-holder or MEP who has made a request). The cover letter will contain a distribution list indicating who in the EP is to be given access to the information (Article 5(4)(a)) as well as any specific handling instructions (Article 5(4)(b)). The cover letter and the classified documents will be transmitted in hard copy by the central registry of the GSC (i.e. the BIC, *Bureau des informations classifiées*) to the central registry of the EP (i.e. the Classified Information Unit). **If the information is classified at the level RESTREINT UE/EU RESTRICTED, the classified documents, encrypted with an EU-approved cryptographic product and accompanied by the cover letter, may also be transmitted electronically.**
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