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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEX 2 to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information security in the institutions, bodies, offices and agencies of the Union

Delegations will find attached document COM(2022) 119 final - Annex 2.

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ANNEX 2

ANNEX

to the

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on information security in the institutions, bodies, offices and agencies of the Union

{SWD(2022) 65 final} - {SWD(2022) 66 final}

ANNEX II

Procedures for managing the authorisation to access European Union classified information ('EUCI')

Definitions

For the purposes of this Annex, the following definitions apply:

1) 'personnel Security Clearance' or 'PSC' means a statement by a relevant authority of a Member State which is made following completion of a security investigation conducted by the competent authority and which certifies that an individual may be granted access to EUCI up to a specified level (CONFIDENTIEL UE/EU CONFIDENTIAL or higher) and for a set period of time;

2) 'personnel Security Clearance Certificate' means a certificate issued by a competent authority establishing that an individual holds a valid security clearance, or equivalent, or a security authorisation and that shows the level of EUCI to which that individual may be granted access (CONFIDENTIEL UE/EU CONFIDENTIAL or higher), the period of validity of the relevant security clearance or authorisation and the date of expiry of the certificate itself.

Granting an authorisation to access EUCI

1. The Security Authority of the Union institution and body concerned must seek the written consent of the individual for the security clearance procedure before sending a completed security clearance questionnaire to the National Security Authority of the Member State of nationality of the applicant.

2. Where information relevant to a security investigation becomes known to a Union institution or body, concerning an individual who has applied for a security clearance for access to EUCI, the competent Security Authority, acting in accordance with this Regulation, must notify the relevant National Security Authority thereof.

3. Following notification of the relevant National Security Authority's overall assessment of the findings of the security investigation, the competent Security Authority:

   (a) may grant an authorisation to access EUCI to the individual concerned up to the relevant level for a limited period of time, in so far as the security investigation concludes on the loyalty, trustworthiness and reliability of the individual;

   (b) must notify the applicant where the security investigation does not result in such a guarantee, in accordance with its relevant internal rules.

4. Where the individual starts service 12 months or more after the date of the notification of the result of the security investigation, or when there is a break of 12 months in the individual's service, the competent Security Authority must seek confirmation from the relevant National Security Authority about the validity of the security clearance.

Suspension and withdrawal of authorisation

5. Where information concerning a security risk posed by an individual who has authorisation to access EUCI becomes known to the Union institution or body concerned, the Security Authority of that Union institution or body must notify the

relevant National Security Authority thereof and may suspend the individual's access to EUCI or withdraw authorisation to access EUCI.

6. Where an National Security Authority notifies the relevant Union institution or body that there is no longer assurance for an individual who has access to EUCI, the Security Authority of the Union institution or body concerned must withdraw its security authorisation and exclude the individual from access to EUCI in accordance with its relevant internal rules.

Renewal of authorisation

7. After the initial granting of security authorisation and provided that the individual has had uninterrupted service with a Union institution or body and has a continuing need for access to EUCI, the authorisation to access EUCI must be reviewed for renewal before it expires.

8. The Security Authority of the Union institution and body concerned may extend the validity of an authorisation to access EUCI for a period of up to 12 months, where no adverse information has been received from the relevant National Security Authority or other competent national authority within a period of 2 months from the date of transmission of the request for renewal and the corresponding clearance questionnaire.

   Where, at the end of the 12-month period referred to in the first subparagraph, the security investigation has still not been completed, the individual must not be assigned to duties that do require a security clearance.

9. The individual concerned must take a refresher course on handling and storing EUCI each time their security clearance is renewed.

Exceptional temporary security authorisation

10. The Security Authority of the Union institution or body concerned may exceptionally grant temporary authorisation to access EUCI provided that the competent National Security Authority has conducted a preliminary check, based on the completed and transmitted security questionnaire, to verify that no relevant adverse information is known.

11. Temporary authorisation to access EUCI can be valid for one single period not exceeding 6 months and must not allow access to information classified TRES SECRET UE/EU TOP SECRET.

12. After receiving a briefing in accordance with Article 26, all individuals who have been granted temporary authorisation to access EUCI must acknowledge in writing that they have understood their obligations in respect of protecting EUCI and the consequences if EUCI is compromised. The Security Authority of the Union institution or body concerned must keep a record of the written acknowledgement.

National experts seconded to Union institutions and bodies

13. All Union institutions and bodies must ensure that national experts seconded to them for a position requiring security clearance present, prior to taking up their assignment, a valid Personnel Security Clearance or Personnel Security Clearance Certificate, according to national law and regulations, to the competent Security Authority. Provided that the requirements referred to in Article 23(1) are met, the Security Authority may then grant an authorisation to access EUCI up to the level

equivalent to the one referred to in the national security clearance, with a maximum validity not longer than the duration of their assignment.

Access to classified meetings

14. As regards the organisation of meetings where information classified CONFIDENTIEL UE/EU CONFIDENTIAL or higher is to be discussed, Union institutions and bodies must ensure that all participants are granted a security cleareance or that their security authorisation status is known.

15. On the basis of the records for access to EUCI, the competent Security Authority of the Union institution or body concerned may issue a Personnel Security Clearance Certificate to an individual where it is needed for attendance at meetings outside that Union institution or body. The Personnel Security Clearance Certificate must state the level of EUCI to which the individual may be granted access (CONFIDENTIEL UE/EU CONFIDENTIAL or higher), the date of validity of relevant authorisation for access to EUCI and the date of expiry of the certificate itself.