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INFORMATION NOTE

From : General Secretariat of the Council

To : Delegations

Subject : Exchange of EU classified information (EUCI) with third countries and organisations

1. Delegations will find attached for information details of all security agreements or administrative arrangements under which EU classified information (EUCI) may be exchanged with third parties:
 - Annex I gives details of permanent security agreements with third countries which have entered into force¹. Under such agreements, EUCI may be exchanged with Bulgaria, Romania, Norway and the former Yugoslav Republic of Macedonia;
 - Annex II gives details of permanent security agreements with international organisations which have entered into force. One such agreement exists with NATO.²
 - Annex III gives details of permanent administrative arrangements governing the exchange of classified information up to RESTREINT UE with certain international organisations. These currently exist with Europol, the European Space Agency (ESA) and the United Nations.³

¹ Agreements are currently under negotiation with the following States: Canada, the Russian Federation, Turkey and the USA. Agreements have been concluded with Ukraine, Bosnia and Herzegovina, Croatia and Iceland, but have not yet entered into force. Negotiations have been completed with Switzerland, but the agreement has not yet been signed.

² A cooperation and assistance agreement has been signed with International Criminal Court (ICC) (cf. OJ L115 of 28 April 2006) also covering the exchange of EUCI. This agreement is not yet in force and the necessary implementing arrangements have not yet been finalised.

³ Permanent administrative arrangements to exchange EUCI up to the level of RESTREINT UE are being sought with OSCE (cf. doc. 13820/03) and the African Union (cf. doc. 11244/05).

2. These agreements or arrangements provide the necessary guarantees for the protection of EUCI released to third parties relating to any area of the Union's activity. The tables in these annexes list the documents which constitute the basis for exchanging EU classified information with each third country or organisation, and indicate the maximum level of EUCI which may be exchanged. Where electronic transmission of EUCI is possible, the maximum level releasable in this way is also indicated. However specific conditions usually apply which may vary from agreement to agreement. These can be verified with the GSC Infosec Office.
3. In addition, specific agreements more limited in scope have been concluded with a number of third countries. These agreements may be concluded for an indefinite period (such as framework participation agreements with third States taking part in EU-led ESDP crisis management operations) or on a temporary or *ad hoc* basis.
 - Annex IV lists the third States with which framework participation agreements have been concluded and which enable the exchange of EUCI relevant for ESDP crisis management operations on the basis of an undertaking by the third State to apply the Council's security regulations;
 - Annex V lists *ad hoc* agreements or arrangements of limited duration with third States or organisations which are currently valid and allow the exchange of EUCI in specific operational contexts.
4. Should any need arise exceptionally for classified documents to be released to any third State or organisation not covered by existing agreements or arrangements, the procedure for doing so, involving consultation of the Council Security Committee and a decision by COREPER, is set out in document 14125/02.
5. This note cancels and replaces doc. 5436/1/06 REV 1. Regular updates will be provided by the Secretariat as new agreements enter into force or arrangements are concluded.

SECURITY AGREEMENTS WITH THIRD COUNTRIES

BULGARIA	
AGREEMENT	
Signature	25.4.2005
Publication	OJ L 118, p. 52 of 5.5.2005
Entry into force	1.6.2005
IMPLEMENTING ARRANGEMENTS	
Date agreed	30.5.2005
Document reference	9608/05
Most recent security inspection	20-21.6.2006
RELEASE OF EUCI	
Date from which exchange of EUCI effective	16.6.2005 (doc.9861/05)
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release to SG/HR	N/A (see doc. 16326/04, p.7)

ROMANIA	
AGREEMENT	
Signature	22.4.2005
Publication	OJ L 118, p. 47 of 5.5.2005
Entry into force	1.11.2005 (16.5.2005 provisionally)
IMPLEMENTING ARRANGEMENTS	
Date agreed	13.5.2005
Document reference	9665/05
Most recent security inspection	6-9.6.2006
RELEASE OF EUCI	
Date from which exchange of EUCI effective	6.6.2005 (doc.9860/05)
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release to SG/HR	N/A (see doc. 16326/04, p.7)

NORWAY	
AGREEMENT	
Signature	22.11.2004
Publication	OJ L 362, p. 28 of 9.12.2004
Entry into force	1.12.2004
IMPLEMENTING ARRANGEMENTS	
Date agreed	22.10.2004
Document reference	6944/05
Most recent security inspection	27-28.9.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	1.12.2004
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release to SG/HR	21.12.2004 (doc. 16082/04)

FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
AGREEMENT	
Signature	25.3.2005
Publication	OJ L 094, p. 39 of 13.4.2005
Entry into force	1.8.2005
IMPLEMENTING ARRANGEMENTS	
Date agreed	13.6.2005
Document reference	10123/05
Most recent security inspection	24-25.5.2005 (Infosec 16-17.5.2006)
RELEASE OF EUCI	
Date from which exchange of EUCI effective	1.8.2005
Maximum level releasable	SECRET UE
Maximum level releasable electronically	None
Delegation of release to SG/HR	14.2.2006 (doc. 5010/06)

SECURITY AGREEMENTS WITH INTERNATIONAL ORGANISATIONS

NATO	
AGREEMENT	
Signature	14.3.2003
Publication	OJ L 080, p. 35 of 27.3.2003
Entry into force	14.3.2003
IMPLEMENTING ARRANGEMENTS	
Date agreed	3.6.2003
Document reference	10006/03
Most recent security inspection	26.4.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	3.6.2003
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	TRES SECRET UE/EU TOP SECRET
Delegation of release to SG/HR	24.2.2003 (doc. 5652/03)

PERMANENT ADMINISTRATIVE ARRANGEMENTS⁴

EUROPOL	
LETTER OF SG/HR	
Document	12332/05
Date sent	30.9.2005
LETTER OF DIRECTOR OF EUROPOL	
Document	14050/05
Date sent	26.10.2005
Most recent security inspection	Date to be fixed
RELEASE OF EUCI	
Date from which exchange of EUCI effective	26.10.2005
Maximum level releasable	SECRET UE (pending inspection)
Maximum level releasable electronically	None

EUROPEAN SPACE AGENCY	
LETTER OF SG/HR	
Document	13820/1/03 REV 1
Date sent	2.12.2003
LETTER OF DIRECTOR GENERAL OF ESA	
Document	12059/04
Date sent	25.8.2004
Most recent security inspection	20 and 27.1.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	17.3.2005
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	None

⁴ In addition to the arrangements listed in this annex, specific administrative arrangements have been entered into by the General Secretariat of the Council on basic principles for the practical exchange of EUCI with the Counter Terrorist Group.

UNITED NATIONS**LETTER OF SG/HR**

Document	8753/05, 16008/04, 13820/1/03 REV 1
Date sent	2.12.2003, 22.12.2004, 7.6.2005

LETTER OF UNDER-SECRETARY-GENERAL FOR PEACEKEEPING OPS

Document	14616/04, 8557/05, 11556/05
Date sent	4.11.2004, 11.4.2005, 20.7.2005
Most recent security inspection	18-19.10.2005

RELEASE OF EUCI

Date from which exchange of EUCI effective	29.3.2006
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	RESTREINT UE (only to DPKO) (doc.12094/06)

**THIRD STATES WITH WHICH FRAMEWORK PARTICIPATION
AGREEMENT FOR ESDP CRISIS MANAGEMENT OPERATIONS HAVE
ENTERED INTO FORCE⁵**

Canada (OJ L315 of 1.12.2005)

Iceland (OJ L67 of 14.3.2005)

These agreements allow the exchange of EUCI up to any classification level relating to military or civilian ESDP crisis management operations. This is based on the undertaking, set out in each agreement, that the third country in question will apply the Council's Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted.

⁵ The framework participation agreements with Romania, Bulgaria and Norway have been superseded, as far as the exchange of EUCI is concerned, by fully-fledged security agreements (see Annex I). Framework participation agreements have been signed with Ukraine (OJ L182 of 13.7.2005) and Turkey (OJ L189 of 12.7.2006) but have not yet entered into force.

AD HOC AGREEMENTS OR ARRANGEMENTS WITH THIRD STATES OR ORGANISATIONS ALLOWING THE EXCHANGE OF EUCI IN SPECIFIC CONTEXT

European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)⁶

- Canada** Agreement between the European Union and the Republic of Iceland on the participation of the Republic of Iceland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (Provisional application of draft agreement (see 12644/1/02 REV1 and telexes No T6043EN of 19 December 2002 and T6067EN of 20 December 2002))
- Iceland** Agreement between the European Union and the Republic of Iceland on the participation of the Republic of Iceland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L239 of 25.9.2003)
- Swiss Confederation** Agreement between the European Union and the Government of the Swiss Confederation, represented by the Federal Department of Foreign Affairs, on the participation of Switzerland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L239 of 25.9.2003)
- Turkey** Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L239 of 25.9.2003)
- Ukraine** Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L239 of 25.9.2003)

European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)⁷

- Albania** Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L65 of 11.3.2005)

⁶ The agreements listed below for EUPM allow the possibility of exchanging EUCI relating to EUPM up to any level, based on the undertaking, set out in each agreement, that the third country in question will apply the Council Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted. In practice, however, the exchange of EUCI is limited to RESTREINT UE.

⁷ The agreements listed below for Althea allow the exchange of EUCI up to any level, based on the undertaking, set out in each agreement, that the third country in question will apply the Council Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted.

- Argentine Republic** Agreement between the European Union and the Argentine Republic on the participation of the Argentine Republic in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L156 of 18.6.2005)
- Chile** Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA) (OJ L202 of 3.8.2005)
- Morocco** Agreement between the European Union and the Kingdom of Morocco on the participation of the Kingdom of Morocco in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L34 of 8.2.2005)
- New Zealand** Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L127 of 20.5.2005)
- Swiss Confederation** Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military crisis management operation in Bosnia and Herzegovina (operation ALTHEA) (OJ L20 of 22.1.2005)
- Aceh Monitoring Mission (AMM) (Indonesia)**⁸
- Brunei Darussalam** Agreement in the form of an Exchange of Letters between the European Union and Brunei Darussalam on the Participation of Brunei Darussalam in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (doc. 12321/05 ADD1 and ADD1 COR 1 (en), Letter of 26 October 2005 signed by H.E. Charles Humfrey, Ambassador of the United Kingdom to Indonesia, Letter of 17 February 2006 signed by Abu Bakar Haji Donglah, Chargé d'Affaires of Brunei Darussalam to the Republic of Indonesia, confirms the acceptance of the provisions set out in the Annexes attached to that letter)
- Malaysia** Agreement in the form of an Exchange of Letters between the European Union and Malaysia on the Participation of Malaysia in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (doc. 12321/05 ADD3 and ADD3 COR 1 (en), Letter of 26 October 2005 signed by H.E. Charles Humfrey, Ambassador of the United Kingdom to Indonesia, Letter of 23 December 2005 signed by Bato' Zainal Abidin Zain, Ambassador of Malaysia to the Republic of Indonesia, confirms the acceptance of the provisions set out in the Annexes attached to that letter)

⁸ The agreements listed below for AMM allow the exchange of EUCI relating to AMM up to the level of RESTREINT UE, based on the undertaking, set out in each agreement, that the third country in question will apply the Council Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted.

- Philippines** Agreement in the form of an Exchange of Letters between the European Union and the Republic of the Philippines on the Participation of the Republic of the Philippines in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (doc. 12321/05 ADD5 and ADD5 COR 1 (en), Letter of 26 October 2005 signed by H.E. Charles Humfrey, Ambassador of the United Kingdom to Indonesia, Letter of 17 January 2006 signed by Shudan O. Primavera, Ambassador of the Republic of the Philippines to the Republic of Indonesia, confirms the acceptance of the provisions set out in the Annexes attached to that letter)
- Singapore** Agreement in the form of an Exchange of Letters between the European Union and the Republic of Singapore on the Participation of the Republic of Singapore in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (doc. 12321/05 ADD2 and ADD2 COR 1 (en), Letter of 26 October 2005 signed by H.E. Charles Humfrey, Ambassador of the United Kingdom to Indonesia, Letter of 9 February 2006 signed by Edward Lee, Ambassador of the Republic of Singapore to the Republic of Indonesia, confirms the acceptance of the provisions set out in the Annexes attached to that letter)
- Swiss Confederation** Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (OJ L349 of 31.12.2005)
- Thailand** Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Thailand on the Participation of the Kingdom of Thailand in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (doc. 12321/05 ADD4 and ADD4 COR 1 (en), Letter of 26 October 2005 signed by H.E. Charles Humfrey, Ambassador of the United Kingdom to Indonesia, Letter of 9 December 2005 signed by Atchara Seriputra, Ambassador of the Kingdom of Thailand to the Republic of Indonesia, confirms the acceptance of the provisions set out in the Annexes attached to that letter)

European Union Police Mission (EUPOL KINSHASA) to the Democratic Republic of Congo⁹

- Canada** Administrative arrangement on the participation of Canada in EUPOL KINSHASA, exchange of letters (letter of 6 April 2005 signed by Jeremy Kinsman, Ambassador of Canada to the EU; reply of 29 April 2005 signed by SG/HR Javier Solana)
- Turkey** Administrative arrangement on the participation of Turkey in EUPOL KINSHASA, exchange of letters (letter of 25 November 2005 signed by Oguz Demirap, Ambassador of Turkey to the EU; reply of 1 December 2005 signed by SG/HR Javier Solana)

⁹ Under these administrative arrangements, the maximum possible level of EUCI releasable relating to EUPOL KINSHASA is CONFIDENTIAL UE. No electronic transmission of EUCI is permitted. In practice, the exchange of EUCI is limited to RESTREINT UE.

EUFOR RD Congo¹⁰

Turkey

Administrative arrangement on the release of EUCI related to operation
EUFOR RD Congo (doc. 11247/06)

¹⁰ Under this administrative arrangement, the maximum level of EUCI releasable is CONFIDENTIEL UE. No electronic transmission of EUCI is permitted.