



Council of the
European Union

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LIMITE

CSC 50

REPORT

From : General Secretariat of the Council
To : Delegations
Subject: Report on access to EUCI under exceptional circumstances

1. The Council Security Rules provide that the Security Committee receives an annual report on recourse to the procedures for granting access to EUCI under exceptional circumstances (Annex I, paragraph 40).
2. Accordingly, NSAs were requested to inform the Secretariat of instances for the period 1 July 2013 to 30 June 2014 when recourse was made to any of the procedures provided for in Annex I, Section V, points 32 to 37, of the Council Security Rules (reproduced in Annex II).
3. Delegations will find in Annex I a table containing data on recourse to these procedures.

Access to EUCI under exceptional circumstances

NSA¹	Recourse made	No recourse made
Austria		X
Belgium		X
Bulgaria		not allowed under national law
Croatia	Paragraph 32 and 34 - 4 cases	
Cyprus		X
Czech Republic		X
Denmark		X
Estonia		X
Finland		X
France	Paragraph 32 and 33, no statistics as the procedure is not subject to formal notification	No recourse under paragraphs 34, 36 or 37, since it is not foreseen in national regulations
Germany		
Greece		
Hungary		X
Ireland		
Italy	paragraph 32 - 220 cases	
Latvia		X
Lithuania		X
Luxembourg		X
Malta		X
Netherlands		X
Poland		X
Portugal		
Romania		X
Slovakia		X
Slovenia		X

¹ No response was received from Germany, Greece, Ireland, Portugal and UK

Spain	Paragraph 33 - 20 cases	
Sweden		X
UK		
GSC	Paragraph 33 - 76 cases Paragraph 34 - 5 cases	

Extract from Annex I to the Council security rules

32. Where permissible under national laws and regulations, a personnel security clearance granted by a competent national authority of a Member State for access to national classified information may, for a temporary period pending the granting of a national PSC for access to EUCI, allow access by national officials to EUCI up to the equivalent level specified in the table of equivalence in Appendix B where such temporary access is required in the interests of the EU. NSAs shall inform the Security Committee where national laws and regulations do not permit such temporary access to EUCI.
33. For reasons of urgency, where duly justified in the interests of the service and pending completion of a full security investigation, the GSC Appointing Authority may, after consulting the NSA of the Member State of whom the individual is a national and subject to the outcome of preliminary checks to verify that no adverse information is known, grant a temporary authorisation for GSC officials and other servants to access EUCI for a specific function. Such temporary authorisations shall be valid for a period not exceeding 6 months and shall not permit access to information classified TRÈS SECRET UE/EU TOP SECRET. All individuals who have been granted a temporary authorisation shall acknowledge in writing that they have understood their obligations in respect of protecting EUCI and the consequences if EUCI is compromised. A record of such a written acknowledgement shall be kept by the GSC.
34. When an individual is to be assigned to a position that requires a PSC at one level higher than that currently possessed by the individual, the assignment may be made on a provisional basis [...]

- 36 In very exceptional circumstances, such as missions in hostile environments or during periods of mounting international tension when emergency measures require it, in particular for the purposes of saving lives, Member States and the Secretary-General may grant, where possible in writing, access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET to individuals who do not possess the requisite PSC, provided that such permission is absolutely necessary and there are no reasonable doubts as to the loyalty, trustworthiness and reliability of the individual concerned. A record shall be kept of this permission describing the information to which access was approved.
37. In the case of information classified TRÈS SECRET UE/EU TOP SECRET, this emergency access shall be confined to EU nationals who have been authorised access to either the national equivalent of TRÈS SECRET UE/EU TOP SECRET or information classified SECRET UE/EU SECRET.