



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 February 2014**

**6716/14**

**PE 87  
INST 114  
RELEX 146  
JAI 100  
CSC 33**

**"I/A" ITEM NOTE**

---

from: General Secretariat  
to: Permanent Representatives Committee (Part 2) / Council

---

No. prev. doc.: 6435/14 PE 76 CSC 26 AG 3

---

Subject: Determination of equivalence pursuant to Article 8(3) of the Interinstitutional Agreement (IIA) 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

---

1. Negotiations on the above-mentioned IIA were concluded in 2012 (6590/12).
2. On 13 September 2012, the European Parliament approved the IIA at its Plenary Session.
3. On 16 October 2012, the Council approved the IIA (14592/12 + ADD1 and 8060/12) and authorised the Presidency to sign the IIA on behalf of the Council subject to prior determination of equivalence.

4. In accordance with Article 8(3) of the IIA, the Council will provide classified information to the European Parliament under the Agreement only once the Council, together with the European Parliament, has determined that equivalence has been achieved between the basic principles and minimum standards for protecting classified information in the European Parliament's and in the Council's security rules, on the one hand, and between the level of protection afforded to classified information in the premises of the European Parliament and of the Council, on the other. In accordance with the related declaration by the European Parliament and the Council (see 6590/12, Annex II(a)), such determination of equivalence should be made by the time of entry into force of the IIA.
5. The Council Security Committee (CSC) was tasked with the preparation of a technical recommendation on the basis of which the Council could determine whether *de facto* equivalence had been achieved.
6. On 12 September 2013, the CSC concluded that:
  - the physical, organisational and procedural measures that the European Parliament in Brussels has in place for protecting EUCI meet the requirements for handling and storing of information in paper form classified at the level RESTREINT UE/EU RESTRICTED;
  - the measures in place can be deemed to comply with the requirements of Article 6(2), second subparagraph of the IIA, i.e., for a period of twelve months following the entry into force of the Agreement, information classified at the level RESTREINT UE/EU RESTRICTED or its equivalent will be handled and stored in accordance with the requirements applicable at the level CONFIDENTIEL UE/EU CONFIDENTIAL and/or above;
  - a draft recommendation could be forward to COREPER/Council once a satisfactory written response was received from the European Parliament Secretariat addressing the points set out in the letter from the Chair of the Security Committee dated 17 September 2013<sup>1</sup>.

---

<sup>1</sup> See annex to 6435/14.

7. On 10 February 2014, the European Parliament Secretariat notified the Chair of the Security Committee that the priority recommendations had been implemented and indicated the steps being taken to complete the remaining recommendations<sup>2</sup>.
8. In the light of the above, the Working Party on General Affairs, at its meeting on 21 February 2014, took note of the CSC recommendation (6435/14) to determine that equivalence has been established in accordance with Article 8(3) of the IIA regarding information classified at RESTREINT UE/EU RESTRICTED in paper form in the European Parliament premises in Brussels.
9. In line with Article 8(3) of the IIA, documents classified at the level CONFIDENTIEL UE/EU CONFIDENTIAL and/or above shall not be provided under the IIA until equivalence has been established in respect thereof.<sup>3</sup>
10. The IIA will enter into force after it has been published in the *Official Journal*.
11. Given the above, and subject to confirmation by COREPER, the Council is invited to determine that equivalence has been established in accordance with Article 8(3) of the IIA regarding information classified at RESTREINT UE/EU RESTRICTED in paper form in the European Parliament premises in Brussels.

---

<sup>2</sup> Idem.

<sup>3</sup> See also point 15 of 6435/14.