

Commission Decision (EU, Euratom) 2019/1961 of 17 October
2019 on implementing rules for handling CONFIDENTIEL UE/
EU CONFIDENTIAL and SECRET UE/EU SECRET information

CHAPTER 5

**SHARING AND EXCHANGING CONFIDENTIEL UE/EU
CONFIDENTIAL AND SECRET UE/EU SECRET INFORMATION**

Article 32

Originator consent

If the Commission is not the originator of the classified information for which release or sharing is desired, or of the source material it may contain, the Commission department which holds this classified information shall first seek the originator's written consent to release. If the originator cannot be identified, the Commission department holding that classified information shall exercise originator control.

Article 33

**Sharing CONFIDENTIEL UE/EU CONFIDENTIAL and
SECRET UE/EU SECRET information with other Union entities**

1 CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information shall only be shared with another Union institution, agency, body or office if the recipient has a need-to-know and the entity has a corresponding legal arrangement with the Commission.

2 Within the Commission, the EUCI Registry managed by the Secretariat-General shall as a general rule be the main point of entry and exit for classified information exchanges with other Union institutions, agencies, bodies and offices. The Commission security authority shall be consulted where there are security, organisational or operational grounds for it to be more appropriate for local EUCI registries to operate as the point of entry and exit for matters within the competence of the department concerned.

Article 34

**Exchanging CONFIDENTIEL UE/EU CONFIDENTIAL and
SECRET UE/EU SECRET information with Member States**

1 CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information may be shared with Member States if the recipient has a need-to-know and has been security cleared.

2 Member States' classified information that bears an equivalent national classification marking⁽¹⁾ and which has been provided to the Commission shall be afforded the same level of protection as CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 5. (See end of Document for details)

Article 35

Exchanging CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information with third countries and international organisations

1 CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information shall only be released to a third country or international organisation if the recipient has a need-to-know and the country or international organisation has an appropriate legal or administrative framework in place, such as a security of information agreement or an administrative arrangement with the Commission. The provisions of such an agreement or arrangement shall prevail over the provisions of this Decision.

2 The EUCI registry managed by the Secretariat-General shall as a general rule act as the main point of entry and exit for all information classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET exchanged between the Commission and third countries and international organisations. The Commission security authority shall be consulted where there are security, organisational or operational grounds which make it more appropriate for local EUCI registries to operate as the point of entry and exit for matters within the competence of the department concerned.

3 Any classified information received from a third country or an international organisation shall be registered for security purposes. Staff shall therefore contact the registry if they receive classified information from outside the usual registry circuit.

4 To ensure traceability, CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information shall be registered:

- when it arrives in or leaves an organisational entity; and
- when it arrives in or leaves a CIS.

5 Such registration may be carried out on paper or in electronic logbooks.

6 Registration procedures for classified information handled within an accredited CIS may be performed by processes within the CIS itself. In that case, the CIS shall include measures to guarantee the integrity of the log records.

7 Classified information received from third countries or international organisations shall be afforded an equivalent level of protection as EUCI bearing the equivalent classification marking as set out in the respective security of information agreement or administrative arrangement.

Article 36

Exceptional ad hoc release of CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information

1 Where the Commission or one of its departments determines that there is an exceptional need to release CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information to a third country, international organisation or an EU entity but no security of information agreement or administrative arrangement is in place, the exceptional *ad hoc* release procedure shall be followed.

2 Commission departments shall contact the Commission security authority, which shall consult the Commission Security Expert Group.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 5. (See end of Document for details)

3 After consulting the Commission Security Expert Group, the Commission may, on the basis of a proposal by the member of the Commission responsible for security matters, authorise release of the information concerned.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 5. (See end of Document for details)

- (1) The table of equivalence for Member State markings is set out in Annex I to Decision (EU, Euratom) 2015/444.

Changes to legislation:

There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 5.