



**Provisions to ensure confidentiality of certain work**  
**(Article 17.3 of Council Regulation (EC) No. 2965/94 of 28 November 1994**  
**setting up a Translation Centre for bodies of the European Union)**

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**A. Background**

- 1) Article 17 of the Regulation setting up the Translation Centre reads as follows:
  1. The staff of the Centre shall be subject to the rules and regulations applying to officials and other servants of the European Communities;
  2. In respect of its staff, the Centre shall exercise the powers which have been devolved to the appointing authority;
  3. The Management Board, in agreement with the Commission, shall adopt the necessary implementing provisions to ensure, inter alia, the confidentiality of certain work.
- 2) At the meeting of the Management Board of the Translation Centre held in Luxembourg on 20 March 1996, the Chairman of the Board asked the representative of the Commission to prepare a proposal for adoption by the Management Board in accordance with Article 17.3
- 3) On 30 November 1994, the Commission adopted a Decision on the security measures applicable to classified information produced or transmitted in connection with the activities of the European Union (doc. C(94)3282).

## **B. Proposal**

Having regard to Article 17 of the Regulation setting up the Translation Centre, and in particular Article 17(3) thereof,

Whereas the Commission of the European Communities on 30 November 1994 adopted a Decision on the security measures applicable to classified information produced or transmitted in connection with the activities of the European Union (doc. C(94)3282);

Whereas paragraph 1 of Article 1 of this Decision states that "this Decision establishes security gradings for classified information connected with Community activities and those under Titles V and VI of the Treaty on European Union, whether they originate in the institution, an institution of a Member State or an international organisation";

Whereas, however, the Commission decision covers aspects which are not of relevance in the context of the Translation Centre, or which require modification to take account of the special characteristics of the Centre and the bodies it serves;

Whereas the special characteristics of the Translation Centre require certain additional implementing provisions;

Whereas the Commission has given its agreement;

THE MANAGEMENT BOARD OF THE TRANSLATION CENTRE IS REQUESTED TO ADOPT the following Decision:

DECISION OF THE MANAGEMENT BOARD OF THE TRANSLATION CENTRE OF THE  
EUROPEAN UNION

on the implementing provisions necessary to ensure, inter alia, confidentiality of certain work

**The Translation Centre for the bodies of the European Union,**

Whereas Article 17(3) of the Regulation setting up the Translation Centre requires the Management Board of the Centre to adopt provisions to ensure, inter alia, the confidentiality of certain work;

Whereas any failure to comply with the requirements of this Decision or of supplementary provisions adopted by the Commission and ratified by the Translation Centre will render the offender liable to disciplinary action and, in the case of serious offenders, may give rise to penal sanctions;

Whereas the provisions of this Decision do not affect the normal rules of confidentiality which apply to Translation Centre officials and other staff members with regard to information not expressly intended for the public;

HAS ADOPTED THIS DECISION:

## TITLE I - PRINCIPLES AND GENERAL RULES OF PROTECTION

### Article 1

#### Field of application: practical considerations

1. Since by Article 17(1) of the Regulation setting up the Translation Centre its staff is subject to the rules and regulations applying to officials and other servants of the European Communities, the rules of the Commission Decision of 30 November 1994 on the security measures applicable to classified information produced or transmitted in connection with the activities of the European Union (doc. C(94)3282) shall be applicable to such staff, except in so far as these rules are modified or supplemented by the present Decision.
2. The Director of the Translation Centre shall be responsible for ensuring that these rules are applicable in all of the Translation Centre's places of work.

### Article 2

#### Supplementary provisions

The security measures laid down in this Decision shall be without prejudice to any special rules the Commission or the Translation Centre may adopt.

### Article 3

#### Classified information

1. For the purposes of this Decision, 'classified information' shall mean all forms of information whose unauthorized disclosure could be detrimental to the essential interests of the European Union and of one or more Member States or international organizations, or of the bodies and agencies served by the Translation Centre, and which therefore must be protected by appropriate security measures.
2. 'Information' shall mean any information, whether recorded in writing, orally or optically and whatever the medium used: paper, audio or video tape, transmission networks, technical or physical processes. For the purposes of this Decision, the concept of classified information must be understood solely by reference to its context.
3. Where information is not contained in a written document, protection of classified information may require special rules taking account of the nature of the medium, in particular for audio and video recordings, microfilm, film or video tapes or computer media. The Director of the Centre shall propose to the Management Board for its approval supplementary protective measures for this purpose.
4. The information referred to in paragraphs 1 and 2 above shall retain its classified status even when it is preparatory or only for temporary use.

### Article 4

#### Security gradings

Security gradings for classified information used by the Translation Centre shall be as follows:

- (a) **TOP SECRET:** where unauthorized disclosure would be exceptionally detrimental to the essential interests of the European Union or of one or more Member States or another organization, in particular the bodies and agencies served by the Translation Centre;

- (b) **SECRET:** where unauthorized disclosure would be seriously detrimental to the essential interests of the European Union or of one or more Member States or another organization, in particular the bodies and agencies served by the Translation Centre;
- (c) **CONFIDENTIAL:** where unauthorized disclosure would be detrimental to the essential interests of the European Union or of one or more Member States or another organization, in particular the bodies and agencies served by the Translation Centre;
- (d) **RESTRICTED:** where unauthorized disclosure would be disadvantageous to the essential interests of the European Union or of one or more Member States or another organization, in particular the bodies and agencies served by the Translation Centre.

## **TITLE II - PROCEDURAL PROVISIONS**

### **Article 5**

#### **Assignment of security gradings**

1. The authority to classify, or cause to be classified, information submitted to the Translation Centre by the bodies and agencies served by the Centre shall be confined to the body or agency submitting such information.
2. The Translation Centre shall assign the same classification as that accorded by the body or agency to the original information to all language versions produced on the basis of the original information.
3. The Translation Centre shall respect the classification accorded by the submitting body or agency, and shall observe the measures provided for in this Decision for the respect of the various gradings.

### **Article 6**

#### **Field of application: personnel considerations**

1. The security measures laid down in this Decision shall be observed by all officials or other Translation Centre staff who, for any reason, have access to classified information produced within the Centre or communicated to it.
2. Any firm or company, including subcontractors, working for the Translation Centre whose staff may have occasion to read classified information by reason of their work shall be bound by the requirements of this Decision and shall impose the same obligations on every member of staff concerned. These obligations should be embodied in written form in contracts between such companies and the Translation Centre.

**Article 7**  
**Access to classified information**

1. Access to and possession of classified information shall be restricted to the persons referred to in Article 6 who, by reason of their duties or service requirements, need to acquaint themselves with such information or to handle it.
2. To be allowed access to TOP SECRET, SECRET and CONFIDENTIAL information, the persons referred to in paragraph 1 must be given authorization in accordance with Article 8.
3. Requests for access by third parties to information transmitted to the Translation Centre by the bodies and agencies served by the Centre should be addressed to the body or agency submitting the original information, which is the owner thereof. This requirement applies equally to all language versions produced by the Translation Centre on the basis of the original information submitted to it.

**Article 8**  
**Authorization**

1. The Management Board of the Translation Centre shall empower the Director of the Centre to grant and withdraw the authorizations necessary for access to classified information to those who have been vetted by the competent national authorities.
2. Authorizations shall terminate automatically when the authorized person leaves the service of the Translation Centre or his contract ends.

**Article 9**  
**Vetting**

1. Vetting shall be carried out with the agreement of the person concerned at the request of the Translation Centre by the Member State of which the person concerned is a national. If the person concerned does not have a Community nationality, the Member State in which the person is domiciled or is usually resident is responsible for vetting.
2. The vetting procedure shall be governed by the relevant rules and requirements applied in the Member State in question.

**TITLE III - STRUCTURES**

**Article 10**  
**Security officers**

1. A Security officer shall be responsible for the implementation of this Decision. The Director of the Translation Centre may designate himself or an official of appropriate rank for this purpose.

2. In particular, the security officer shall be responsible for:
  - (a) keeping an up-to-date list of all persons in the Centre who are authorized to have access to information classified **TOP SECRET, SECRET and CONFIDENTIAL**;
  - (b) ensuring the registration, reproduction, dispatch, holding when necessary and destruction of information classified TOP SECRET, SECRET and CONFIDENTIAL. A suitable protected area shall be provided for this purpose;
  - (c) ensuring that all physical security measures are implemented;
  - (d) co-ordinating the measures taken for the application of this Decision;
  - (e) making such enquiries and checks as may be necessary to ensure that the security procedures and measures are implemented;
  - (f) investigating breaches of security rules and reporting them as soon as possible to the Director of the Translation Centre or, in serious cases, to the President of the Management Board;
  - (g) considering any ways in which security may be improved;
  - (h) instructing staff on their duties regarding the protection of confidentiality and the application of security measures.
  - (i) coordinating the vetting procedures referred to in Article 9.
  
3. The security officer shall be authorized to have access to classified information under the conditions laid down in Articles 7 and 8 of this Decision.

#### **TITLE IV - HANDLING OF CLASSIFIED INFORMATION**

##### **Article 11**

##### **Distinctive markings on classified information**

1. The security grading accorded to classified information shall be indicated in the following manner:
 

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| – <b>TOP SECRET and SECRET:</b> | by affixing a clearly visible stamp at the top and bottom of each page or by means of an equivalent marking, such as a diagonal band across the entire page; |
| – <b>CONFIDENTIAL:</b>          | by affixing a clearly visible stamp on each page or by means of an equivalent marking, such as a diagonal band across the entire page;                       |
| – <b>RESTRICTED:</b>            | by marking the cover page and the first page "RESTRICTED".   |
  
2. If information is classified temporarily, the date after which it may be considered declassified or the equivalent declassification formula shall appear in a suitable place.
  
3. Each copy of information classified **TOP SECRET or SECRET** shall bear a serial number which will serve to identify its origin and its recipient. This serial number shall be reproduced on the cover page.
  
4. If the security grading of classified information is changed, the information shall be appropriately marked to correspond with the new grading.
  
5. References to information classified **TOP SECRET, SECRET or CONFIDENTIAL**, including computerized references, shall be kept to a minimum and under no circumstances reveal the subject matter or destination of the information.

**Article 12**  
**Registration, dispatch and handling of information classified**  
**TOP SECRET, SECRET or CONFIDENTIAL**

1. All information classified **TOP SECRET, SECRET or CONFIDENTIAL** shall be registered centrally by the security officer referred to in Article 10. Such registration shall make it possible:
  - to compile immediately a list of the persons who have consulted or have had possession of such information;
  - to ascertain at any time the identity of the holder of each copy.
2. The security officer shall assume responsibility for such classified information on receipt of a form bearing the signature of a person authorized by the submitting body or agency.
3. The dispatch of information classified **TOP SECRET, SECRET or CONFIDENTIAL** shall be recorded beforehand in the register provided for that purpose.
4. No official or other person referred to in Article 6 above may hold information classified **TOP SECRET, SECRET or CONFIDENTIAL** which has not been registered by the security officer as provided for in Article 10.

**Article 13**  
**Dispatch**

Information classified **TOP SECRET, SECRET or CONFIDENTIAL** shall be sent to and dispatched by the security officer of the Translation Centre referred to in Article 10. The classified documents shall be dispatched in the following manner:

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| <b>TOP SECRET</b>          | by diplomatic bag; in this case, the document shall be placed in two envelopes, of which only the inner one shall bear a stamp indicating the security grading;                          |
| <b>SECRET/CONFIDENTIAL</b> | by registered post with advice of delivery; in this case, the document shall be placed in two envelopes, of which only the inner one shall bear a stamp indicating the security grading; |
| <b>RESTRICTED</b>          | by ordinary mail in a sealed envelope.   |

**Article 14**  
**Transmission of classified information by telecommunications**

The Director of the Centre shall propose to the Management Board for its approval, within six months of the present Decision, supplementary protective measures for the transmission of classified information by telecommunications taking into account the Council Recommendation on common information technology security evaluation criteria.

**Article 15**  
**Special provisions for the protection of information**

When special circumstances prevent the application of any of the provisions of this Decision, the security officer of the Translation Centre shall take or cause to be taken appropriate measures to provide a degree of protection equivalent to that laid down in this Decision.

**TITLE V - FINAL PROVISIONS**

**Article 16**  
**Procedure in the case of infringements of the Decision**

1. Any person employed by the Translation Centre who in the course of his duties has access to classified information shall be informed by the Director of the Centre or the security officer that failure to comply with the requirements of this Decision may render him liable to disciplinary action, and where appropriate, to prosecution under national law.
2. Any person who finds or has reason to believe that classified information has gone astray or has been compromised or that an infringement of this Decision or a breach of security has been committed shall immediately report this to the security officer who will at once inform the Director of the Centre.
3. If the report suggests that information classified **TOP SECRET, SECRET or CONFIDENTIAL** has come to the knowledge of an unauthorized person, the Director of the Centre shall be informed immediately so that he may assess the situation.
4. If a suspected breach as referred to in paragraph 2 or 3 is confirmed, the Director or the security officer designated by him shall take appropriate steps with the responsible officials concerned in order to limit the damage caused to a minimum and to prevent a repetition of the occurrence.
5. If a serious breach of security has occurred with respect to information originating in a Member State, another institution or international organization, and in particular a body or agency served by the Translation Centre, they shall be advised accordingly.
6. Officials or other staff who, even after leaving the Centre, fail to comply with the requirements of this Decision, whether wittingly or through negligence, shall be liable to disciplinary action under the Staff Regulations and, where appropriate, to prosecution under national law.

**Article 17**  
**Additional measures**

If an agency, office or body adopts confidentiality regulations of its own, the Translation Centre and the agency, office or body in question shall take the necessary steps to ensure concordance between the two sets of provisions. Any additional measures required in application of this article shall be submitted to the Management Board of the Translation Centre for its approval and set out in an annex to these implementing provisions.

**Article 18**  
**Applicability**

This Decision shall apply with effect from 22 March 1999.

Done at Luxembourg, 22 March 1999

For the Management Board

Colette Flesch