



H2020: Security Rules regarding the protection on the EU Classified Information (EUCI)

General legal framework

- ❖ COMMISSION DECISION (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information. -> Apply to the COM facilities/personnel but not to the Member States and it's entities as a "*general rule*". Therefore the 2015/444 it's an annex to the contracts/grants to be in force in the MS's national soil/entities
- ❖ Therefore -> the 2015/444 & **National Rules** regarding the protection of Classified Info regulations are the legal framework in the national soil / industries /universities, etc.

If a Breach of Security –Compromise- occurs


❖ All appropriate measures shall be taken to:

- (a) inform the originator;
- (b) ensure that the case is investigated by personnel not immediately concerned with the breach in order to establish the facts;
- (c) assess the potential damage caused to the interests of the Union or of the Member States;
- (d) take appropriate measures to prevent a recurrence; and
- (e) notify the appropriate authorities of the action taken

-> Need of a **Compromise Report** to be sent by the PSO to the National Security Authority (NSA) or the Designated Security Authority -> The NSA's will send the report to the EU COM DG HHRR & Security

Templates of the Compromise report would be requested to your NSA. In SP, are available at: www.cni.es/ons

Compromise report template

	COMPROMISE OR POSSIBLE COMPROMISE REPORT FORM	
	Identify the responsible Government Entity or Facility:	<u>Date of Report:</u>
Date or period of the occurrence:		Date and place of discovery and location of the occurrence:
Security classification and markings:		
Description of the circumstances:		
List the information that has been compromised or that is unaccounted for in sufficient detail to aid in the assessment of damage caused, or provide a copy of the list with the report:		

Compromise report template

If the loss or compromise relates to a document, list the originator, subject, reference, date, copy number, language, etc:

Actions taken to secure the material and limit further damage:

Assessment of the likelihood of compromise, i.e. "certain", "probable", "possible" o "unlikely".

Statement on whether the originator has been informed:

Reasons for loss/compromise or possible loss/compromise:

Measures taken to prevent recurrence of the compromise:

Head of the Government Entity / Facility:

Security Officer of the Government Entity / Facility:

H2020 Associated countries

- ❖ The Need of a bilateral agreement on the protection of the EUCI among EU & H2020 Associated country. Simply -> If no Agreement, no EUCI
- ❖ If not present –The agreement-, the entity wouldn't participate in the Classified deliverable/s. (any EUCI release should be a Security incident to be reported)
- ❖ The agreement must be signed and in force
- ❖ Not all bilateral agreements among EU & third countries covers EU CONFIDENTIAL & above, please check it in a case by case

H2020 Associated countries

- ❖ We can find Agreements on security procedures for exchanging and protecting classified information between the EU and Canada, Moldova, Georgia, Albania, Serbia, Australia, Liechtenstein, Russia, Israel, United States, Iceland, Switzerland, Ukraine, former Yugoslav Republic of Macedonia, Norway and Bosnia and Herzegovina
- ❖ Not always the Agreements are in force & covers EU CONFIDENTIAL (to be check in a case by case)
- ❖ source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISUM%3A4300998>
- ❖ H2020 associated countries without agreement (Not access to EUCI) Armenia, Tunisia, Faroe Island, Turkey... and listed above but with the agreement signed but not in force yet.

EU RESTRICTED Equivalences (or Not)

Clasificación UE	Très secret UE/EU Top Secret	Secret UE/EU Secret	Confidentiel UE/ EU Confidential	Restreint UE/EU Restricted
Clasificación OTAN	COSMIC Top Secret	NATO Secret	NATO Confidential	NATO Restricted
Clasificación ESA	ESA Top Secret	ESA Secret	ESA Confidential	ESA Restricted

Países UE	Países OTAN	Países ESA
-----------	-------------	------------

Albania				Tepër Sekret	Sekret	Konfidencial	I Kufizuar
Alemania				Streng Geheim	Geheim	VS ¹ – Vertraulich	VS – Nur für den Dienstgebrauch
Austria				Streng Geheim	Geheim	Vertraulich	Eingeschränkt
Bélgica				Très Secret Zeer Geheim	Secret Geheim	Confidentiel Vertrouwelijk	— ²
Bulgaria				Строго секретно	Секретно	Поверително	За служебно ползване
Canadá				Top Secret Tres Secret	SecretSecret	ConfidentialConfidentiel	— ²
Chipre				Ἀκρῶς ἈπόρρητοAbr: (ΑΑΠ)	ἈπόρρητοAbr: (ΑΠ)	ΕμπιστευτικόAbr: (ΕΜ)	Περιορισμένης ΧρήσηςAbr: (ΠΧ)
Croacia				Vrlo Tajno	Tajno	Povjerljivo	Ograničeno
Dinamarca				Yderst hemmeligt	Hemmeligt	Fortroligt	Til tjenestebrug
Eslovaquia				Prísne tajné	Tajné	Dôverné	Vyhradené
Eslovenia				Strogo tajno	Tajno	Zaupno	Interno
España				Secreto	Reservado	Confidencial	Difusión Limitada
Estados Unidos				Top Secret	Secret	Confidential	— ²



EU RESTRICTED Equivalences (or Not)

- ❖ ¿How the EU RESTRICTED level it's protected with no direct RESTRICTED Equivalent?
- ❖ The Need of complete of equivalence table it's needed... so please, consult COM or your NSA regarding the EU RESTRICTED equivalence level with third & associated countries
- ❖ In some countries, when there it's no equivalence, EU RESTRICTED will be handling/transmit/storage as EU CONFIDENTIAL (and therefore more stringent measures to be taken-> PSC, FSC...)

Need of a Personal Security Clearance (PSC) EU RESTRICTED level

- ❖ As a general rule, PSC it's not necessary for EU RESTRICTED but...
- ❖ Denmark, Greece & Luxembourg requires PSC for EU RESTRICTED
- ❖ Sweden requires PSC for EU RESTRICTED in Defense related contracts/grants (¿not sure for H2020?)
- ❖ Therefore, if the PSC it's needed, the PSC should be checked by the PSO/Granting Authority using the NSA approved channels. -> PSC Information Sheet (PSCIS)

Need of a Facility Security Clearance (FSC) EU RESTRICTED level

- ❖ As a general rule, FSC it's not necessary for EU RESTRICTED but...
- ❖ Denmark, Estonia, Greece, Lithuania, Luxembourg, Slovenia, Slovakia -> Requires FSC always for EU RESTRICTED level
- ❖ Sweden & Netherland only for Defense related contracts ¿Not for H2020?
- ❖ Therefore, if the FSC it's needed, the FSC should be checked by the PSO/Granting Authority using the NSA approved channels. FSC Information Sheet (FSCIS)

Tracking of the EU CI in the grant by the NSA, the role of the entities / the contracting authority.

The contracting or granting authority, shall notify, through the Commission Security Authority, the competent NSA, DSA or any other competent security authority of the fact that a classified contract or grant agreement has been awarded, and of the relevant data, such as the name of the contractor(s) or beneficiaries, the duration of the contract and the maximum level of classification.

Steps made by the SP Security Scrutiny Team in 2019 / 2020

- ❖ 4 seminars issued about the handling of the EU CI in the H2020 framework focused in the EU RESTRICTED level
- ❖ Only for the entities which approved & classified grants (companies, universities, PSOs...)
- ❖ Speakers, the NPC H2020, the SP NSA & the MoD

Thank you!

❖ SP NSA. Intl Programs PoC: programas.ons@areatec.com