



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
DIRECTORATE-GENERAL FOR ENERGY

SRD - Shared Resource Directorate
Acting Director

**NOTE FOR THE ATTENTION OF
MS ILZE JUHANSONE, SECRETARY-GENERAL**

RE: REPLY FROM DG ENER TO THE INTERSERVICE CONSULTATION LAUNCHED BY SG

Note signed by: Anne Montagnon *Deadline for reply: 05/03/2020*
Dated: 05/03/2020
Reference: ISC/2020/00857
Ref DG ENER: move.srd.2.002(2020)1552702

**Title: Reply from DG ENER - Interservice consultation on the draft Decision
and Implementing Rules on Records Management and Archives**

-
- ☐ Positive opinion
☒ Positive opinion with comments
☐ Negative opinion (see attached comments)

Contacts: [REDACTED] *and* [REDACTED] *(for Euratom classified records)*

Comments:

Thank you for consulting DG ENER. We welcome this draft Decision as we agree with the need to reflect the evolution in the document and archives management landscape and the increasing digitalisation of the Commission as a public administration.

DG ENER attaches paramount importance to information security. We consider important, as mentioned from the beginning in this draft Decision that “the records management and archiving policy should take account of the Commission’s digital transformation, legal provisions on information security and the need to ensure a high level of security for sensitive information (...)”.

We would like also to recall that according to Article 77 of the Euratom Treaty, the European Commission has to “satisfy itself that in the territories of Member States, nuclear materials are not diverted from their intended uses as declared by the users”. The article also requires the European Commission to ensure that safeguards obligations assumed under agreements with third states and international organisations are complied with.

As most information handled under Euratom safeguards activities is classified at EURA-RESTRICTED level (according to regulation (EURATOM) N° 3 of 6 October 1958), and as DG DIGIT cannot support such information, ENER Luxembourg needed to

develop a number of Communication and Information Systems (CISs), used by nuclear inspectors and nuclear accountants in support of their business activities. This information is processed and stored within a dedicated and secure IT environment (local area network [LAN], servers, applications and databases) hosted in local data rooms in the Euroforum building in Luxembourg, separated from the Commission corporate data network managed by DG DIGIT (SNET).

For all these reasons, DG ENER Luxembourg handles two sets of records:

- Standard records handled via corporate rules;
- Euratom classified records handled via Euratom specific rules.

For the standard records, we use ARES and this Decision and Implementing Rules on Records Management and Archives will apply.

Euratom classified records, as mentioned in chapter 10 of the draft implementing rules, “are subject to specific processing in accordance with current rules on information security”. EURA-RESTRICTED records are handled via a specific documentary resource named MEDOR created and maintained by DG ENER on the dedicated and secure IT environment.

In order to define a new set of procedures for the management of Euratom classified records and archives, DG ENER would like to request the assistance of SG colleagues in charge of this draft Decision and Implementing Rules to analyse together our specificities.

Regarding the draft Commission Decision and Implementing Rules, our detailed comments, which we kindly ask you to take into account, are following:

1. The management of Commission’s records and archives shall respect the provisions of the Internal Data Protection Regulation 2018/1725 [I-10 ; II-14.3].

We understand the European Data Protection Supervisor will be formally consulted both on the draft Decision and its implementing rules.

2. Page 1 of the draft Commission Decision: the Article of the Treaty establishing the European Atomic Energy Community mentioned is Article 131 but this Article is repealed. A new reference needs eventually to be added.
3. As drafting remarks, the title for two sub-sections are missing in the implementation rules [I-3.1 – Management of electronic records signed by means of electronic signature]:
 - a. The first section starting with the text “These are in particular most records relating to administrative procedures, whether purely internal...” should be listed under the title : 3.1.1 - Types of documents drawn up by the Commission not requiring a signed original
 - b. The second section starting with the text “These are in particular most of the records relating to administrative procedures coming from institutions...” should be listed under the title : 3.1.2 - Types of documents received by the Commission not requiring a signed original

4. Point 2.5 of the draft Implementing Rules: “All documentation relating to digitisation operations must be kept **permanently**.”

Does the term “permanently” means that this type of documentation has no limitation in time?

5. Point 16.2 d) page 40 of the draft Implementing Rules:

Consider replacing “local IT Security Officer” by “Local **Information** Security Officer”.

6. Point 16.3 of the draft Implementing Rules: “Directorates-General and Services will **consult** the Secretariat-General when they appoint a Document Management Officer.”

The aim and the consequences of the “consultation” should be further developed in this document.

Anne Montagnon
Acting Director