



**EUROPEAN COMMISSION**  
DIRECTORATE GENERAL  
HUMAN RESOURCES AND SECURITY  
Director General

Brussels,  
HR.DS Ares(2016)

Mr Lee Rotherham

313, Norman Shaw North

House of Commons, Westminster SW1A 0AA

United Kingdom

*Advance copy by email: ask+request-2811-79b96ce0@asktheeu.org*

Dear Mr Rotherham,

**Subject: Your application for access to documents – Ref GestDem No 2016/2345**

We refer to your e-mails dated 22 April 2016 (17:07), 22 April 2016 (17:12), 27 April 2016 (20:45) and 29 April 2016 (13:50) in which you have made and clarified a request for access to documents.

We regret to inform you that no documents were found that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, the Commission is not in a position to handle your request.

However, please kindly find below the replies to your questions.

Number of classified documents / Information Security Management System

Documents classified TRES SECRET UE/EU TOP SECRET, SECRET UE/EU SECRET and CONFIDENTIEL UE/EU CONFIDENTIAL are received, produced and stored in a number of Commission registries (secured areas) which are established in different buildings in Brussels, but also in Luxembourg and in some of the Joint

Research Centre sites. Each registry has its own general logbook. Consequently, there are no single documents in the registries containing the number of documents held by the Commission that have been supplied by the United Kingdom Government.

However, we have collected data from the general logbooks of all the registries for the last four and a half years. The number of documents held by the Commission that have been supplied by the United Kingdom Government is presented in the following table:

	Documents classified at the level of CONFIDENTIEL UE/EU CONFIDENTIAL	Documents classified at the level of SECRET UE/EU SECRET	Documents classified at the level of TRES SECRET UE/EU TOP SECRET
2016 (until June)	0	0	0
2015	0	0	0
2014	2 (received by DG Mobility and Transport)	2 (received by DG Human Resources and Security)	0
2013	0	1 (received by DG Human Resources and Security)	0
2012	0	4 (received by DG Human Resources and Security)	0

Metadata of documents classified as RESTREINT UE/EU RESTRICTED is contained in the Commission Document Management System ARES. In 2015 and in 2016 to date, no documents classified at the level of RESTREINT UE/EU RESTRICTED have been received in the Commission from the United Kingdom Government.

### Third party access to Information Security Management System

No third party has any access to classified documents held on the Commission's secure systems (in registries or on secure IT systems for classified documents). In case there is a need to release EU classified information to a third party, the Commission sends this classified information to a concerned third party in accordance with one of the following agreements on the exchange of classified information:

## Security agreements with 3rd States & international organisations

Security agreements for the exchange of classified information have been made by the Commission with the following third countries:

Australia: OJ L 26, 30.01.2010, p. 31  
Bosnia and Herzegovina: OJ L 324, 27.10.2004, p. 16  
Former Yugoslav Republic of Macedonia - FYROM: OJ L 094, 13/4/2005, p. 39  
Iceland: OJ L 184, 6/7/2006, p. 35  
Israel: OJ L 192, 24.7.2009, p. 64  
Liechtenstein: OJ L 187, 21.7.2010, p. 2  
Montenegro: OJ L 260, 2.10.2010, p. 2 and OJ L 317, 03.12.2010, p. 44 (corrigendum)  
Norway: OJ L 362, 9/12/2004, p. 29  
Serbia: OJ L 216, 23.8.2011, p. 2  
Switzerland: OJ L 181, 10/7/2008, p. 57  
Ukraine: OJ L 172, 5/7/2005, p. 84  
USA: OJ L 115, 3/5/2007, p. 30

The Commission has security agreements in place with the following International Organisations:

ESA (The European Space Agency): OJ L 219, 14/8/2008, p. 59  
ICC (The International Criminal Court): OJ L 115, 28/4/2006, p. 50  
NATO: OJ L 080, 27/3/2003, p. 36

Where no security of information agreement is in place, EU classified information can be released to a third party only in exceptional cases, by an ad hoc Commission decision and only after consultation with the Commission Security Expert Group composed of Member States representatives. In the last decade there was just one case of such exceptional ad hoc release (N.B. thus released information had originated in the Commission).

Any classified information, obtained by the Commission from a Member State (e.g. UK), or a party listed above, can be released to a third party only with the prior written consent of the originator of classified information (e.g. UK Government).

We guess, in your question you might have meant access to confidential data transmitted to the Commission (Eurostat) that may be granted for enabling statistical analyses for scientific purposes. In the link below please find the text of the Commission Regulation (EU) No 557/2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2013.164.01.0016.01.ENG&toc=OJ:L:2013:164:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.164.01.0016.01.ENG&toc=OJ:L:2013:164:TOC).

List of recognised research entities whose researchers may submit research proposals potentially allowing access to confidential data for scientific purposes (in the framework of Community Statistics) may be found on the following link: <http://ec.europa.eu/eurostat/web/microdata/overview>.

Please note that 'confidential data', as referred to in the above-mentioned Regulation, is not classified information *per se*.

\* \* \*

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission

Secretary-General


Transparency unit SG-B-4

BERL 5/282

B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Irene SOUKA

Director General