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NOTE

From:	Presidency
To:	Delegations
No. Cion doc.:	12566/13 EUROJUST 59 EPPO 4 CATS 36 COPEN 109 CODEC 2163
Subject:	Proposal for a Regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) - Confidentiality and Security Rules (Articles 59 and 62)

Delegates will find the most recent version of the text on Articles 59 and 62, from Doc 14438/14 as presented to Copen on 2-3 October 2014 under the Italian Presidency, attached in the Annex.

Article 59

Confidentiality

1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents ~~and~~, **seconded national experts**, ~~and~~ the Data Protection Officer **and the staff of the European Data Protection Supervisor/JSB** shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.
2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.
3. The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 **and 2**.
4. The obligation of confidentiality shall apply to all information received by Eurojust, unless that information has already **legitimately** been made public or is accessible to the public.
- 4a. **Eurojust shall adopt rules regarding the handling and confidentiality of information received or exchanged via Eurojust. These rules shall apply in conjunction with legal obligations regarding the confidentiality of judicial files applicable at national level.**
5. ~~Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.~~

Article 62

Security Rules on the protection of sensitive non-classified and of classified information

1. **Eurojust shall establish rules on the protection of sensitive non-classified information, including the creation and processing of such information at ~~or by~~ Eurojust.**
2. Eurojust shall establish rules on the protection of the European Union classified information which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for such information. ~~apply the security principles contained in the Council's security rules for protecting European Union Classified Information (EUCI) as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom¹.~~

¹ OJ L 317, 3.12.2001, p. 1.