



Council of the
European Union

Brussels, 10 February 2015
(OR. en)

5916/15

**Interinstitutional File:
2013/0256 (COD)**

**EUROJUST 26
EPPO 13
CATS 19
COPEN 30
CODEC 139**

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	5339/15 EUROJUST 5 EPPO 4 CATS 5 COPEN 7 CODEC 58
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 a further revised text on Articles 59 and 62 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 lawfully** 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 59a
Conditions of confidentiality of national proceedings

1. **Without prejudice to Article 21(3), where information is received or exchanged via Eurojust, the providing authority may pursuant to its national law stipulate conditions on the use by the receiving authority of that information in national proceedings.**
2. **The receiving authority, when provided for in its national law, shall be bound by those conditions.**

Article 62

~~Security Rules~~ **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, Euratom~~¹.

¹ OJ L 317, 3.12.2001, p. 1.