



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate E - Neighbouring countries, USA and Canada
USA and Canada

Brussels, 17 September 2015

Limited¹

NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE

***SUBJECT:* TTIP: Possible steps to facilitate the accessibility of EU Member States to certain classified TTIP documents**

***OBJECTIVE:* For information**

REMARKS:

As requested during TPC meeting on 4 September 2015, delegations will find enclosed modalities for setting up national Reading Rooms for consulting certain TTIP documents.

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Possible steps to facilitate the accessibility of EU Member States to certain classified TTIP documents

A series of initiatives were taken by Commissioner Malmström upon assuming office in November 2014 to increase significantly the transparency of the TTIP negotiating process. As a result, since early 2015, the majority of EU proposals for TTIP can be consulted easily on the web.

A number of remaining TTIP texts are however currently available for consultation only in dedicated reading rooms, which are in the Commission's Charlemagne building for Member State officials, and in the European Parliament for MEPs. These documents are

notably the so-called draft 'consolidated TTIP texts' which incorporate US and EU textual proposals for TTIP chapters, and which the USTR has asked us to treat confidentially.

For some time now the Commission has been pressing the USTR to allow DG Trade to share consolidated TTIP texts with EU Member States more conveniently in a controlled environment within their own facilities, i.e. in reading rooms in their capitals for which the similar terms and conditions would apply as for the two reading rooms in Brussels. The Commission reading room has had nearly 400 visits without any leaks since its entry into operation in April 2014.

During the TPC meeting on 4 September 2015 several Member States indicated their wish to receive modalities for setting up these national Reading Rooms, even if a green light would still be needed from COREPER for the Council to distribute documents in this way via its secure CDM network. Discussions on sharing consolidated TTIP documents with Member States in national capitals would also need to be completed with the US.

The reading room would provide access to the same type of information as now provided in Brussels. It would be accessible on a need to know basis and in line with EU rules on classified information to those who can currently access classified EU trade documents within your national systems.

This note explains the conditions and steps that would need to be taken by Member States to receive RESTREINT EU/EU RESTRICTED TTIP negotiating documents from the Council. These are coupled with the additional handling requirement that the documents can only be consulted in a reading room.

The objective would be to establish a secure EU-wide environment within national systems for consultation of these documents once they have been transmitted via the Council's secure CDM infrastructure. EU-wide arrangements to protect confidentiality are in place in other areas (i.e. for national security or foreign policy documents) and function well. DG Trade has worked with the General Secretariat of the Council to identify the necessary arrangements for the transmission and consultation in capitals of classified TTIP documents (referred to below as *TTIP "Reading Room" documents*).

Of course, Member States would be free to continue using the Commission's reading room in Brussels if they would not wish to establish their own reading rooms.

It is proposed that a Member State wishing to receive a TTIP document classified at RESTREINT UE/EU RESTRICTED level and coupled with a reading room handling requirement would:

- a) establish a reading room in line with the attached modalities
- b) assign a responsible security officer
- c) send the attached letter of acceptance committing to ensure particular handling of TTIP Reading Room documents classified as RESTREINT UE/EU RESTRICTED.

Receipt of the letter would indicate that the Member State is ready to receive specific classified TTIP Reading Room documents.

In line with national arrangements, Member States would agree to take appropriate measures both to prevent disclosure and to identify leaks if these should occur. If disclosure can be traced and attributed to a Member State, it is understood that it will be disconnected from distribution and would revert to the Brussels reading room, while a national investigation would seek to identify where the leak occurred and appropriate steps be taken if (a) disclosing official(s) is/are identified.

Transmission of RESTREINT UE/EU RESTRICTED classified TTIP documents from the Council Secretariat to Member States would be done by the CDM system. It allows for encrypted transmission to a single point of entry, called Points of Presence (POPs), in Member States' Ministries of Foreign Affairs, and is already used for transmitting classified information. To receive and handle these documents, each Member State would need to authorise an individual security officer having a security clearance.

Transmission would be accompanied by a cover page indicating that this is a RESTREINT UE/EU RESTRICTED TTIP document '**with additional handling requirements**', which would enable the POPs to identify that the document requires specific handling. Such documents would be transmitted to the responsible security officer. This security officer would be responsible for placing the documents in the dedicated reading room.

Next steps

Member States are requested to inform the Commission and Council Secretariat-General whether they would wish to proceed with putting in place these modalities, with a view to receiving certain TTIP documents in their own facilities. COREPER would then be invited to authorise distribution in this way to Member States who so wish.

Annex - Reading Room modalities

Upon receipt of an RESTREINT UE/EU RESTRICTED TTIP “Reading Room” documents, the security officer shall place the document in the Reading Room.

If no dedicated and equipped reading room exists (i.e. in a central registry), a reading room exclusively dedicated to the reading of TTIP materials must be established.

This room must be locked when not in use and monitored by presence of a security officer when it is in use, to ensure that 1) no documents are taken from it and 2) no devices with photographic and/or transmission or recording capability can be used in the room.

Member States are free to choose to establish a reading room either a) with computer(s) for on-screen consultation of the documents; or b) with watermarked paper file(s).

a) In case a Member State decides to use computer based consultation, the room should have one or more secure computers which are neither connected to a network, nor to the internet or to a printer. So as to avoid exportation of the data, the USB ports and the CD-burn capability on the computers will have been disabled, as will be all telephone and data ports in the room that can be connected to one of the computers.

b) In case a Member State opts for paper-based consultation, the security officer should make a paper copy, and have a record in case more than one copy is produced. Copies should only be made on copiers that are not connected to the network. When not in use, paper file(s) should be locked in a dedicated cupboard in the reading room. The papers should bear the watermark "READING ROOM [+ initials of the Member State]"

A reading room must have a registry in which the security officer will 1) register the names and times of access/departures of visitors, as well as the titles of documents consulted by each individual and 2) ask them to sign a prepared acknowledgment that he/she agrees to abide by the rules to protect the documents and the information therein, with classification of RESTREINT UE/EU RESTRICTED and that removal from the reading room, photographing/scanning or copying of documents or otherwise recording or transmitting them (from inside or outside of the room) as well as their unauthorized disclosure is strictly prohibited and can result in disciplinary and/or legal measures to be taken as appropriate.

Visitors shall be asked to hand over mobile phones and other electronic devices for storage in a locker, which preferably will be outside the reading room. Devices need to be switched off and may not be used inside the room. They will be returned to the visitor upon leaving the room. The use of personal computers or other handheld devices is prohibited, but visitors are allowed to take hand-written notes.

Draft letter from MS to the Directorate General for Trade of the European Commission and the General Secretariat of the Council

Dear Messrs Sandler, Genson and Silveira Reis,

By means of this letter I would like to inform the Commission and the Secretariat General of the Council, of (MS's) commitment to fully respect the handling requirements for TTIP Reading Room documents classified at RESTREINT UE/EU RESTRICTED level, in line with the modalities agreed in the Trade Policy Committee and endorsed by Coreper on (date to include latter).

The reading room has been established and a responsible security officer has been appointed. The Ministry of (.....) is ready to receive RESTREINT UE/EU RESTRICTED TTIP documents as of (date).

*(signature by the Director
responsible for security matters)*