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I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 492/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 5 April 2011

on freedom of movement for workers within the Union

(codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Freedom of movement for workers should be secured within the Union. The attainment of this objective entails the abolition of any discrimination based on nationality between workers of the Member States as

regards employment, remuneration and other conditions of work and employment, as well as the right of such workers to move freely within the Union in order to pursue activities as employed persons subject to any limitations justified on grounds of public policy, public security or public health.

(3) Provisions should be laid down to enable the objectives laid down in Articles 45 and 46 of the Treaty on the Functioning of the European Union in the field of freedom of movement to be achieved.

(4) Freedom of movement constitutes a fundamental right of workers and their families. Mobility of labour within the Union must be one of the means by which workers are guaranteed the possibility of improving their living and working conditions and promoting their social advancement, while helping to satisfy the requirements of the economies of the Member States. The right of all workers in the Member States to pursue the activity of their choice within the Union should be affirmed.

(5) Such right should be enjoyed without discrimination by permanent, seasonal and frontier workers and by those who pursue their activities for the purpose of providing services.

(6) The right of freedom of movement, in order that it may be exercised, by objective standards, in freedom and dignity, requires that equality of treatment be ensured in fact and in law in respect of all matters relating to the actual pursuit of activities as employed persons and to eligibility for housing, and also that obstacles to the mobility of workers be eliminated, in particular as regards the conditions for the integration of the worker's family into the host country.

⁽¹⁾ OJ C 44, 11.2.2011, p. 170.

⁽²⁾ Position of the European Parliament of 7 September 2010 (not yet published in the Official Journal) and decision of the Council of 21 March 2011.

⁽³⁾ OJ L 257, 19.10.1968, p. 2.

⁽⁴⁾ See Annex I.

- (7) The principle of non-discrimination between workers in the Union means that all nationals of Member States have the same priority as regards employment as is enjoyed by national workers.
- (8) The machinery for vacancy clearance, in particular by means of direct cooperation between the central employment services and also between the regional services, as well as by coordination of the exchange of information, ensures in a general way a clearer picture of the labour market. Workers wishing to move should also be regularly informed of living and working conditions.
- (9) Close links exist between freedom of movement for workers, employment and vocational training, particularly where the latter aims at putting workers in a position to take up concrete offers of employment from other regions of the Union. Such links make it necessary that the problems arising in this connection should no longer be studied in isolation but viewed as interdependent, account also being taken of the problems of employment at the regional level. It is therefore necessary to direct the efforts of Member States toward coordinating their employment policies,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

EMPLOYMENT, EQUAL TREATMENT AND WORKERS' FAMILIES

SECTION 1

Eligibility for employment

Article 1

1. Any national of a Member State shall, irrespective of his place of residence, have the right to take up an activity as an employed person, and to pursue such activity, within the territory of another Member State in accordance with the provisions laid down by law, regulation or administrative action governing the employment of nationals of that State.

2. He shall, in particular, have the right to take up available employment in the territory of another Member State with the same priority as nationals of that State.

Article 2

Any national of a Member State and any employer pursuing an activity in the territory of a Member State may exchange their applications for and offers of employment, and may conclude and perform contracts of employment in accordance with the provisions in force laid down by law, regulation or administrative action, without any discrimination resulting therefrom.

Article 3

1. Under this Regulation, provisions laid down by law, regulation or administrative action or administrative practices of a Member State shall not apply:

- (a) where they limit application for and offers of employment, or the right of foreign nationals to take up and pursue employment or subject these to conditions not applicable in respect of their own nationals; or
- (b) where, though applicable irrespective of nationality, their exclusive or principal aim or effect is to keep nationals of other Member States away from the employment offered.

The first subparagraph shall not apply to conditions relating to linguistic knowledge required by reason of the nature of the post to be filled.

2. There shall be included in particular among the provisions or practices of a Member State referred to in the first subparagraph of paragraph 1 those which:

- (a) prescribe a special recruitment procedure for foreign nationals;
- (b) limit or restrict the advertising of vacancies in the press or through any other medium or subject it to conditions other than those applicable in respect of employers pursuing their activities in the territory of that Member State;
- (c) subject eligibility for employment to conditions of registration with employment offices or impede recruitment of individual workers, where persons who do not reside in the territory of that State are concerned.

Article 4

1. Provisions laid down by law, regulation or administrative action of the Member States which restrict by number or percentage the employment of foreign nationals in any undertaking, branch of activity or region, or at a national level, shall not apply to nationals of the other Member States.

2. When in a Member State the granting of any benefit to undertakings is subject to a minimum percentage of national workers being employed, nationals of the other Member States shall be counted as national workers, subject to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽¹⁾.

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

Article 5

A national of a Member State who seeks employment in the territory of another Member State shall receive the same assistance there as that afforded by the employment offices in that State to their own nationals seeking employment.

Article 6

1. The engagement and recruitment of a national of one Member State for a post in another Member State shall not depend on medical, vocational or other criteria which are discriminatory on grounds of nationality by comparison with those applied to nationals of the other Member State who wish to pursue the same activity.

2. A national who holds an offer in his name from an employer in a Member State other than that of which he is a national may have to undergo a vocational test, if the employer expressly requests this when making his offer of employment.

SECTION 2

Employment and equality of treatment*Article 7*

1. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and, should he become unemployed, reinstatement or re-employment.

2. He shall enjoy the same social and tax advantages as national workers.

3. He shall also, by virtue of the same right and under the same conditions as national workers, have access to training in vocational schools and retraining centres.

4. Any clause of a collective or individual agreement or of any other collective regulation concerning eligibility for employment, remuneration and other conditions of work or dismissal shall be null and void in so far as it lays down or authorises discriminatory conditions in respect of workers who are nationals of the other Member States.

Article 8

A worker who is a national of a Member State and who is employed in the territory of another Member State shall enjoy equality of treatment as regards membership of trade unions and the exercise of rights attaching thereto, including the right to vote and to be eligible for the administration or management posts of a trade union. He may be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law. Furthermore, he shall have the right of eligibility for workers' representative bodies in the undertaking.

The first paragraph of this Article shall not affect laws or regulations in certain Member States which grant more extensive rights to workers coming from the other Member States.

Article 9

1. A worker who is a national of a Member State and who is employed in the territory of another Member State shall enjoy all the rights and benefits accorded to national workers in matters of housing, including ownership of the housing he needs.

2. A worker referred to in paragraph 1 may, with the same right as nationals, put his name down on the housing lists in the region in which he is employed, where such lists exist, and shall enjoy the resultant benefits and priorities.

If his family has remained in the country whence he came, they shall be considered for this purpose as residing in the said region, where national workers benefit from a similar presumption.

SECTION 3

Workers' families*Article 10*

The children of a national of a Member State who is or has been employed in the territory of another Member State shall be admitted to that State's general educational, apprenticeship and vocational training courses under the same conditions as the nationals of that State, if such children are residing in its territory.

Member States shall encourage all efforts to enable such children to attend these courses under the best possible conditions.

CHAPTER II

CLEARANCE OF VACANCIES AND APPLICATIONS FOR EMPLOYMENT

SECTION 1

Cooperation between the Member States and with the Commission*Article 11*

1. The Member States or the Commission shall instigate or together undertake any study of employment or unemployment which they consider necessary for freedom of movement for workers within the Union.

The central employment services of the Member States shall cooperate closely with each other and with the Commission with a view to acting jointly as regards the clearing of vacancies and applications for employment within the Union and the resultant placing of workers in employment.

2. To this end the Member States shall designate specialist services which shall be entrusted with organising work in the fields referred to in the second subparagraph of paragraph 1 and cooperating with each other and with the departments of the Commission.

The Member States shall notify the Commission of any change in the designation of such services and the Commission shall publish details thereof for information in the *Official Journal of the European Union*.

Article 12

1. The Member States shall send to the Commission information on problems arising in connection with the freedom of movement and employment of workers and particulars of the state and development of employment.

2. The Commission, taking the utmost account of the opinion of the Technical Committee referred to in Article 29 ('the Technical Committee'), shall determine the manner in which the information referred to in paragraph 1 of this Article is to be drawn up.

3. In accordance with the procedure laid down by the Commission taking the utmost account of the opinion of the Technical Committee, the specialist service of each Member State shall send to the specialist services of the other Member States and to the European Coordination Office referred to in Article 18 such information concerning living and working conditions and the state of the labour market as is likely to be of guidance to workers from the other Member States. Such information shall be brought up to date regularly.

The specialist services of the other Member States shall ensure that wide publicity is given to such information, in particular by circulating it among the appropriate employment services and by all suitable means of communication for informing the workers concerned.

SECTION 2

Machinery for vacancy clearance

Article 13

1. The specialist service of each Member State shall regularly send to the specialist services of the other Member States and to the European Coordination Office referred to in Article 18:

- (a) details of vacancies which could be filled by nationals of other Member States;
- (b) details of vacancies addressed to third countries;
- (c) details of applications for employment by those who have formally expressed a wish to work in another Member State;

- (d) information, by region and by branch of activity, on applicants who have declared themselves actually willing to accept employment in another country.

The specialist service of each Member State shall forward this information to the appropriate employment services and agencies as soon as possible.

2. The details of vacancies and applications referred to in paragraph 1 shall be circulated according to a uniform system to be established by the European Coordination Office referred to in Article 18 in collaboration with the Technical Committee.

This system may be adapted if necessary.

Article 14

1. Any vacancy within the meaning of Article 13 communicated to the employment services of a Member State shall be notified to and processed by the competent employment services of the other Member States concerned.

Such services shall forward to the services of the first Member State the details of suitable applications.

2. The applications for employment referred to in point (c) of the first subparagraph of Article 13(1) shall be responded to by the relevant services of the Member States within a reasonable period, not exceeding 1 month.

3. The employment services shall grant workers who are nationals of the Member States the same priority as the relevant measures grant to nationals vis-à-vis workers from third countries.

Article 15

1. The provisions of Article 14 shall be implemented by the specialist services. However, in so far as they have been authorised by the central services and in so far as the organisation of the employment services of a Member State and the placing techniques employed make it possible:

- (a) the regional employment services of the Member States shall:
 - (i) on the basis of the information referred to in Article 13, on which appropriate action will be taken, directly bring together and clear vacancies and applications for employment;

(ii) establish direct relations for clearance:

- of vacancies offered to a named worker,
- of individual applications for employment sent either to a specific employment service or to an employer pursuing his activity within the area covered by such a service,
- where the clearing operations concern seasonal workers who must be recruited as quickly as possible;

(b) the services territorially responsible for the border regions of two or more Member States shall regularly exchange data relating to vacancies and applications for employment in their area and, acting in accordance with their arrangements with the other employment services of their countries, shall directly bring together and clear vacancies and applications for employment.

If necessary, the services territorially responsible for border regions shall also set up cooperation and service structures to provide:

- users with as much practical information as possible on the various aspects of mobility, and
- management and labour, social services (in particular public, private or those of public interest) and all institutions concerned, with a framework of coordinated measures relating to mobility,

(c) official employment services which specialise in certain occupations or specific categories of persons shall cooperate directly with each other.

2. The Member States concerned shall forward to the Commission the list, drawn up by common accord, of services referred to in paragraph 1 and the Commission shall publish such list for information, and any amendment thereto, in the *Official Journal of the European Union*.

Article 16

Adoption of recruiting procedures as applied by the implementing bodies provided for under agreements concluded between two or more Member States shall not be obligatory.

SECTION 3

Measures for controlling the balance of the labour market

Article 17

1. On the basis of a report from the Commission drawn up from information supplied by the Member States, the latter and

the Commission shall at least once a year analyse jointly the results of Union arrangements regarding vacancies and applications.

2. The Member States shall examine with the Commission all the possibilities of giving priority to nationals of Member States when filling employment vacancies in order to achieve a balance between vacancies and applications for employment within the Union. They shall adopt all measures necessary for this purpose.

3. Every 2 years the Commission shall submit a report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of Chapter II, summarising the information required and the data obtained from the studies and research carried out and highlighting any useful points with regard to developments on the Union's labour market.

SECTION 4

European Coordination Office

Article 18

The European Office for Coordinating the Clearance of Vacancies and Applications for Employment ('the European Coordination Office'), established within the Commission, shall have the general task of promoting vacancy clearance at Union level. It shall be responsible in particular for all the technical duties in this field which, under the provisions of this Regulation, are assigned to the Commission, and especially for assisting the national employment services.

It shall summarise the information referred to in Articles 12 and 13 and the data arising out of the studies and research carried out pursuant to Article 11, so as to bring to light any useful facts about foreseeable developments on the Union labour market; such facts shall be communicated to the specialist services of the Member States and to the Advisory Committee referred to in Article 21 and the Technical Committee.

Article 19

1. The European Coordination Office shall be responsible, in particular, for:

- (a) coordinating the practical measures necessary for vacancy clearance at Union level and for analysing the resulting movements of workers;
- (b) contributing to such objectives by implementing, in cooperation with the Technical Committee, joint methods of action at administrative and technical levels;

- (c) carrying out, where a special need arises, and in agreement with the specialist services, the bringing together of vacancies and applications for employment for clearance by those specialist services.

2. It shall communicate to the specialist services vacancies and applications for employment sent directly to the Commission, and shall be informed of the action taken thereon.

Article 20

The Commission may, in agreement with the competent authority of each Member State, and in accordance with the conditions and procedures which it shall determine on the basis of the opinion of the Technical Committee, organise visits and assignments for officials of other Member States, and also advanced programmes for specialist personnel.

CHAPTER III

COMMITTEES FOR ENSURING CLOSE COOPERATION BETWEEN THE MEMBER STATES IN MATTERS CONCERNING THE FREEDOM OF MOVEMENT OF WORKERS AND THEIR EMPLOYMENT

SECTION 1

The Advisory Committee

Article 21

The Advisory Committee shall be responsible for assisting the Commission in the examination of any questions arising from the application of the Treaty on the Functioning of the European Union and measures taken in pursuance thereof, in matters concerning the freedom of movement of workers and their employment.

Article 22

The Advisory Committee shall be responsible in particular for:

- (a) examining problems concerning freedom of movement and employment within the framework of national manpower policies, with a view to coordinating the employment policies of the Member States at Union level, thus contributing to the development of the economies and to an improved balance of the labour market;
- (b) making a general study of the effects of implementing this Regulation and any supplementary measures;
- (c) submitting to the Commission any reasoned proposals for revising this Regulation;
- (d) delivering, either at the request of the Commission or on its own initiative, reasoned opinions on general questions or

on questions of principle, in particular on exchange of information concerning developments in the labour market, on the movement of workers between Member States, on programmes or measures to develop vocational guidance and vocational training which are likely to increase the possibilities of freedom of movement and employment, and on all forms of assistance to workers and their families, including social assistance and the housing of workers.

Article 23

1. The Advisory Committee shall be composed of six members for each Member State, two of whom shall represent the Government, two the trade unions and two the employers' associations.

2. For each of the categories referred to in paragraph 1, one alternate member shall be appointed by each Member State.

3. The term of office of the members and their alternates shall be 2 years. Their appointments shall be renewable.

On expiry of their term of office, the members and their alternates shall remain in office until replaced or until their appointments are renewed.

Article 24

The members of the Advisory Committee and their alternates shall be appointed by the Council, which shall endeavour, when selecting representatives of trade unions and employers' associations, to achieve adequate representation on the Committee of the various economic sectors concerned.

The list of members and their alternates shall be published by the Council for information in the *Official Journal of the European Union*.

Article 25

The Advisory Committee shall be chaired by a member of the Commission or his representative. The Chairman shall not vote. The Committee shall meet at least twice a year. It shall be convened by its Chairman, either on his own initiative, or at the request of at least one third of the members.

Secretarial services shall be provided for the Committee by the Commission.

Article 26

The Chairman may invite individuals or representatives of bodies with wide experience in the field of employment or movement of workers to take part in meetings as observers or as experts. The Chairman may be assisted by expert advisers.

Article 27

1. An opinion delivered by the Advisory Committee shall not be valid unless two thirds of the members are present.

2. Opinions shall state the reasons on which they are based; they shall be delivered by an absolute majority of the votes validly cast; they shall be accompanied by a written statement of the views expressed by the minority, when the latter so requests.

Article 28

The Advisory Committee shall establish its working methods by rules of procedure which shall enter into force after the Council, having received an opinion from the Commission, has given its approval. The entry into force of any amendment that the Committee decides to make thereto shall be subject to the same procedure.

*SECTION 2****The Technical Committee****Article 29*

The Technical Committee shall be responsible for assisting the Commission in the preparation, promotion and follow-up of all technical work and measures for giving effect to this Regulation and any supplementary measures.

Article 30

The Technical Committee shall be responsible in particular for:

- (a) promoting and advancing cooperation between the public authorities concerned in the Member States on all technical questions relating to freedom of movement of workers and their employment;
- (b) formulating procedures for the organisation of the joint activities of the public authorities concerned;
- (c) facilitating the gathering of information likely to be of use to the Commission and the undertaking of the studies and research provided for in this Regulation, and encouraging exchange of information and experience between the administrative bodies concerned;
- (d) investigating at a technical level the harmonisation of the criteria by which Member States assess the state of their labour markets.

Article 31

1. The Technical Committee shall be composed of representatives of the Governments of the Member States. Each Government shall appoint as member of the Technical Committee one of the members who represent it on the Advisory Committee.

2. Each Government shall appoint an alternate from among its other representatives — members or alternates — on the Advisory Committee.

Article 32

The Technical Committee shall be chaired by a member of the Commission or his representative. The Chairman shall not vote. The Chairman and the members of the Committee may be assisted by expert advisers.

Secretarial services shall be provided for the Committee by the Commission.

Article 33

The proposals and opinions formulated by the Technical Committee shall be submitted to the Commission, and the Advisory Committee shall be informed thereof. Any such proposals and opinions shall be accompanied by a written statement of the views expressed by the various members of the Technical Committee, when the latter so request.

Article 34

The Technical Committee shall establish its working methods by rules of procedure which shall enter into force after the Council, having received an opinion from the Commission, has given its approval. The entry into force of any amendment which the Committee decides to make thereto shall be subject to the same procedure.

*CHAPTER IV****FINAL PROVISIONS****Article 35*

The rules of procedure of the Advisory Committee and of the Technical Committee in force on 8 November 1968 shall continue to apply.

Article 36

1. This Regulation shall not affect the provisions of the Treaty establishing the European Atomic Energy Community which deal with eligibility for skilled employment in the field of nuclear energy, nor any measures taken in pursuance of that Treaty.

Nevertheless, this Regulation shall apply to the category of workers referred to in the first subparagraph and to members of their families in so far as their legal position is not governed by the above-mentioned Treaty or measures.

2. This Regulation shall not affect measures taken in accordance with Article 48 of the Treaty on the Functioning of the European Union.

3. This Regulation shall not affect the obligations of Member States arising out of special relations or future agreements with certain non-European countries or territories, based on institutional ties existing on 8 November 1968, or agreements in existence on 8 November 1968 with certain non-European countries or territories, based on institutional ties between them.

Workers from such countries or territories who, in accordance with this provision, are pursuing activities as employed persons in the territory of one of those Member States may not invoke the benefit of the provisions of this Regulation in the territory of the other Member States.

Article 37

Member States shall, for information purposes, communicate to the Commission the texts of agreements, conventions or arrangements concluded between them in the manpower field between the date of their being signed and that of their entry into force.

Article 38

The Commission shall adopt measures pursuant to this Regulation for its implementation. To this end it shall act in close cooperation with the central public authorities of the Member States.

Article 39

The administrative expenditure of the Advisory Committee and of the Technical Committee shall be included in the general budget of the European Union in the section relating to the Commission.

Article 40

This Regulation shall apply to the Member States and to their nationals, without prejudice to Articles 2 and 3.

Article 41

Regulation (EEC) No 1612/68 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 42

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 5 April 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
GYŐRI E.

ANNEX I

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Council Regulation (EEC) No 1612/68
(OJ L 257, 19.10.1968, p. 2)

Council Regulation (EEC) No 312/76
(OJ L 39, 14.2.1976, p. 2)

Council Regulation (EEC) No 2434/92
(OJ L 245, 26.8.1992, p. 1)

Directive 2004/38/EC of the European Parliament and of the Council
(OJ L 158, 30.4.2004, p. 77)

Only Article 38(1)

ANNEX II

Correlation Table

Regulation (EEC) No 1612/68	This Regulation
Part I	Chapter I
Title I	Section 1
Article 1	Article 1
Article 2	Article 2
Article 3(1), first subparagraph	Article 3(1), first subparagraph
Article 3(1), first subparagraph, first indent	Article 3(1), first subparagraph, point (a)
Article 3(1), first subparagraph, second indent	Article 3(1), first subparagraph, point (b)
Article 3(1), second subparagraph	Article 3(1), second subparagraph
Article 3(2)	Article 3(2)
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Title II	Section 2
Article 7	Article 7
Article 8(1)	Article 8
Article 9	Article 9
Title III	Section 3
Article 12	Article 10
Part II	Chapter II
Title I	Section 1
Article 13	Article 11
Article 14	Article 12
Title II	Section 2
Article 15	Article 13
Article 16	Article 14
Article 17	Article 15
Article 18	Article 16
Title III	Section 3

Regulation (EEC) No 1612/68	This Regulation
Article 19	Article 17
Title IV	Section 4
Article 21	Article 18
Article 22	Article 19
Article 23	Article 20
Part III	Chapter III
Title I	Section 1
Article 24	Article 21
Article 25	Article 22
Article 26	Article 23
Article 27	Article 24
Article 28	Article 25
Article 29	Article 26
Article 30	Article 27
Article 31	Article 28
Title II	Section 2
Article 32	Article 29
Article 33	Article 30
Article 34	Article 31
Article 35	Article 32
Article 36	Article 33
Article 37	Article 34
Part IV	Chapter IV
Title I	—
Article 38	—
Article 39	Article 35
Article 40	—
Article 41	—
Title II	—
Article 42(1)	Article 36(1)

Regulation (EEC) No 1612/68	This Regulation
Article 42(2)	Article 36(2)
Article 42(3), first subparagraph, first and second indents	Article 36(3), first subparagraph
Article 42(3), second subparagraph	Article 36(3), second subparagraph
Article 43	Article 37
Article 44	Article 38
Article 45	—
Article 46	Article 39
Article 47	Article 40
—	Article 41
Article 48	Article 42
—	Annex I
—	Annex II

REGULATION (EU) No 493/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 5 April 2011****amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(c) and Article 74 thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 377/2004 ⁽²⁾ lays down the obligation to establish forms of cooperation among immigration liaison officers of Member States, the objectives of such cooperation, the functions and appropriate qualifications of such liaison officers, as well as their responsibilities vis-à-vis the host country and the posting Member State.
- (2) Council Decision 2005/267/EC ⁽³⁾ established a secure web-based Information and Coordination Network for Member States' Migration Management Services for the exchange of information on irregular migration, illegal entry and immigration and the return of illegal residents. Under that Decision the elements for information exchange are to include the network of immigration liaison officers.
- (3) Council Regulation (EC) No 2007/2004 ⁽⁴⁾ established a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Frontex is tasked with preparing general and tailored risk analyses to be submitted to the Council and the Commission.
- (4) Immigration liaison officers are to collect information concerning illegal immigration for use either at operational level or at strategic level, or both. Such information could substantially contribute to the activities of Frontex relating to risk analysis, and closer cooperation between different immigration liaison officers networks and Frontex should be established to that effect.
- (5) All Member States should be able to initiate meetings, when considered appropriate, between the immigration liaison officers posted in a particular third country or region in order to enhance cooperation between them. Representatives of the Commission and Frontex should participate in those meetings. It should be possible to invite other bodies and authorities, such as the European Asylum Support Office and the Office of the United Nations High Commissioner for Refugees.
- (6) Decision No 574/2007/EC of the European Parliament and of the Council ⁽⁵⁾ establishes for the period from 1 January 2007 to 31 December 2013 the External Borders Fund as part of the General programme 'Solidarity and Management of Migration Flows', in order to contribute to strengthening the area of freedom, security and justice and applying the principle of solidarity between the Member States. It should be possible to use the available resources of the External Borders Fund to enhance the activities organised by the consular and other services of Member States in third countries and to support the reinforcement of the operational capacity of different immigration liaison officers networks, thereby promoting a more effective cooperation via those networks, between the Member States.
- (7) The European Parliament, the Council and the Commission should be informed regularly about the activities of immigration liaison officers networks in specific countries and/or regions of particular interest to the Union and about the situation in those countries and/or regions in matters relating to illegal immigration. The selection of the specific countries and/or regions of particular interest to the Union should be based on objective migratory indicators, such as statistics on illegal immigration, and risk analyses and other relevant information or reports prepared by Frontex and the European Asylum Support Office, and should take into consideration the overall Union external relations policy.

⁽¹⁾ Position of the European Parliament of 14 December 2010 (not yet published in the Official Journal) and decision of the Council of 14 March 2011.

⁽²⁾ OJ L 64, 2.3.2004, p. 1.

⁽³⁾ OJ L 83, 1.4.2005, p. 48.

⁽⁴⁾ OJ L 349, 25.11.2004, p. 1.

⁽⁵⁾ OJ L 144, 6.6.2007, p. 22.

- (8) Regulation (EC) No 377/2004 should therefore be amended accordingly.
- (9) Since the objective of this Regulation, namely adapting the current Union provisions on the creation and functioning of immigration liaison officers networks in order to take into account changes in Union law and practical experience gained in that context, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (10) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union and reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in accordance with Article 6 of the Treaty on European Union.
- (11) The United Kingdom is taking part in this Regulation, in accordance with Article 5(1) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾.
- (12) Ireland is taking part in this Regulation, in accordance with Article 5(1) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽²⁾.
- (13) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of 6 months after the Council has decided on this Regulation whether it will implement it in its national law.
- (14) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾ which fall within the area referred to in Article 1, points A and E of Council Decision 1999/437/EC ⁽⁴⁾ on certain arrangements for the application of that Agreement.
- (15) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾ which fall within the area referred to in Article 1, points A and E, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁶⁾.
- (16) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, points A and E, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/261/EC ⁽⁷⁾.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁷⁾ OJ L 83, 26.3.2008, p. 3.

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 377/2004 is amended as follows:

(1) Article 3 is amended as follows:

(a) in paragraph 1, the second sentence is deleted;

(b) the following paragraph is added:

‘3. The information referred to in paragraphs 1 and 2 shall be made available on the secure web-based Information and Coordination Network for Member States’ Migration Management Services established by Council Decision 2005/267/EC (*) (ICONet) under the section dedicated to immigration liaison officers networks. The Commission shall also provide that information to the Council.

(*) OJ L 83, 1.4.2005, p. 48.’;

(2) Article 4 is amended as follows:

(a) in paragraph 1, the second indent is replaced by the following:

— exchange information and practical experience, in particular at meetings and via ICONet,

— exchange information, where appropriate, on experience regarding asylum seekers’ access to protection.’;

(b) paragraph 2 is replaced by the following:

‘2. Representatives of the Commission and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) established by Council Regulation (EC) No 2007/2004 (*) may participate in the meetings organised within the framework of the immigration liaison officers network, although, if operational considerations so require, meetings may be held in the absence of those representatives. Other bodies and authorities may also be invited, as appropriate.

(*) OJ L 349, 25.11.2004, p. 1.’;

(c) paragraph 3 is replaced by the following:

‘3. The Member State holding the Presidency of the Council of the European Union shall take the initiative to hold such meetings. If the Member State holding the Presidency is not represented in the country or region concerned, it is up to the Member State serving as acting Presidency to take the initiative to hold the meeting. Such meetings may also be held at the initiative of other Member States.’;

(3) Article 6 is replaced by the following:

‘Article 6

1. The Member State holding the Presidency of the Council of the European Union or, where that Member State is not represented in the country or region concerned, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to the European Parliament, the Council and the Commission on the activities of immigration liaison officers networks in specific countries and/or regions of particular interest to the Union, as well as on the situation in those countries and/or regions, in matters relating to illegal immigration, taking into consideration all the relevant aspects, including human rights. The selection, following a consultation with the Member States and the Commission, of the specific countries and/or regions of particular interest to the Union shall be based on objective migratory indicators, such as statistics on illegal immigration, and risk analyses and other relevant information or reports prepared by Frontex and the European Asylum Support Office, and shall take into consideration the overall Union external relations policy.

2. The Member State’s reports referred to in paragraph 1 shall be drawn up in accordance with the model established by Commission Decision 2005/687/EC of 29 September 2005 on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (*) and shall indicate the relevant selection criteria.

3. The Commission shall, on the basis of the Member State’s reports referred to in paragraph 1, taking into consideration human rights aspects where relevant, provide a factual summary and, where appropriate, recommendations to the European Parliament and to the Council, on an annual basis, on the development of immigration liaison officers networks.

(*) OJ L 264, 8.10.2005, p. 8.’.

Article 2

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Strasbourg, 5 April 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

GYŐRI E.

II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION

of 31 March 2011

on the security rules for protecting EU classified information

(2011/292/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Having regard to Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

- (1) In order to develop Council activities in all areas which require handling classified information, it is appropriate to establish a comprehensive security system for protecting classified information covering the Council, its General Secretariat and the Member States.
- (2) This Decision should apply where the Council, its preparatory bodies and the General Secretariat of the Council (GSC) handle EU classified information (EUCI).
- (3) In accordance with national laws and regulations and to the extent required for the functioning of the Council, the Member States should respect this Decision where their competent authorities, personnel or contractors handle EUCI, in order that each may be assured that an equivalent level of protection is afforded to EUCI.
- (4) The Council and the Commission are committed to applying equivalent security standards for protecting EUCI.
- (5) The Council underlines the importance of associating, where appropriate, the European Parliament and other

EU institutions, agencies, bodies or offices with the principles, standards and rules for protecting classified information which are necessary in order to protect the interests of the Union and its Member States.

- (6) EU agencies and bodies established under Title V, Chapter 2, of the Treaty on European Union, Europol and Eurojust apply, in the context of their internal organisation, the basic principles and minimum standards laid down in this Decision for protecting EUCI, as provided for in their respective founding acts.
- (7) Crisis management operations established under Title V, Chapter 2, of the TEU and their personnel apply the security rules adopted by the Council for protecting EUCI.
- (8) EU Special Representatives and the members of their teams apply the security rules adopted by the Council for protecting EUCI.
- (9) This Decision is taken without prejudice to Articles 15 and 16 of the Treaty on the Functioning of the European Union (TFEU) and to instruments implementing them.
- (10) This Decision is taken without prejudice to existing practices in Member States with regard to informing their national Parliaments about the activities of the Union,

HAS ADOPTED THIS DECISION:

*Article 1***Purpose, scope and definitions**

1. This Decision lays down the basic principles and minimum standards of security for protecting EUCI.

⁽¹⁾ OJ L 325, 11.12.2009, p. 35.

2. These basic principles and minimum standards shall apply to the Council and the GSC and be respected by the Member States in accordance with their respective national laws and regulations, in order that each may be assured that an equivalent level of protection is afforded to EUCI.

3. For the purposes of this Decision, the definitions set out in Appendix A shall apply.

Article 2

Definition of EUCI, security classifications and markings

1. 'EU classified information' (EUCI) means any information or material designated by an EU security classification, the unauthorised disclosure of which could cause varying degrees of prejudice to the interests of the European Union or of one or more of the Member States.

2. EUCI shall be classified at one of the following levels:

- (a) TRÈS SECRET UE/EU TOP SECRET: information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the European Union or of one or more of the Member States;
- (b) SECRET UE/EU SECRET: information and material the unauthorised disclosure of which could seriously harm the essential interests of the European Union or of one or more of the Member States;
- (c) CONFIDENTIEL UE/EU CONFIDENTIAL: information and material the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of the Member States;
- (d) RESTREINT UE/EU RESTRICTED: information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of the Member States.

3. EUCI shall bear a security classification marking in accordance with paragraph 2. It may bear additional markings to designate the field of activity to which it relates, identify the originator, limit distribution, restrict use or indicate releasability.

Article 3

Classification management

1. The competent authorities shall ensure that EUCI is appropriately classified, clearly identified as classified information and retains its classification level for only as long as necessary.

2. EUCI shall not be downgraded or declassified nor shall any of the markings referred to in Article 2(3) be modified or removed without the prior written consent of the originator.

3. The Council shall approve a security policy on creating EUCI which shall include a practical classification guide.

Article 4

Protection of classified information

- 1. EUCI shall be protected in accordance with this Decision.
- 2. The holder of any item of EUCI shall be responsible for protecting it in accordance with this Decision.
- 3. Where Member States introduce classified information bearing a national security classification marking into the structures or networks of the European Union, the Council and the GSC shall protect that information in accordance with the requirements applicable to EUCI at the equivalent level as set out in the table of equivalence of security classifications contained in Appendix B.
- 4. Large quantities or a compilation of EUCI may warrant a level of protection corresponding to a higher classification.

Article 5

Security risk management

- 1. Risk to EUCI shall be managed as a process. This process shall be aimed at determining known security risks, defining security measures to reduce such risks to an acceptable level in accordance with the basic principles and minimum standards set out in this Decision and at applying these measures in line with the concept of defence in depth as defined in Appendix A. The effectiveness of such measures shall be continuously evaluated.
- 2. Security measures for protecting EUCI throughout its life-cycle shall be commensurate in particular with its security classification, the form and the volume of the information or material, the location and construction of facilities housing EUCI and the locally assessed threat of malicious and/or criminal activities, including espionage, sabotage and terrorism.
- 3. Contingency plans shall take account of the need to protect EUCI during emergency situations in order to prevent unauthorised access, disclosure or loss of integrity or availability.
- 4. Preventive and recovery measures to minimise the impact of major failures or incidents on the handling and storage of EUCI shall be included in business continuity plans.

*Article 6***Implementation of this Decision**

1. Where necessary, the Council, on recommendation by the Security Committee, shall approve security policies setting out measures for implementing this Decision.
2. The Security Committee may agree at its level security guidelines to supplement or support this Decision and any security policies approved by the Council.

*Article 7***Personnel security**

1. Personnel security is the application of measures to ensure that access to EUCI is granted only to individuals who have:

- a need-to-know,
- been security cleared to the relevant level, where appropriate, and
- been briefed on their responsibilities.

2. Personnel security clearance procedures shall be designed to determine whether an individual, taking into account his loyalty, trustworthiness and reliability, may be authorised to access EUCI.

3. All individuals in the GSC whose duties may require them to have access to EUCI classified CONFIDENTIEL UE/EU CONFIDENTIAL or above shall be security cleared to the relevant level before being granted access to such EUCI. The personnel security clearance procedure for GSC officials and other servants is set out in Annex I.

4. Member States' personnel referred to in Article 14(3) whose duties may require access to EUCI classified CONFIDENTIEL UE/EU CONFIDENTIAL or above shall be security cleared to the relevant level or otherwise duly authorised by virtue of their functions, in accordance with national laws and regulations, before being granted access to such EUCI.

5. Before being granted access to EUCI and at regular intervals thereafter, all individuals shall be briefed on and acknowledge their responsibilities to protect EUCI in accordance with this Decision.

6. Provisions for implementing this Article are set out in Annex I.

*Article 8***Physical security**

1. Physical security is the application of physical and technical protective measures to prevent unauthorised access to EUCI.

2. Physical security measures shall be designed to deny surreptitious or forced entry by an intruder, to deter, impede and detect unauthorised actions and to allow for segregation of personnel in their access to EUCI on a need-to-know basis. Such measures shall be determined based on a risk management process.

3. Physical security measures shall be put in place for all premises, buildings, offices, rooms and other areas in which EUCI is handled or stored, including areas housing communication and information systems as defined in Article 10(2).

4. Areas in which EUCI classified CONFIDENTIEL UE/EU CONFIDENTIAL or above is stored shall be established as Secured Areas in accordance with Annex II and approved by the competent security authority.

5. Only approved equipment or devices shall be used for protecting EUCI at the level CONFIDENTIEL UE/EU CONFIDENTIAL or above.

6. Provisions for implementing this Article are set out in Annex II.

*Article 9***Management of classified information**

1. The management of classified information is the application of administrative measures for controlling EUCI throughout its life-cycle to supplement the measures provided for in Articles 7, 8 and 10 and thereby help deter, detect and recover from deliberate or accidental compromise or loss of such information. Such measures relate in particular to the creation, registration, copying, translation, carriage and destruction of EUCI.

2. Information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above shall be registered for security purposes prior to distribution and on receipt. The competent authorities in the GSC and in the Member States shall establish a registry system for this purpose. Information classified TRÈS SECRET UE/EU TOP SECRET shall be registered in designated registries.

3. Services and premises where EUCI is handled or stored shall be subject to regular inspection by the competent security authority.

4. EUCI shall be conveyed between services and premises outside physically protected areas as follows:

- (a) as a general rule, EUCI shall be transmitted by electronic means protected by cryptographic products approved in accordance with Article 10(6);
- (b) when the means referred to in point (a) are not used, EUCI shall be carried either:
 - (i) on electronic media (e.g. USB sticks, CDs, hard drives) protected by cryptographic products approved in accordance with Article 10(6); or
 - (ii) in all other cases, as prescribed by the competent security authority in accordance with the relevant protective measures laid down in Annex III.

5. Provisions for implementing this Article are set out in Annex III.

Article 10

Protection of EUCI handled in communication and information systems

1. Information Assurance (IA) in the field of communication and information systems is the confidence that such systems will protect the information they handle and will function as they need to, when they need to, under the control of legitimate users. Effective IA shall ensure appropriate levels of confidentiality, integrity, availability, non-repudiation and authenticity. IA shall be based on a risk management process.

2. 'Communication and Information System' means any system enabling the handling of information in electronic form. A communication and information system shall comprise the entire assets required for it to operate, including the infrastructure, organisation, personnel and information resources. This Decision shall apply to Communication and Information Systems handling EUCI (CIS).

3. CIS shall handle EUCI in accordance with the concept of IA.

4. All CIS shall undergo an accreditation process. Accreditation shall aim at obtaining assurance that all appropriate security measures have been implemented and that a sufficient level of protection of the EUCI and of the CIS has been achieved in accordance with this Decision. The accreditation statement shall determine the maximum classification level of the information that may be handled in a CIS as well as the corresponding terms and conditions.

5. CIS handling information classified CONFIDENTIEL UE/EU CONFIDENTIAL and above shall be protected in such a way that the information cannot be compromised by unintentional electromagnetic emanations (TEMPEST security measures).

6. Where the protection of EUCI is provided by cryptographic products, such products shall be approved as follows:

- (a) the confidentiality of information classified SECRET UE/EU SECRET and above shall be protected by cryptographic products approved by the Council as Crypto Approval Authority (CAA), upon recommendation by the Security Committee;
- (b) the confidentiality of information classified CONFIDENTIEL UE/EU CONFIDENTIAL or RESTREINT UE/EU RESTRICTED shall be protected by cryptographic products approved by the Secretary-General of the Council (hereinafter referred to as 'the Secretary-General') as CAA, upon recommendation by the Security Committee.

Notwithstanding point (b), within Member States' national systems, the confidentiality of EUCI classified CONFIDENTIEL UE/EU CONFIDENTIAL or RESTREINT UE/EU RESTRICTED may be protected by cryptographic products approved by a Member State's CAA.

7. During transmission of EUCI by electronic means, approved cryptographic products shall be used. Notwithstanding this requirement, specific procedures may be applied under emergency circumstances or specific technical configurations as specified in Annex IV.

8. The competent authorities of the GSC and of the Member States respectively shall establish the following IA functions:

- (a) an IA Authority (IAA);
- (b) a TEMPEST Authority (TA);
- (c) a Crypto Approval Authority (CAA);
- (d) a Crypto Distribution Authority (CDA).

9. For each system, the competent authorities of the GSC and of the Member States respectively shall establish:

- (a) a Security Accreditation Authority (SAA);
- (b) an IA Operational Authority.

10. Provisions for implementing this Article are set out in Annex IV.

*Article 11***Industrial security**

1. Industrial security is the application of measures to ensure the protection of EUCI by contractors or subcontractors in pre-contract negotiations and throughout the life-cycle of classified contracts. Such contracts shall not involve access to information classified TRÈS SECRET UE/EU TOP SECRET.

2. The GSC may entrust by contract tasks involving or entailing access to or the handling or storage of EUCI by industrial or other entities registered in a Member State or in a third State which has concluded an agreement or an administrative arrangement in accordance with Article 12(2)(a) or (b).

3. The GSC, as contracting authority, shall ensure that the minimum standards on industrial security set out in this Decision, and referred to in the contract, are complied with when awarding classified contracts to industrial or other entities.

4. The National Security Authority (NSA), the Designated Security Authority (DSA) or any other competent authority of each Member State shall ensure, to the extent possible under national laws and regulations, that contractors and subcontractors registered in their territory take all appropriate measures to protect EUCI in pre-contract negotiations and when performing a classified contract.

5. The NSA, DSA or any other competent security authority of each Member State shall ensure, in accordance with national laws and regulations, that contractors or subcontractors registered in the said Member State participating in classified contracts or sub-contracts which require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET within their facilities, either in the performance of such contracts or during the pre-contractual stage, hold a Facility Security Clearance (FSC) at the relevant classification level.

6. Contractor or subcontractor personnel who, for the performance of a classified contract, require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET shall be granted a Personnel Security Clearance (PSC) by the respective NSA, DSA or any other competent security authority in accordance with national laws and regulations and the minimum standards laid down in Annex I.

7. Provisions for implementing this Article are set out in Annex V.

*Article 12***Exchange of classified information with third States and international organisations**

1. Where the Council determines that there is a need to exchange EUCI with a third State or international organisation, an appropriate framework shall be put in place to that effect.

2. In order to establish such a framework and define reciprocal rules on the protection of classified information exchanged:

(a) the Council shall conclude agreements on security procedures for exchanging and protecting classified information (hereinafter referred to as 'security of information agreements'); or

(b) the Secretary-General may enter into administrative arrangements in accordance with paragraph 17 of Annex VI where the classification level of EUCI to be released is as a general rule no higher than RESTREINT UE/EU RESTRICTED.

3. Security of information agreements or administrative arrangements referred to in paragraph 2 shall contain provisions to ensure that when third States or international organisations receive EUCI, such information is given protection appropriate to its classification level and according to minimum standards which are no less stringent than those laid down in this Decision.

4. The decision to release EUCI originating in the Council to a third State or international organisation shall be taken by the Council on a case-by-case basis, according to the nature and content of such information, the recipient's need-to-know and the measure of advantage to the EU. If the originator of the classified information for which release is desired is not the Council, the GSC shall first seek the originator's written consent to release. If the originator cannot be established, the Council shall assume the former's responsibility.

5. Assessment visits shall be arranged to ascertain the effectiveness of the security measures in place in a third State or international organisation for protecting EUCI provided or exchanged.

6. Provisions for implementing this Article are set out in Annex VI.

*Article 13***Breaches of security and compromise of EUCI**

1. A breach of security occurs as the result of an act or omission by an individual which is contrary to the security rules laid down in this Decision.

2. Compromise of EUCI occurs when, as a result of a breach of security, it has wholly or in part been disclosed to unauthorised persons.

3. Any breach or suspected breach of security shall be reported immediately to the competent security authority.

4. Where it is known or where there are reasonable grounds to assume that EUCI has been compromised or lost, the competent security authority shall take all appropriate measures in accordance with the relevant laws and regulations to:

- (a) inform the originator;
- (b) ensure that the case is investigated by personnel not immediately concerned with the breach in order to establish the facts;
- (c) assess the potential damage caused to the interests of the EU or of the Member States;
- (d) take appropriate measures to prevent a recurrence; and
- (e) notify the appropriate authorities of the action taken.

5. Any individual who is responsible for a breach of the security rules laid down in this Decision may be liable to disciplinary action in accordance with the applicable rules and regulations. Any individual who is responsible for compromising or losing EUCI shall be liable to disciplinary and/or legal action in accordance with the applicable laws, rules and regulations.

Article 14

Responsibility for implementation

1. The Council shall take all necessary measures to ensure overall consistency in the application of this Decision.

2. The Secretary-General shall take all necessary measures to ensure that, when handling or storing EUCI or any other classified information, this Decision is applied in premises used by the Council and within the GSC, including in its liaison offices in third States, by GSC officials and other servants, by personnel seconded to the GSC and by GSC contractors.

3. Member States shall take all appropriate measures, in accordance with their respective national laws and regulations, to ensure that when EUCI is handled or stored, this Decision is respected by:

- (a) personnel of Member States' Permanent Representations to the European Union, and national delegates attending meetings of the Council or of its preparatory bodies, or participating in other Council activities;

- (b) other personnel in Member States' national administrations, including personnel seconded to those administrations, whether they serve on the territory of the Member States or abroad;

- (c) other persons in the Member States duly authorised by virtue of their functions to have access to EUCI; and

- (d) Member States' contractors, whether on the territory of the Member States or abroad.

Article 15

The organisation of security in the Council

1. As part of its role in ensuring overall consistency in the application of this Decision, the Council shall approve:

- (a) agreements referred to in Article 12(2)(a);
- (b) decisions authorising the release of EUCI to third States and international organisations;
- (c) an annual inspection programme proposed by the Secretary-General and recommended by the Security Committee for inspections of Member States' services and premises and of EU agencies and bodies established under Title V, Chapter 2 of the TEU as well as of Europol and Eurojust, and assessment visits to third States and international organisations in order to ascertain the effectiveness of measures implemented for protecting EUCI; and
- (d) security policies as foreseen in Article 6(1).

2. The Secretary-General shall be the GSC's Security Authority. In that capacity, the Secretary-General shall:

- (a) implement the Council's security policy and keep it under review;
- (b) coordinate with Member States' NSAs on all security matters relating to the protection of classified information relevant for the Council's activities;
- (c) grant EU PSCs to GSC officials and other servants in accordance with Article 7(3) before they may be granted access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above;
- (d) as appropriate, order investigations into any actual or suspected compromise or loss of classified information held by or originating in the Council and request the relevant security authorities to assist in such investigations;

- (e) undertake periodic inspections of the security arrangements for protecting classified information on GSC premises;
- (f) undertake periodic inspections of the security arrangements for protecting EUCI in EU agencies and bodies established under Title V, Chapter 2, of the TEU, Europol, Eurojust, as well as in crisis management operations established under Title V, Chapter 2, of the TEU and by EU Special Representatives (EUSR) and the members of their teams;
- (g) undertake, jointly and in agreement with the NSA concerned, periodic inspections of the security arrangements for protecting EUCI in Member States' services and premises;
- (h) coordinate security measures with the competent authorities of the Member States which are responsible for protecting classified information and, as appropriate, third States or international organisations, including on the nature of threats to the security of EUCI and the means of protection against them;
- (i) enter into the administrative arrangements referred to in Article 12(2)(b); and
- (j) undertake initial and periodic assessment visits to third States or international organisations in order to ascertain the effectiveness of measures implemented for protecting EUCI provided to or exchanged with them.

The Security Office of the GSC shall be at the disposal of the Secretary-General to assist in these responsibilities.

3. For the purposes of implementing Article 14(3), Member States should:

- (a) designate an NSA responsible for security arrangements for protecting EUCI in order that:
 - (i) EUCI held by any national department, body or agency, public or private, at home or abroad, is protected in accordance with this Decision;
 - (ii) security arrangements for protecting EUCI are periodically inspected;
 - (iii) all individuals employed within a national administration or by a contractor who may be granted access to information classified CONFIDENTIAL UE/EU

CONFIDENTIAL or above are appropriately security cleared or are otherwise duly authorised by virtue of their functions in accordance with national laws and regulations;

- (iv) security programmes are set up as necessary in order to minimise the risk of EUCI being compromised or lost;
- (v) security matters related to protecting EUCI are coordinated with other competent national authorities, including those referred to in this Decision; and
- (vi) responses are given to appropriate security clearance requests from EU agencies and bodies established under Title V, Chapter 2 of the TEU, Europol, Eurojust, as well as crisis management operations established under Title V, Chapter 2, of the TEU and EUSRs and their teams.

NSAs are listed in Appendix C;

- (b) ensure that their competent authorities provide information and advice to their governments, and through them to the Council, on the nature of threats to the security of EUCI and the means of protection against them.

Article 16

Security Committee

1. A Security Committee is hereby established. It shall examine and assess any security matter within the scope of this Decision and make recommendations to the Council as appropriate.

2. The Security Committee shall be composed of representatives of the Member States' NSAs and be attended by a representative of the Commission and of the European External Action Service. It shall be chaired by the Secretary-General or by his designated delegate. It shall meet as instructed by the Council, or at the request of the Secretary-General or of an NSA.

Representatives of EU agencies and bodies established under Title V, Chapter 2, of the TEU, as well as Europol and Eurojust, may be invited to attend when questions concerning them are discussed.

3. The Security Committee shall organise its activities in such a way that it can make recommendations on specific areas of security. It shall establish an expert sub-area for IA issues and other expert sub-areas as necessary. It shall draw up terms of reference for such expert sub-areas and receive reports from them on their activities including, as appropriate, any recommendations for the Council.

*Article 17***Replacement of previous decision**

1. This Decision shall repeal and replace Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾.

2. All EUCI classified in accordance with Decision 2001/264/EC shall continue to be protected in accordance with the relevant provisions of this Decision.

*Article 18***Entry into force**

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 31 March 2011.

For the Council
The President
VÖLNER P.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*ANNEXES**ANNEX I*

Personnel security

ANNEX II

Physical security

ANNEX III

Management of classified information

ANNEX IV

Protection of EUCI handled in CIS

ANNEX V

Industrial security

ANNEX VI

Exchange of classified information with third States and international organisations

ANNEX I

PERSONNEL SECURITY**I. INTRODUCTION**

1. This Annex sets out provisions for implementing Article 7. It lays down in particular the criteria for determining whether an individual, taking into account his loyalty, trustworthiness and reliability, may be authorised to have access to EUCI and the investigative and administrative procedures to be followed to that effect.
2. Throughout this Annex, except where the distinction is relevant, the term 'Personnel Security Clearance' shall refer to a national Personnel Security Clearance (national PSC) and/or an EU Personnel Security Clearance (EU PSC) as defined in Appendix A.

II. AUTHORISING ACCESS TO EUCI

3. An individual shall only be authorised to access information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above after:
 - (a) his need-to-know has been determined;
 - (b) he has been granted a PSC to the relevant level or is otherwise duly authorised by virtue of his functions in accordance with national laws and regulations; and
 - (c) he has been briefed on the security rules and procedures for protecting EUCI and has acknowledged his responsibilities with regard to protecting such information.
4. Each Member State and the GSC shall identify the positions in their structures which require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above and therefore require a PSC to the relevant level.

III. PERSONNEL SECURITY CLEARANCE REQUIREMENTS

5. After having received a duly authorised request, NSAs or other competent national authorities shall be responsible for ensuring that security investigations are carried out on their nationals who require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above. Standards of investigation shall be in accordance with national laws and regulations.
6. Should the individual concerned reside in the territory of another Member State or of a third State, the competent national authorities shall seek assistance from the competent authority of the State of residence in accordance with national laws and regulations. Member States shall assist one another in carrying out security investigations in accordance with national laws and regulations.
7. Where permissible under national laws and regulations, NSAs or other competent national authorities may conduct investigations on non-nationals who require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above. Standards of investigation shall be in accordance with national laws and regulations.

Security investigation criteria

8. The loyalty, trustworthiness and reliability of an individual for the purposes of being granted a PSC for access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above shall be determined by means of a security investigation. The competent national authority shall make an overall assessment based on the findings of such a security investigation. No single adverse finding shall necessarily constitute a reason to deny a PSC. The principal criteria used for that purpose should include, to the extent possible under national laws and regulations, an examination of whether the individual:
 - (a) has committed or attempted to commit, conspired with or aided and abetted another to commit any act of espionage, terrorism, sabotage, treason or sedition;
 - (b) is, or has been, an associate of spies, terrorists, saboteurs, or of individuals reasonably suspected of being such or an associate of representatives of organisations or foreign states, including foreign intelligence services, which may threaten the security of the EU and/or Member States unless these associations were authorised in the course of official duty;

- (c) is, or has been, a member of any organisation which by violent, subversive or other unlawful means seeks, inter alia, to overthrow the government of a Member State, to change the constitutional order of a Member State or to change the form or the policies of its government;
 - (d) is, or has been, a supporter of any organisation described in point (c), or who is, or who has been closely associated with members of such organisations;
 - (e) has deliberately withheld, misrepresented or falsified information of significance, particularly of a security nature, or has deliberately lied in completing a personnel security questionnaire or during the course of a security interview;
 - (f) has been convicted of a criminal offence or offences;
 - (g) has a history of alcohol dependence, use of illegal drugs and/or misuse of legal drugs;
 - (h) is or has been involved in conduct which may give rise to the risk of vulnerability to blackmail or pressure;
 - (i) by act or through speech, has demonstrated dishonesty, disloyalty, unreliability or untrustworthiness;
 - (j) has seriously or repeatedly infringed security regulations; or has attempted, or succeeded in, unauthorised activity in respect of communication and information systems;
 - (k) may be liable to pressure (e.g. through holding one or more non-EU nationalities or through relatives or close associates who could be vulnerable to foreign intelligence services, terrorist groups or other subversive organisations, or individuals whose aims may threaten the security interests of the EU and/or Member States).
9. Where appropriate and in accordance with national laws and regulations, an individual's financial and medical background may also be considered relevant during the security investigation.
10. Where appropriate and in accordance with national laws and regulations, a spouse's, cohabitant's or close family member's character, conduct and circumstances may also be considered relevant during the security investigation.

Investigative requirements for access to EUCI

Initial granting of a PSC

11. The initial PSC for access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET shall be based on a security investigation covering at least the last 5 years, or from age 18 to the present, whichever is the shorter, which shall include the following:
- (a) the completion of a national personnel security questionnaire for the level of EUCI to which the individual may require access; once completed, this questionnaire shall be forwarded to the competent security authority;
 - (b) identity check/citizenship/nationality status — the individual's date and place of birth shall be verified and his identity checked. Citizenship status and/or nationality, past and present, of the individual shall be established; this shall include an assessment of any vulnerability to pressure from foreign sources, for example, due to former residence or past associations; and
 - (c) national and local records check — a check shall be made of national security and central criminal records, where the latter exist, and/or other comparable governmental and police records. The records of law enforcement agencies with legal jurisdiction where the individual has resided or been employed shall be checked.
12. The initial PSC for access to information classified TRÈS SECRET UE/EU TOP SECRET shall be based on a security investigation covering at least the last 10 years, or from age 18 to the present, whichever is the shorter. If interviews are conducted as stated in point (e), investigations shall cover at least the last 7 years, or from age 18 to the present, whichever is the shorter. In addition to the criteria indicated in paragraph 8 above, the following elements shall be investigated, to the extent possible under national laws and regulations, before granting a TRÈS SECRET UE/EU TOP SECRET PSC; they may also be investigated before granting a CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET PSC, where required by national laws and regulations:
- (a) financial status — information shall be sought on the individual's finances in order to assess any vulnerability to foreign or domestic pressure due to serious financial difficulties, or to discover any unexplained affluence;

- (b) education — information shall be sought to verify the individual's educational background at schools, universities and other education establishments attended since his 18th birthday, or during a period judged appropriate by the investigating authority;
 - (c) employment — information covering present and former employment shall be sought, reference being made to sources such as employment records, performance or efficiency reports and to employers or supervisors;
 - (d) military service — where applicable, the service of the individual in the armed forces and type of discharge shall be verified; and
 - (e) interviews — where provided for and admissible under national law, an interview or interviews shall be conducted with the individual. Interviews shall also be conducted with other individuals who are in a position to give an unbiased assessment of the individual's background, activities, loyalty, trustworthiness and reliability. When it is national practice to ask the subject of the investigation for referrals, referees shall be interviewed unless there are good reasons for not doing so.
13. Where necessary and in accordance with national laws and regulations, additional investigations may be conducted to develop all relevant information available on an individual and to substantiate or disprove adverse information.

Renewal of a PSC

14. After the initial granting of a PSC and provided that the individual has had uninterrupted service with a national administration or the GSC and has a continuing need for access to EUCI, the PSC shall be reviewed for renewal at intervals not exceeding 5 years for a TRÈS SECRET UE/EU TOP SECRET clearance and 10 years for SECRET UE/EU SECRET and CONFIDENTIEL UE/EU CONFIDENTIAL clearances, with effect from the date of notification of the outcome of the last security investigation on which they were based. All security investigations for the renewal of a PSC shall cover the period since the previous such investigation.
15. For the renewal of PSCs, the elements outlined in paragraphs 11 and 12 shall be investigated.
16. Requests for renewal shall be made in a timely manner taking account of the time required for security investigations. Nevertheless, where the relevant NSA or other competent national authority has received the relevant request for renewal and the corresponding personnel security questionnaire before a PSC expires, and the necessary security investigation has not been completed, the competent national authority may, where admissible under national laws and regulations, extend the validity of the existing PSC for a period of up to 12 months. If, at the end of this 12-month period, the security investigation has still not been completed, the individual shall be assigned to duties which do not require a PSC.

PSC procedures in the GSC

17. For officials and other servants in the GSC, the GSC Security Authority shall forward the completed personnel security questionnaire to the NSA of the Member State of which the individual is a national requesting that a security investigation be undertaken for the level of EUCI to which the individual will require access.
18. Where information relevant for a security investigation becomes known to the GSC concerning an individual who has applied for an EU PSC, the GSC, acting in accordance with the relevant rules and regulations, shall notify the relevant NSA thereof.
19. Following completion of the security investigation, the relevant NSA shall notify the GSC Security Authority of the outcome of such an investigation, using the standard format for the correspondence prescribed by the Security Committee.
- (a) Where the security investigation results in an assurance that nothing adverse is known which would call into question the loyalty, trustworthiness and reliability of the individual, the GSC Appointing Authority may grant an EU PSC to the individual concerned and authorise access to EUCI up to the relevant level until a specified date.
 - (b) Where the security investigation does not result in such an assurance, the GSC Appointing Authority shall notify the individual concerned, who may ask to be heard by the Appointing Authority. The Appointing Authority may ask the competent NSA for any further clarification it can provide according to its national laws and regulations. If the outcome is confirmed, an EU PSC shall not be granted.

20. The security investigation together with the results obtained shall be subject to the relevant laws and regulations in force in the Member State concerned, including those concerning appeals. Decisions by the GSC Appointing Authority shall be subject to appeals in accordance with the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾ (hereinafter referred to as 'the Staff Regulations and Conditions of employment').
21. The assurance on which an EU PSC is based, provided it remains valid, shall cover any assignment by the individual concerned within the GSC or the Commission.
22. If an individual's period of service does not commence within 12 months of the notification of the outcome of the security investigation to the GSC Appointing Authority, or if there is a break of 12 months in an individual's service, during which time he has not been employed in the GSC or in a position with a national administration of a Member State, this outcome shall be referred to the relevant NSA for confirmation that it remains valid and appropriate.
23. Where information becomes known to the GSC concerning a security risk posed by an individual who holds a valid EU PSC, the GSC, acting in accordance with the relevant rules and regulations, shall notify the relevant NSA thereof. Where an NSA notifies the GSC of withdrawal of an assurance given in accordance with paragraph 19(a) for an individual who holds a valid EU PSC, the GSC Appointing Authority may ask for any clarification the NSA can provide according to its national laws and regulations. If the adverse information is confirmed, the EU PSC shall be withdrawn and the individual shall be excluded from access to EUCI and from positions where such access is possible or where he might endanger security.
24. Any decision to withdraw an EU PSC from a GSC official or other servant and, where appropriate, the reasons for doing so shall be notified to the individual concerned, who may ask to be heard by the Appointing Authority. Information provided by an NSA shall be subject to the relevant laws and regulations in force in the Member State concerned, including those concerning appeals. Decisions by the GSC Appointing Authority shall be subject to appeals in accordance with the Staff Regulations and Conditions of employment.
25. National experts seconded to the GSC for a position requiring an EU PSC shall present a valid national PSC for access to EUCI to the GSC Security Authority prior to taking up their assignment.

Records of PSCs

26. Records of national PSCs and EU PSCs granted for access to EUCI shall be maintained respectively by each Member State and by the GSC. These records shall contain as a minimum the level of EUCI to which the individual may be granted access (CONFIDENTIEL UE/EU CONFIDENTIAL or above), the date the PSC was granted and its period of validity.
27. The competent security authority may issue a Personnel Security Clearance Certificate (PSCC) showing the level of EUCI to which the individual may be granted access (CONFIDENTIEL UE/EU CONFIDENTIAL or above), the date of validity of the relevant national PSC for access to EUCI or EU PSC and the date of expiry of the certificate itself.

Exemptions from the PSC requirement

28. Access to EUCI by individuals in Member States duly authorised by virtue of their functions shall be determined in accordance with national laws and regulations; such individuals shall be briefed on their security obligations in respect of protecting EUCI.

IV. SECURITY EDUCATION AND AWARENESS

29. All individuals who have been granted a PSC shall acknowledge in writing that they have understood their obligations in respect of protecting EUCI and the consequences if EUCI is compromised. A record of such a written acknowledgement shall be kept by the Member State and by the GSC, as appropriate.
30. All individuals who are authorised to have access to, or required to handle EUCI, shall initially be made aware, and periodically briefed on the threats to security and must report immediately to the appropriate security authorities any approach or activity that they consider suspicious or unusual.
31. All individuals who cease to be employed in duties requiring access to EUCI shall be made aware of, and where appropriate acknowledge in writing, their obligations in respect of the continued protection of EUCI.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1

V. EXCEPTIONAL CIRCUMSTANCES

32. Where permissible under national laws and regulations, a personnel security clearance granted by a competent national authority of a Member State for access to national classified information may, for a temporary period pending the granting of a national PSC for access to EUCI, allow access by national officials to EUCI up to the equivalent level specified in the table of equivalence in Appendix B where such temporary access is required in the interests of the EU. NSAs shall inform the Security Committee where national laws and regulations do not permit such temporary access to EUCI.
33. For reasons of urgency, where duly justified in the interests of the service and pending completion of a full security investigation, the GSC Appointing Authority may, after consulting the NSA of the Member State of whom the individual is a national and subject to the outcome of preliminary checks to verify that no adverse information is known, grant a temporary authorisation for GSC officials and other servants to access EUCI for a specific function. Such temporary authorisations shall be valid for a period not exceeding 6 months and shall not permit access to information classified TRÈS SECRET UE/EU TOP SECRET. All individuals who have been granted a temporary authorisation shall acknowledge in writing that they have understood their obligations in respect of protecting EUCI and the consequences if EUCI is compromised. A record of such a written acknowledgement shall be kept by the GSC.
34. When an individual is to be assigned to a position that requires a PSC at one level higher than that currently possessed by the individual, the assignment may be made on a provisional basis, provided that:
- (a) the compelling need for access to EUCI at a higher level shall be justified, in writing, by the individual's superior;
 - (b) access shall be limited to specific items of EUCI in support of the assignment;
 - (c) the individual holds a valid national PSC or EU PSC;
 - (d) action has been initiated to obtain authorisation for the level of access required for the position;
 - (e) satisfactory checks have been made by the competent authority that the individual has not seriously or repeatedly infringed security regulations;
 - (f) the assignment of the individual is approved by the competent authority; and
 - (g) a record of the exception, including a description of the information to which access was approved, shall be kept by the registry or subordinate registry responsible.
35. The above procedure shall be used for one-time access to EUCI at one level higher than that to which the individual has been security cleared. Recourse to this procedure shall not be made on a recurring basis.
36. In very exceptional circumstances, such as missions in hostile environments or during periods of mounting international tension when emergency measures require it, in particular for the purposes of saving lives, Member States and the Secretary-General may grant, where possible in writing, access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET to individuals who do not possess the requisite PSC, provided that such permission is absolutely necessary and there are no reasonable doubts as to the loyalty, trustworthiness and reliability of the individual concerned. A record shall be kept of this permission describing the information to which access was approved.
37. In the case of information classified TRÈS SECRET UE/EU TOP SECRET, this emergency access shall be confined to EU nationals who have been authorised access to either the national equivalent of TRÈS SECRET UE/EU TOP SECRET or information classified SECRET UE/EU SECRET.
38. The Security Committee shall be informed of cases when recourse is made to the procedure set out in paragraphs 36 and 37.
39. Where national laws and regulations of a Member State stipulate more stringent rules with respect to temporary authorisations, provisional assignments, one-time access or emergency access by individuals to classified information, the procedures foreseen in this Section shall be implemented only within any limitations set forth in the relevant national laws and regulations.
40. The Security Committee shall receive an annual report on recourse to the procedures set out in this Section.

VI. ATTENDANCE AT MEETINGS IN THE COUNCIL

41. Subject to paragraph 28, individuals assigned to participate in meetings of the Council or of Council preparatory bodies at which information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above is discussed may only do so upon confirmation of the individual's PSC status. For delegates, a PSCC or other proof of PSC shall be forwarded by the appropriate authorities to the GSC Security Office, or exceptionally be presented by the delegate concerned. Where applicable, a consolidated list of names may be used, giving the relevant proof of PSC.
42. Where a national PSC for access to EUCI is withdrawn for security reasons from an individual whose duties require attendance at meetings of the Council or of Council preparatory bodies, the competent authority shall inform the GSC thereof.

VII. POTENTIAL ACCESS TO EUCI

43. When individuals are to be employed in circumstances in which they may potentially have access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above, they shall be appropriately security cleared or escorted at all times.
 44. Couriers, guards and escorts shall be security cleared to the relevant level or otherwise appropriately investigated in accordance with national laws and regulations, be briefed on security procedures for protecting EUCI and be instructed on their duties for protecting such information entrusted to them.
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ANNEX II

PHYSICAL SECURITY**I. INTRODUCTION**

1. This Annex sets out provisions for implementing Article 8. It lays down minimum requirements for the physical protection of premises, buildings, offices, rooms and other areas where EUCI is handled and stored, including areas housing CIS.
2. Physical security measures shall be designed to prevent unauthorised access to EUCI by:
 - (a) ensuring that EUCI is handled and stored in an appropriate manner;
 - (b) allowing for segregation of personnel in terms of access to EUCI on the basis of their need-to-know and, where appropriate, their security clearance;
 - (c) deterring, impeding and detecting unauthorised actions; and
 - (d) denying or delaying surreptitious or forced entry by intruders.

II. PHYSICAL SECURITY REQUIREMENTS AND MEASURES

3. Physical security measures shall be selected on the basis of a threat assessment made by the competent authorities. The GSC and Member States shall each apply a risk management process for protecting EUCI on their premises to ensure that a commensurate level of physical protection is afforded against the assessed risk. The risk management process shall take account of all relevant factors, in particular:
 - (a) the classification level of EUCI;
 - (b) the form and volume of EUCI, bearing in mind that large quantities or a compilation of EUCI may require more stringent protective measures to be applied;
 - (c) the surrounding environment and structure of the buildings or areas housing EUCI; and
 - (d) the assessed threat from intelligence services which target the EU or Member States and from sabotage, terrorist, subversive or other criminal activities.
4. The competent security authority, applying the concept of defence in depth, shall determine the appropriate combination of physical security measures to be implemented. These can include one or more of the following:
 - (a) a perimeter barrier: a physical barrier which defends the boundary of an area requiring protection;
 - (b) intrusion detection systems (IDS): an IDS may be used to enhance the level of security offered by a perimeter barrier, or in rooms and buildings in place of, or to assist, security staff;
 - (c) access control: access control may be exercised over a site, a building or buildings on a site or to areas or rooms within a building. Control may be exercised by electronic or electro-mechanical means, by security personnel and/or a receptionist, or by any other physical means;
 - (d) security personnel: trained, supervised and, where necessary, appropriately security-cleared security personnel may be employed, inter alia, in order to deter individuals planning covert intrusion;
 - (e) closed circuit television (CCTV): CCTV may be used by security personnel in order to verify incidents and IDS alarms on large sites or at perimeters;
 - (f) security lighting: security lighting may be used to deter a potential intruder, as well as to provide the illumination necessary for effective surveillance directly by security personnel or indirectly through a CCTV system; and
 - (g) any other appropriate physical measures designed to deter or detect unauthorised access or prevent loss of or damage to EUCI.

5. The competent authority can be authorised to conduct entry and exit searches to act as a deterrent to the unauthorised introduction of material or the unauthorised removal of EUCI from premises or buildings.
6. When EUCI is at risk from overlooking, even accidentally, appropriate measures shall be taken to counter this risk.
7. For new facilities, physical security requirements and their functional specifications shall be defined as part of the planning and design of the facilities. For existing facilities, physical security requirements shall be implemented to the maximum extent possible.

III. EQUIPMENT FOR THE PHYSICAL PROTECTION OF EUCI

8. When acquiring equipment (such as security containers, shredding machines, door locks, electronic access control systems, IDS, alarm systems) for the physical protection of EUCI, the competent security authority shall ensure that the equipment meets approved technical standards and minimum requirements.
9. The technical specifications of equipment to be used for the physical protection of EUCI shall be set out in security guidelines to be approved by the Security Committee.
10. Security systems shall be inspected at regular intervals and equipment shall be maintained regularly. Maintenance work shall take account of the outcome of inspections to ensure that equipment continues to operate at optimum performance.
11. The effectiveness of individual security measures and of the overall security system shall be re-evaluated during each inspection.

IV. PHYSICALLY PROTECTED AREAS

12. Two types of physically protected areas, or the national equivalents thereof, shall be established for the physical protection of EUCI:

- (a) Administrative Areas; and
- (b) Secured Areas (including technically Secured Areas).

In this Decision, all references to Administrative Areas and Secured Areas, including technically Secured Areas, shall be understood as also referring to the national equivalents thereof.

13. The competent security authority shall establish that an area meets the requirements to be designated as an Administrative Area, a Secured Area or a technically Secured Area.
14. For Administrative Areas:
 - (a) a visibly defined perimeter shall be established which allows individuals and, where possible, vehicles to be checked;
 - (b) unescorted access shall be granted only to individuals who are duly authorised by the competent authority; and
 - (c) all other individuals shall be escorted at all times or be subject to equivalent controls.
15. For Secured Areas:
 - (a) a visibly defined and protected perimeter shall be established through which all entry and exit are controlled by means of a pass or personal recognition system;
 - (b) unescorted access shall be granted only to individuals who are security-cleared and specifically authorised to enter the area on the basis of their need-to-know;
 - (c) all other individuals shall be escorted at all times or be subject to equivalent controls.

16. Where entry into a Secured Area constitutes, for all practical purposes, direct access to the classified information contained in it, the following additional requirements shall apply:
 - (a) the level of highest security classification of the information normally held in the area shall be clearly indicated;
 - (b) all visitors shall require specific authorisation to enter the area, shall be escorted at all times and shall be appropriately security cleared unless steps are taken to ensure that no access to EUCI is possible.
 17. Secured Areas protected against eavesdropping shall be designated technically Secured Areas. The following additional requirements shall apply:
 - (a) such areas shall be IDS equipped, be locked when not occupied and be guarded when occupied. Any keys shall be controlled in accordance with Section VI;
 - (b) all persons and material entering such areas shall be controlled;
 - (c) such areas shall be regularly physically and/or technically inspected as required by the competent security authority. Such inspections shall also be conducted following any unauthorised entry or suspicion of such entry; and
 - (d) such areas shall be free of unauthorised communication lines, unauthorised telephones or other unauthorised communication devices and electrical or electronic equipment.
 18. Notwithstanding point (d) of paragraph 17, before being used in areas where meetings are held or work is being performed involving information classified SECRET UE/EU SECRET and above, and where the threat to EUCI is assessed as high, any communications devices and electrical or electronic equipment shall first be examined by the competent security authority to ensure that no intelligible information can be inadvertently or illicitly transmitted by such equipment beyond the perimeter of the Secured Area.
 19. Secured Areas which are not occupied by duty personnel on a 24-hour basis shall, where appropriate, be inspected at the end of normal working hours and at random intervals outside normal working hours, unless an IDS is in place.
 20. Secured Areas and technically Secured Areas may be set up temporarily within an Administrative Area for a classified meeting or any other similar purpose.
 21. Security operating procedures shall be drawn up for each Secured Area stipulating:
 - (a) the level of EUCI which may be handled and stored in the area;
 - (b) the surveillance and protective measures to be maintained;
 - (c) the individuals authorised to have unescorted access to the area by virtue of their need-to-know and security clearance;
 - (d) where appropriate, the procedures for escorts or for protecting EUCI when authorising any other individuals to access the area;
 - (e) any other relevant measures and procedures.
 22. Strong rooms shall be constructed within Secured Areas. The walls, floors, ceilings, windows and lockable doors shall be approved by the competent security authority and afford protection equivalent to a security container approved for the storage of EUCI of the same classification level.
- V. PHYSICAL PROTECTIVE MEASURES FOR HANDLING AND STORING EUCI
23. EUCI which is classified RESTREINT UE/EU RESTRICTED may be handled:
 - (a) in a Secured Area;
 - (b) in an Administrative Area provided the EUCI is protected from access by unauthorised individuals; or
 - (c) outside a Secured Area or an Administrative Area provided the holder carries the EUCI in accordance with paragraphs 28 to 40 of Annex III and has undertaken to comply with compensatory measures laid down in security instructions issued by the competent security authority to ensure that EUCI is protected from access by unauthorised persons.

24. EUCI which is classified RESTREINT UE/EU RESTRICTED shall be stored in suitable locked office furniture in an Administrative Area or a Secured Area. It may temporarily be stored outside a Secured Area or an Administrative Area provided the holder has undertaken to comply with compensatory measures laid down in security instructions issued by the competent security authority.
25. EUCI which is classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET may be handled:
- (a) in a Secured Area;
 - (b) in an Administrative Area provided the EUCI is protected from access by unauthorised individuals; or
 - (c) outside a Secured Area or an Administrative Area provided the holder:
 - (i) carries the EUCI in accordance with paragraphs 28 to 40 of Annex III;
 - (ii) has undertaken to comply with compensatory measures laid down in security instructions issued by the competent security authority to ensure that EUCI is protected from access by unauthorised persons;
 - (iii) keeps the EUCI at all times under his personal control; and
 - (iv) in the case of documents in paper form, has notified the relevant registry of the fact.
26. EUCI which is classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET shall be stored in a Secured Area in a security container or strong room.
27. EUCI which is classified TRÈS SECRET UE/EU TOP SECRET shall be handled in a Secured Area.
28. EUCI which is classified TRÈS SECRET UE/EU TOP SECRET shall be stored in a Secured Area under one of the following conditions:
- (a) in a security container in line with paragraph 8 with one or more of the following supplementary controls:
 - (i) continuous protection or verification by cleared security staff or duty personnel;
 - (ii) an approved IDS in combination with response security personnel;
- or
- (b) in an IDS-equipped strong room in combination with response security personnel.
29. Rules governing the carriage of EUCI outside physically protected areas are set out in Annex III.
- VI. CONTROL OF KEYS AND COMBINATIONS USED FOR PROTECTING EUCI
30. The competent security authority shall define procedures for managing keys and combination settings for offices, rooms, strong rooms and security containers. Such procedures shall protect against unauthorised access.
31. Combination settings shall be committed to memory by the smallest possible number of individuals needing to know them. Combination settings for security containers and strong rooms storing EUCI shall be changed:
- (a) whenever there is a change in personnel knowing the combination;
 - (b) whenever a compromise has occurred or is suspected;
 - (c) when a lock has undergone maintenance or repair; and
 - (d) at least every 12 months.
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ANNEX III

MANAGEMENT OF CLASSIFIED INFORMATION**I. INTRODUCTION**

1. This Annex sets out provisions for implementing Article 9. It lays down the administrative measures for controlling EUCI throughout its life-cycle in order to help deter, detect and recover from deliberate or accidental compromise or loss of such information.

II. CLASSIFICATION MANAGEMENT**Classifications and markings**

2. Information shall be classified where it requires protection with regard to its confidentiality.
3. The originator of EUCI shall be responsible for determining the security classification level, in accordance with the relevant classification guidelines, and for the initial dissemination of the information.
4. The classification level of EUCI shall be determined in accordance with Article 2(2) and by reference to the security policy to be approved in accordance with Article 3(3).
5. The security classification shall be clearly and correctly indicated, regardless of whether the EUCI is on paper, oral, electronic or in any other form.
6. Individual parts of a given document (i.e. pages, paragraphs, sections, annexes, appendices, attachments and enclosures) may require different classifications and shall be marked accordingly, including when stored in electronic form.
7. The overall classification level of a document or file shall be at least as high as that of its most highly classified component. When information from various sources is collated, the final product shall be reviewed to determine its overall security classification level, since it may warrant a higher classification than its component parts.
8. To the extent possible, documents containing parts with different classification levels shall be structured so that parts with a different classification level may be easily identified and detached if necessary.
9. The classification of a letter or note covering enclosures shall be as high as the highest classification of its enclosures. The originator shall indicate clearly at which level it is classified when detached from its enclosures by means of an appropriate marking, e.g.:

CONFIDENTIEL UE/EU CONFIDENTIAL

Without attachment(s) RESTREINT UE/EU RESTRICTED

Markings

10. In addition to one of the security classification markings set out in Article 2(2), EUCI may bear additional markings, such as:
 - (a) an identifier to designate the originator;
 - (b) any caveats, code-words or acronyms specifying the field of activity to which the document relates, a particular distribution on a need-to-know basis or restrictions on use;
 - (c) releasability markings;
 - (d) where applicable, the date or specific event after which it may be downgraded or declassified.

Abbreviated classification markings

11. Standardised abbreviated classification markings may be used to indicate the classification level of individual paragraphs of a text. Abbreviations shall not replace the full classification markings.

12. The following standard abbreviations may be used within EU classified documents to indicate the classification level of sections or blocks of text of less than a single page:

TRÈS SECRET UE/EU TOP SECRET	TS-UE/EU-TS
SECRET UE/EU SECRET	S-UE/EU-S
CONFIDENTIEL UE/EU CONFIDENTIAL	C-UE/EU-C
RESTREINT UE/EU RESTRICTED	R-UE/EU-R

Creation of EUCI

13. When creating an EU classified document:

- (a) each page shall be marked clearly with the classification level;
- (b) each page shall be numbered;
- (c) the document shall bear a reference number and a subject, which is not itself classified information, unless it is marked as such;
- (d) the document shall be dated;
- (e) documents classified SECRET UE/EU SECRET or above shall bear a copy number on every page, if they are to be distributed in several copies.

14. Where it is not possible to apply paragraph 13 to EUCI, other appropriate measures shall be taken in accordance with security guidelines to be established pursuant to Article 6(2).

Downgrading and declassification of EUCI

15. At the time of its creation, the originator shall indicate, where possible, and in particular for information classified RESTREINT UE/EU RESTRICTED, whether EUCI can be downgraded or declassified on a given date or following a specific event.
16. The GSC shall regularly review EUCI held by it to ascertain whether the classification level still applies. The GSC shall establish a system to review the classification level of registered EUCI which it has originated no less frequently than every 5 years. Such a review shall not be necessary where the originator has indicated from the outset that the information will automatically be downgraded or declassified and the information has been marked accordingly.

III. REGISTRATION OF EUCI FOR SECURITY PURPOSES

17. For every organisational entity within the GSC and Member States' national administrations in which EUCI is handled, a responsible registry shall be identified to ensure that EUCI is handled in accordance with this Decision. Registries shall be established as Secured Areas as defined in Annex II.
18. For the purposes of this Decision, registration for security purposes (hereinafter referred to as 'registration') means the application of procedures which record the life-cycle of material, including its dissemination and destruction.
19. All material classified CONFIDENTIEL UE/EU CONFIDENTIAL and above shall be registered in designated registries when it arrives at or leaves an organisational entity.
20. The Central Registry within the GSC shall keep a record of all classified information released by the Council and the GSC to third States and international organisations, and of all classified information received from third States or international organisations.
21. In the case of a CIS, registration procedures may be performed by processes within the CIS itself.
22. The Council shall approve a security policy on the registration of EUCI for security purposes.

TRÈS SECRET UE/EU TOP SECRET registries

23. A registry shall be designated in the Member States and in the GSC to act as the central receiving and dispatching authority for information classified TRÈS SECRET UE/EU TOP SECRET. Where necessary, subordinate registries may be designated to handle such information for registration purposes.
24. Such subordinate registries may not transmit TRÈS SECRET UE/EU TOP SECRET documents directly to other subordinate registries of the same central TRÈS SECRET UE/EU TOP SECRET registry or externally without the express written approval of the latter.

IV. COPYING AND TRANSLATING EU CLASSIFIED DOCUMENTS

25. TRÈS SECRET UE/EU TOP SECRET documents shall not be copied or translated without the prior written consent of the originator.
26. Where the originator of documents classified SECRET UE/EU SECRET and below has not imposed caveats on their copying or translation, such documents may be copied or translated on instruction from the holder.
27. The security measures applicable to the original document shall apply to copies and translations thereof.

V. CARRIAGE OF EUCI

28. Carriage of EUCI shall be subject to the protective measures set out in paragraphs 30 to 40. When EUCI is carried on electronic media, and notwithstanding Article 9(4), the protective measures set out below may be supplemented by appropriate technical countermeasures prescribed by the competent security authority so as to minimise the risk of loss or compromise.
29. The competent security authorities in the GSC and in Member States shall issue instructions on the carriage of EUCI in accordance with this Decision.

Within a building or self-contained group of buildings

30. EUCI carried within a building or self-contained group of buildings shall be covered in order to prevent observation of its contents.
31. Within a building or self-contained group of buildings, information classified TRÈS SECRET UE/EU TOP SECRET shall be carried in a secured envelope bearing only the addressee's name.

Within the EU

32. EUCI carried between buildings or premises within the EU shall be packaged so that it is protected from unauthorised disclosure.
33. The carriage of information classified up to SECRET UE/EU SECRET within the EU shall be by one of the following means:
 - (a) military, government or diplomatic courier, as appropriate;
 - (b) hand carriage, provided that:
 - (i) EUCI does not leave the possession of the bearer, unless it is stored in accordance with the requirements set out in Annex II;
 - (ii) EUCI is not opened en route or read in public places;
 - (iii) individuals are briefed on their security responsibilities;
 - (iv) individuals are provided with a courier certificate where necessary;
 - (c) postal services or commercial courier services, provided that:
 - (i) they are approved by the relevant NSA in accordance with national laws and regulations;
 - (ii) they apply appropriate protective measures in accordance with minimum requirements to be laid down in security guidelines pursuant to Article 6(2).

In the case of carriage from one Member State to another, the provisions of point (c) shall be limited to information classified up to CONFIDENTIEL UE/EU CONFIDENTIAL.

34. Material classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET (e.g. equipment or machinery) which cannot be carried by the means referred to in paragraph 33 shall be transported as freight by commercial carrier companies in accordance with Annex V.
35. The carriage of information classified TRÈS SECRET UE/EU TOP SECRET between buildings or premises within the EU shall be by military, government or diplomatic courier, as appropriate.

From within the EU to the territory of a third State

36. EUCI carried from within the EU to the territory of a third State shall be packaged in such a way that it is protected from unauthorised disclosure.
37. The carriage of information classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET from within the EU to the territory of a third State shall be by one of the following means:
- (a) military or diplomatic courier;
 - (b) hand carriage, provided that:
 - (i) the package bears an official seal, or is packaged so as to indicate that it is an official consignment and should not undergo customs or security scrutiny;
 - (ii) individuals carry a courier certificate identifying the package and authorising them to carry the package;
 - (iii) EUCI does not leave the possession of the bearer, unless it is stored in accordance with the requirements set out in Annex II;
 - (iv) EUCI is not opened en route or read in public places; and
 - (v) individuals are briefed on their security responsibilities.
38. The carriage of information classified CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET released by the EU to a third State or international organisation shall comply with the relevant provisions under a security of information Agreement or an administrative arrangement in accordance with Article 12(2)(a) or (b).
39. Information classified RESTREINT UE/EU RESTRICTED may also be carried by postal services or commercial courier services.
40. The carriage of information classified TRÈS SECRET UE/EU TOP SECRET from within the EU to the territory of a third State shall be by military or diplomatic courier.

VI. DESTRUCTION OF EUCI

41. EU classified documents which are no longer required may be destroyed, without prejudice to the relevant rules and regulations on archiving.
42. Documents subject to registration in accordance with Article 9(2) shall be destroyed by the responsible registry on instruction from the holder or from a competent authority. The logbooks and other registration information shall be updated accordingly.
43. For documents classified SECRET UE/EU SECRET or TRÈS SECRET UE/EU TOP SECRET, destruction shall be performed in the presence of a witness who shall be cleared to at least the classification level of the document being destroyed.
44. The registrar and the witness, where the presence of the latter is required shall sign a destruction certificate, which shall be filed in the registry. The registry shall keep destruction certificates of TRÈS SECRET UE/EU TOP SECRET documents for a period of at least 10 years and of documents CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET for a period of at least 5 years.
45. Classified documents, including those classified RESTREINT UE/EU RESTRICTED, shall be destroyed by methods which meet relevant EU or equivalent standards or which have been approved by Member States in accordance with national technical standards so as to prevent reconstruction in whole or in part.

46. The destruction of computer storage media used for EUCI shall be in accordance with paragraph 36 of Annex IV.

VII. INSPECTIONS AND ASSESSMENT VISITS

47. The term 'inspection' shall be used hereinafter to designate any:

(a) inspection in accordance with Article 9(3) and Article 15(2)(e), (f) and (g); or

(b) assessment visit in accordance with Article 12(5),

to evaluate the effectiveness of measures implemented for protecting EUCI.

48. Inspections shall be carried out, inter alia to:

(a) ensure that the required minimum standards for protecting EUCI laid down in this Decision are respected;

(b) emphasise the importance of security and effective risk management within the entities inspected;

(c) recommend countermeasures to mitigate the specific impact of loss of confidentiality, integrity or availability of classified information; and

(d) reinforce security authorities' ongoing security education and awareness programmes.

49. Before the end of each calendar year, the Council shall adopt the inspection programme foreseen in point (c) of Article 15(1) for the following year. The actual dates for each inspection shall be determined in agreement with the EU agency or body, Member State, third State or international organisation concerned.

Conduct of inspections

50. Inspections shall be conducted in order to check the relevant rules, regulations and procedures in the inspected entity and verify whether the entity's practices comply with the basic principles and minimum standards laid down in this Decision and in the provisions governing the exchange of classified information with that entity.

51. Inspections shall be conducted in two phases. Prior to the inspection itself a preparatory meeting shall be organised, if necessary, with the entity concerned. After this preparatory meeting the inspection team shall establish, in agreement with the said entity, a detailed inspection programme covering all areas of security. The inspection team shall have access to any location where EUCI is handled, in particular registries and CIS points of presence.

52. Inspections in Member States' national administrations shall be conducted under the responsibility of a joint GSC/Commission inspection team in full cooperation with the officials of the entity being inspected.

53. Inspections of third States and international organisations shall be conducted under the responsibility of a joint GSC/Commission inspection team in full cooperation with the officials of the third State or international organisation being inspected.

54. Inspections of EU agencies and bodies established under Title V, Chapter 2, of the TEU, as well as of Europol and Eurojust, shall be conducted by the GSC Security Office with assistance from experts of the NSA on whose territory the agency or body is located. The European Commission Security Directorate (ECSD) may be associated where it regularly exchanges EUCI with the agency or body in question.

55. In the case of inspections of EU agencies and bodies established under Title V, Chapter 2 of the TEU, as well as of Europol and Eurojust, and of third States and international organisations, assistance and contributions from NSA experts shall be requested in accordance with detailed arrangements to be agreed by the Security Committee.

Inspection reports

56. At the end of the inspection the main conclusions and recommendations shall be presented to the inspected entity. Thereafter, a report on the inspection shall be drawn up under the responsibility of the GSC Security Authority (Security Office). Where corrective action and recommendations have been proposed, sufficient details shall be included in the report to support the conclusions reached. The report shall be forwarded to the appropriate authority of the inspected entity.

57. For inspections conducted in Member States' national administrations:

- (a) the draft inspection report will be forwarded to the NSA concerned to verify that it is factually correct and that it contains no information classified higher than RESTREINT UE/EU RESTRICTED;
- (b) unless the Member State NSA in question requests general distribution to be withheld, inspection reports shall be circulated to members of the Security Committee and to the ECSD; the report shall be classified RESTREINT UE/EU RESTRICTED.

A regular report shall be prepared under the responsibility of the GSC Security Authority (Security Office) to highlight the lessons learned from the inspections conducted in Member States over a specified period and examined by the Security Committee.

58. For assessment visits of third States and international organisations, the report shall be distributed to the Security Committee and to the ECSD. The report shall be classified at least RESTREINT UE/EU RESTRICTED. Any corrective action shall be verified during a follow-up visit and reported to the Security Committee.

59. For inspections of EU agencies and bodies established under Title V, Chapter 2, of the TEU, as well as of Europol and Eurojust, inspection reports shall be distributed to members of the Security Committee and to the ECSD. The draft inspection report shall be forwarded to the agency or body concerned to verify that it is factually correct and that it contains no information classified higher than RESTREINT UE/EU RESTRICTED. Any corrective action shall be verified during a follow up visit and reported to the Security Committee.

60. The GSC Security Authority shall conduct regular inspections of organisational entities in the GSC for the purposes laid down in paragraph 48.

Inspection checklist

61. The GSC Security Authority (Security Office) shall draw up and update a security inspection checklist of items to be verified in the course of an inspection. This checklist shall be forwarded to the Security Committee.

62. The information to complete the checklist shall be obtained in particular during the inspection from the security management of the entity being inspected. Once completed with the detailed responses, the checklist shall be classified in agreement with the inspected entity. It shall not form part of the inspection report.

ANNEX IV

PROTECTION OF EUCI HANDLED IN CIS

I. INTRODUCTION

1. This Annex sets out provisions for implementing Article 10.
2. The following IA properties and concepts are essential for the security and correct functioning of operations on CIS:

Authenticity:	the guarantee that information is genuine and from <i>bona fide</i> sources;
Availability:	the property of being accessible and usable upon request by an authorised entity;
Confidentiality:	the property that information is not disclosed to unauthorised individuals, entities or processes;
Integrity:	the property of safeguarding the accuracy and completeness of information and assets;
Non-repudiation:	the ability to prove an action or event has taken place, so that this event or action cannot subsequently be denied.

II. INFORMATION ASSURANCE PRINCIPLES

3. The provisions set out below shall form the baseline for the security of any CIS handling EUCI. Detailed requirements for implementing these provisions shall be defined in IA security policies and security guidelines.

Security risk management

4. Security risk management shall be an integral part of defining, developing, operating and maintaining CIS. Risk management (assessment, treatment, acceptance and communication) shall be conducted as an iterative process jointly by representatives of the system owners, project authorities, operating authorities and security approval authorities, using a proven, transparent and fully understandable risk assessment process. The scope of the CIS and its assets shall be clearly defined at the outset of the risk management process.
5. The competent authorities shall review the potential threats to CIS and shall maintain up-to-date and accurate threat assessments which reflect the current operational environment. They shall constantly update their knowledge of vulnerability issues and periodically review the vulnerability assessment to keep up with the changing information technology (IT) environment.
6. The aim of security risk treatment shall be to apply a set of security measures which results in a satisfactory balance between user requirements, cost and residual security risk.
7. The specific requirements, scale and the degree of detail determined by the relevant SAA for accrediting a CIS shall be commensurate with the assessed risk, taking account of all relevant factors, including the classification level of the EUCI handled in the CIS. Accreditation shall include a formal residual risk statement and acceptance of the residual risk by a responsible authority.

Security throughout the CIS-life cycle

8. Ensuring security shall be a requirement throughout the entire CIS life-cycle from initiation to withdrawal from service.
9. The role and interaction of each actor involved in a CIS with regard to its security shall be identified for each phase of the life-cycle.
10. Any CIS, including its technical and non-technical security measures, shall be subject to security testing during the accreditation process to ensure that the appropriate level of assurance is obtained and to verify that they are correctly implemented, integrated and configured.
11. Security assessments, inspections and reviews shall be performed periodically during the operation and maintenance of a CIS and when exceptional circumstances arise.

12. Security documentation for a CIS shall evolve over its life-cycle as an integral part of the process of change and configuration management.

Best practice

13. The GSC and the Member States shall cooperate to develop best practice for protecting EUCI handled on CIS. Best practice guidelines shall set out technical, physical, organisational and procedural security measures for CIS with proven effectiveness in countering given threats and vulnerabilities.
14. The protection of EUCI handled on CIS shall draw on lessons learned by entities involved in IA within and outside the EU.
15. The dissemination and subsequent implementation of best practice shall help achieve an equivalent level of assurance for the various CIS operated by the GSC and by Member States which handle EUCI.

Defence in depth

16. To mitigate risk to CIS, a range of technical and non-technical security measures, organised as multiple layers of defence, shall be implemented. These layers shall include:
 - (a) *Deterrence*: security measures aimed at dissuading any adversary planning to attack the CIS;
 - (b) *Prevention*: security measures aimed at impeding or blocking an attack on the CIS;
 - (c) *Detection*: security measures aimed at discovering the occurrence of an attack on the CIS;
 - (d) *Resilience*: security measures aimed at limiting impact of an attack to a minimum set of information or CIS assets and preventing further damage; and
 - (e) *Recovery*: security measures aimed at regaining a secure situation for the CIS.

The degree of stringency of such security measures shall be determined following a risk assessment.

17. The competent authorities shall ensure that they can respond to incidents which may transcend organisational and national boundaries to coordinate responses and share information about these incidents and the related risk (computer emergency response capabilities).

Principle of minimality and least privilege

18. Only the essential functionalities, devices and services to meet operational requirements shall be implemented in order to avoid unnecessary risk.
19. CIS users and automated processes shall be given only the access, privileges or authorisations they require to perform their tasks in order to limit any damage resulting from accidents, errors, or unauthorised use of CIS resources.
20. Registration procedures performed by a CIS, where required, shall be verified as part of the accreditation process.

Information Assurance awareness

21. Awareness of the risks and available security measures is the first line of defence for the security of CIS. In particular all personnel involved in the life-cycle of CIS, including users, shall understand:
 - (a) that security failures may significantly harm the CIS;
 - (b) the potential harm to others which may arise from interconnectivity and interdependency; and
 - (c) their individual responsibility and accountability for the security of CIS according to their roles within the systems and processes.
22. To ensure that security responsibilities are understood, IA education and awareness training shall be mandatory for all personnel involved, including senior management and CIS users.

Evaluation and approval of IT-security products

23. The required degree of confidence in the security measures, defined as a level of assurance, shall be determined following the outcome of the risk management process and in line with the relevant security policies and security guidelines.
24. The level of assurance shall be verified by using internationally recognised or nationally approved processes and methodologies. This includes primarily evaluation, controls and auditing.
25. Cryptographic products for protecting EUCI shall be evaluated and approved by a national CAA of a Member State.
26. Prior to being recommended for approval by the Council or the Secretary-General in accordance with Article 10(6), such cryptographic products shall have undergone a successful second party evaluation by an Appropriately Qualified Authority (AQUA) of a Member State not involved in the design or manufacture of the equipment. The degree of detail required in a second party evaluation shall depend on the envisaged maximum classification level of EUCI to be protected by these products. The Council shall approve a security policy on the evaluation and approval of cryptographic products.
27. Where warranted on specific operational grounds, the Council or the Secretary-General as appropriate may, upon recommendation by the Security Committee, waive the requirements under paragraphs 25 or 26 and grant an interim approval for a specific period in accordance with the procedure laid down in Article 10(6).
28. An AQUA shall be a CAA of a Member State that has been accredited on the basis of criteria laid down by the Council to undertake the second evaluation of cryptographic products for protecting EUCI.
29. The Council shall approve a security policy on the qualification and approval of non-cryptographic IT security products.

Transmission within Secured Areas

30. Notwithstanding the provisions of this Decision, when transmission of EUCI is confined within Secured Areas, unencrypted distribution or encryption at a lower level may be used based on the outcome of a risk management process and subject to the approval of the SAA.

Secure interconnection of CIS

31. For the purposes of this Decision, an interconnection shall mean the direct connection of two or more IT systems for the purpose of sharing data and other information resources (e.g. communication) in a unidirectional or multidirectional way.
32. A CIS shall treat any interconnected IT system as untrusted and shall implement protective measures to control the exchange of classified information.
33. For all interconnections of CIS with another IT system the following basic requirements shall be met:
 - (a) business or operational requirements for such interconnections shall be stated and approved by the competent authorities;
 - (b) the interconnection shall undergo a risk management and accreditation process and shall require the approval of the competent SAAs; and
 - (c) Boundary Protection Services (BPS) shall be implemented at the perimeter of all CIS.
34. There shall be no interconnection between an accredited CIS and an unprotected or public network, except where the CIS has approved BPS installed for such a purpose between the CIS and the unprotected or public network. The security measures for such interconnections shall be reviewed by the competent IAA and approved by the competent SAA.

When the unprotected or public network is used solely as a carrier and the data is encrypted by a cryptographic product approved in accordance with Article 10, such a connection shall not be deemed to be an interconnection.

35. The direct or cascaded interconnection of a CIS accredited to handle TRÈS SECRET UE/EU TOP SECRET to an unprotected or public network shall be prohibited.

Computer storage media

36. Computer storage media shall be destroyed in accordance with procedures approved by the competent security authority.
37. Computer storage media shall be reused, downgraded or declassified in accordance with a security policy to be established pursuant to Article 6(1).

Emergency circumstances

38. Notwithstanding the provisions of this Decision, the specific procedures described below may be applied in an emergency, such as during impending or actual crisis, conflict, war situations or in exceptional operational circumstances.
39. EUCI may be transmitted using cryptographic products which have been approved for a lower classification level or without encryption with the consent of the competent authority if any delay would cause harm clearly outweighing the harm entailed by any disclosure of the classified material and if:
- (a) the sender and recipient do not have the required encryption facility or have no encryption facility; and
 - (b) the classified material cannot be conveyed in time by other means.
40. Classified information transmitted under the circumstances set out in paragraph 38 shall not bear any markings or indications distinguishing it from information which is unclassified or which can be protected by an available cryptographic product. Recipients shall be notified of the classification level, without delay, by other means.
41. Should recourse be made to paragraph 38 a subsequent report shall be made to the competent authority and to the Security Committee.

III. INFORMATION ASSURANCE FUNCTIONS AND AUTHORITIES

42. The following IA functions shall be established in the Member States and the GSC. These functions do not require single organisational entities. They shall have separate mandates. However, these functions, and their accompanying responsibilities, may be combined or integrated in the same organisational entity or split into different organisational entities, provided that internal conflicts of interests or tasks are avoided.

Information Assurance Authority

43. The IAA shall be responsible for:
- (a) developing IA security policies and security guidelines and monitoring their effectiveness and pertinence;
 - (b) safeguarding and administering technical information related to cryptographic products;
 - (c) ensuring that IA measures selected for protecting EUCI comply with the relevant policies governing their eligibility and selection;
 - (d) ensuring that cryptographic products are selected in compliance with policies governing their eligibility and selection;
 - (e) coordinating training and awareness on IA;
 - (f) consulting with the system provider, the security actors and representatives of users in respect to IA security policies and security guidelines; and
 - (g) ensuring appropriate expertise is available in the expert sub-area of the Security Committee for IA issues.

TEMPEST Authority

44. The TEMPEST Authority (TA) shall be responsible for ensuring compliance of CIS with TEMPEST policies and guidelines. It shall approve TEMPEST countermeasures for installations and products to protect EUCI to a defined level of classification in its operational environment.

Crypto Approval Authority

45. The Crypto Approval Authority (CAA) shall be responsible for ensuring that cryptographic products comply with national cryptographic policy or the Council's cryptographic policy. It shall grant the approval of a cryptographic product to protect EUCI to a defined level of classification in its operational environment. As regards the Member States, the CAA shall in addition be responsible for evaluating cryptographic products.

Crypto Distribution Authority

46. The Crypto Distribution Authority (CDA) shall be responsible for:
- (a) managing and accounting for EU crypto material;
 - (b) ensuring that appropriate procedures are enforced and channels established for accounting, secure handling, storage and distribution of all EU crypto material; and
 - (c) ensuring the transfer of EU crypto material to or from individuals or services using it.

Security Accreditation Authority

47. The SAA for each system shall be responsible for:
- (a) ensuring that CIS comply with the relevant security policies and security guidelines, providing a statement of approval for CIS to handle EUCI to a defined level of classification in its operational environment, stating the terms and conditions of the accreditation, and criteria under which re-approval is required;
 - (b) establishing a security accreditation process, in accordance with the relevant policies, clearly stating the approval conditions for CIS under its authority;
 - (c) defining a security accreditation strategy setting out the degree of detail for the accreditation process commensurate with the required level of assurance;
 - (d) examining and approving security-related documentation, including risk management and residual risk statements, system-specific security requirement statements (hereinafter referred to as 'SSRSs'), security implementation verification documentation and security operating procedures (hereinafter referred to as 'SecOPs'), and ensuring that it complies with the Council's security rules and policies;
 - (e) checking implementation of security measures in relation to the CIS by undertaking or sponsoring security assessments, inspections or reviews;
 - (f) defining security requirements (e.g. personnel clearance levels) for sensitive positions in relation to the CIS;
 - (g) endorsing the selection of approved cryptographic and TEMPEST products used to provide security for a CIS;
 - (h) approving, or where relevant, participating in the joint approval of the interconnection of a CIS to other CIS; and
 - (i) consulting the system provider, the security actors and representatives of the users with respect to security risk management, in particular the residual risk, and the terms and conditions of the approval statement.
48. The GSC SAA shall be responsible for accrediting all CIS operating within the remit of the GSC.
49. The relevant SAA of a Member State shall be responsible for accrediting CIS and components thereof operating within the remit of a Member State.
50. A joint Security Accreditation Board (SAB) shall be responsible for accrediting CIS within the remit of both the GSC SAA and Member States' SAAs. It shall be composed of an SAA representative from each Member State and be attended by an SAA representative of the Commission. Other entities with nodes on a CIS shall be invited to attend when that system is under discussion.

The SAB shall be chaired by a representative of the GSC SAA. It shall act by consensus of SAA representatives of institutions, Member States and other entities with nodes on the CIS. It shall make periodic reports on its activities to the Security Committee and shall notify all accreditation statements to it.

Information Assurance Operational Authority

51. The IA Operational Authority for each system shall be responsible for:

- (a) developing security documentation in line with security policies and security guidelines, in particular the SSRS including the residual risk statement, the SecOps and the crypto plan within the CIS accreditation process;
 - (b) participating in selecting and testing the system-specific technical security measures, devices and software, to supervise their implementation and to ensure that they are securely installed, configured and maintained in accordance with the relevant security documentation;
 - (c) participating in selecting TEMPEST security measures and devices if required in the SSRS and ensuring that they are securely installed and maintained in cooperation with the TA;
 - (d) monitoring implementation and application of the SecOps and, where appropriate, delegating operational security responsibilities to the system owner;
 - (e) managing and handling cryptographic products, ensuring the custody of crypto and controlled items and, if so required, ensuring the generation of cryptographic variables;
 - (f) conducting security analysis reviews and tests, in particular to produce the relevant risk reports, as required by the SAA;
 - (g) providing CIS-specific IA training;
 - (h) implementing and operating CIS-specific security measures.
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ANNEX V

INDUSTRIAL SECURITY**I. INTRODUCTION**

1. This Annex sets out provisions for implementing Article 11. It lays down general security provisions applicable to industrial or other entities in pre-contract negotiations and throughout the life-cycle of classified contracts let by the GSC.
2. The Council shall approve a policy on industrial security outlining in particular detailed requirements regarding FSCs, Security Aspects Letters (SALs), visits, transmission and carriage of EUCI.

II. SECURITY ELEMENTS IN A CLASSIFIED CONTRACT**Security classification guide (SCG)**

3. Prior to launching a call for tender or letting a classified contract, the GSC, as the contracting authority, shall determine the security classification of any information to be provided to bidders and contractors, as well as the security classification of any information to be created by the contractor. For that purpose, the GSC shall prepare an SCG to be used for the performance of the contract.
4. In order to determine the security classification of the various elements of a classified contract, the following principles shall apply:
 - (a) in preparing an SCG, the GSC shall take into account all relevant security aspects, including the security classification assigned to information provided and approved to be used for the contract by the originator of the information;
 - (b) the overall level of classification of the contract may not be lower than the highest classification of any of its elements; and
 - (c) where relevant, the GSC shall liaise with the Member States' NSAs/DSAs or any other competent security authority concerned in the event of any changes regarding the classification of information created by or provided to contractors in the performance of a contract and when making any subsequent changes to the SCG.

Security aspects letter (SAL)

5. The contract-specific security requirements shall be described in an SAL. The SAL shall, where appropriate, contain the SCG and shall be an integral part of a classified contract or sub-contract.
6. The SAL shall contain the provisions requiring the contractor and/or subcontractor to comply with the minimum standards laid down in this Decision. Non-compliance with these minimum standards may constitute sufficient grounds for the contract to be terminated.

Programme/project security instructions (PSI)

7. Depending on the scope of programmes or projects involving access to or handling or storage of EUCI, specific Programme/Project Security Instructions (PSI) may be prepared by the contracting authority designated to manage the programme or project. The PSI shall require the approval of the Member States' NSAs/DSAs or any other competent security authority participating in the programme/project and may contain additional security requirements.

III. FACILITY SECURITY CLEARANCE (FSC)

8. An FSC shall be granted by the NSA or DSA or any other competent security authority of a Member State to indicate, in accordance with national laws and regulations, that an industrial or other entity can protect EUCI at the appropriate classification level (CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET) within its facilities. It shall be presented to the GSC, as the contracting authority, before a contractor or subcontractor or potential contractor or subcontractor may be provided with or granted access to EUCI.
9. When issuing an FSC, the relevant NSA or DSA shall, as a minimum:
 - (a) evaluate the integrity of the industrial or other entity;
 - (b) evaluate ownership, control, or the potential for undue influence that may be considered a security risk;

- (c) verify that the industrial or any other entity has established a security system at the facility which covers all appropriate security measures necessary for the protection of information or material classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET in accordance with the requirements laid down in this Decision;
 - (d) verify that the personnel security status of management, owners and employees who are required to have access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET has been established in accordance with the requirements laid down in this Decision;
 - (e) verify that the industrial or any other entity has appointed a Facility Security Officer who is responsible to its management for enforcing the security obligations within such an entity.
10. Where relevant, the GSC, as the contracting authority, shall notify the appropriate NSA/DSA or any other competent security authority that an FSC is required in the pre-contractual stage or for performing the contract. An FSC or PSC shall be required in the pre-contractual stage where EUCI classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET has to be provided in the course of the bidding process.
11. The contracting authority shall not award a classified contract with a preferred bidder before having received confirmation from the NSA/DSA or any other competent security authority of the Member State in which the contractor or subcontractor concerned is registered that, where required, an appropriate FSC has been issued.
12. The NSA/DSA or any other competent security authority which has issued an FSC shall notify the GSC as contracting authority about changes affecting the FSC. In the case of a sub-contract, the NSA/DSA or any other competent security authority shall be informed accordingly.
13. Withdrawal of an FSC by the relevant NSA/DSA or any other competent security authority shall constitute sufficient grounds for the GSC, as the contracting authority, to terminate a classified contract or exclude a bidder from the competition.
- IV. CLASSIFIED CONTRACTS AND SUB-CONTRACTS
14. Where EUCI is provided to a bidder at the pre-contractual stage, the invitation to bid shall contain a provision obliging the bidder which fails to submit a bid or which is not selected to return all classified documents within a specified period of time.
15. Once a classified contract or sub-contract has been awarded, the GSC, as the contracting authority, shall notify the contractor's or subcontractor's NSA/DSA or any other competent security authority about the security provisions of the classified contract.
16. When such contracts are terminated, the GSC, as the contracting authority (and/or the NSA/DSA or any other competent security authority, as appropriate, in the case of a sub-contract) shall promptly notify the NSA/DSA or any other competent security authority of the Member State in which the contractor or subcontractor is registered.
17. As a general rule, the contractor or subcontractor shall be required to return to the contracting authority, upon termination of the classified contract or sub-contract, any EUCI held by it.
18. Specific provisions for the disposal of EUCI during the performance of the contract or upon its termination shall be laid down in the SAL.
19. Where the contractor or subcontractor is authorised to retain EUCI after termination of a contract, the minimum standards contained in this Decision shall continue to be complied with and the confidentiality of EUCI shall be protected by the contractor or subcontractor.
20. The conditions under which the contractor may subcontract shall be defined in the call for tender and in the contract.
21. A contractor shall obtain permission from the GSC, as the contracting authority, before sub-contracting any parts of a classified contract. No subcontract may be awarded to industrial or other entities registered in a non-EU Member State which has not concluded a security of information Agreement with the EU.

22. The contractor shall be responsible for ensuring that all sub-contracting activities are undertaken in accordance with the minimum standards laid down in this Decision and shall not provide EUCI to a subcontractor without the prior written consent of the contracting authority.
23. With regard to EUCI created or handled by the contractor or subcontractor, the rights incumbent on the originator shall be exercised by the contracting authority.

V. VISITS IN CONNECTION WITH CLASSIFIED CONTRACTS

24. Where the GSC, contractors or subcontractors require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET in each other's premises for the performance of a classified contract, visits shall be arranged in liaison with the NSAs/DSAs or any other competent security authority concerned. However, in the context of specific projects, the NSAs/ DSAs may also agree on a procedure whereby such visits can be arranged directly.
25. All visitors shall hold an appropriate PSC and have a 'need-to-know' for access to the EUCI related to the GSC contract.
26. Visitors shall be given access only to EUCI related to the purpose of the visit.

VI. TRANSMISSION AND CARRIAGE OF EUCI

27. With regard to the transmission of EUCI by electronic means, the relevant provisions of Article 10 and Annex IV shall apply.
28. With regard to the carriage of EUCI, the relevant provisions of Annex III shall apply, in accordance with national laws and regulations.
29. For the transport of classified material as freight, the following principles shall be applied when determining security arrangements:
 - (a) security shall be assured at all stages during transportation from the point of origin to the final destination;
 - (b) the degree of protection afforded to a consignment shall be determined by the highest classification level of material contained within it;
 - (c) an FSC at the appropriate level shall be obtained for companies providing transportation. In such cases, personnel handling the consignment shall be security cleared in accordance with Annex I;
 - (d) prior to any cross-border movement of material classified CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET, a transportation plan shall be drawn up by the consignor and approved by the NSA/DSAs or any other competent security authority concerned;
 - (e) journeys shall be point to point to the extent possible, and shall be completed as quickly as circumstances permit;
 - (f) whenever possible, routes should be only through Member States. Routes through States other than Member States should only be undertaken when authorised by the NSA/DSA or any other competent security authority of the States of both the consignor and the consignee.

VII. TRANSFER OF EUCI TO CONTRACTORS LOCATED IN THIRD STATES

30. EUCI shall be transferred to contractors and subcontractors located in third States in accordance with security measures agreed between the GSC, as the contracting authority, and the NSA/DSA of the concerned third State where the contractor is registered.

VIII. HANDLING AND STORAGE OF INFORMATION CLASSIFIED RESTREINT UE/EU RESTRICTED

31. In liaison, as appropriate, with the NSA/DSA of the Member State the GSC, as the contracting authority, shall be entitled to conduct visits of contractors'/subcontractors' facilities on the basis of contractual provisions in order to verify that the relevant security measures for the protection of EUCI at the level RESTREINT UE/EU RESTRICTED as required under the contract have been put in place.

32. To the extent necessary under national laws and regulations, NSAs/DSAs or any other competent security authority shall be notified by the GSC as the contracting authority of contracts or subcontracts containing information classified RESTREINT UE/EU RESTRICTED.
 33. An FSC or a PSC for contractors or subcontractors and their personnel shall not be required for contracts let by the GSC containing information classified RESTREINT UE/EU RESTRICTED.
 34. The GSC, as the contracting authority, shall examine the responses to invitations to tender for contracts which require access to information classified RESTREINT UE/EU RESTRICTED, notwithstanding any requirement relating to FSC or PSC which may exist under national laws and regulations.
 35. The conditions under which the contractor may subcontract shall be in accordance with paragraph 21.
 36. Where a contract involves handling information classified RESTREINT UE/EU RESTRICTED in a CIS operated by a contractor, the GSC as contracting authority shall ensure that the contract or any subcontract specifies the necessary technical and administrative requirements regarding accreditation of the CIS commensurate with the assessed risk, taking account of all relevant factors. The scope of accreditation of such CIS shall be agreed between the contracting authority and the relevant NSA/DSA.
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ANNEX VI

EXCHANGE OF CLASSIFIED INFORMATION WITH THIRD STATES AND INTERNATIONAL ORGANISATIONS**I. INTRODUCTION**

1. This Annex sets out provisions for implementing Article 12.

II. FRAMEWORKS GOVERNING THE EXCHANGE OF CLASSIFIED INFORMATION

2. Where the Council determines that a long-term need exists to exchange classified information,

- a security of information agreement shall be concluded, or

- an administrative arrangement shall be entered into,

in accordance with Article 12(2) and Sections III and IV and based on a recommendation from the Security Committee.

3. Where EUCI generated for the purposes of a CSDP operation is to be provided to third States or international organisations participating in such an operation, and where neither of the frameworks referred to in paragraph 2 exists, the exchange of EUCI with the contributing third State or international organisation shall be regulated, in accordance with Section V, under:

- a framework participation agreement,

- an ad hoc participation agreement, or

- in the absence of either of the above, an ad hoc administrative arrangement.

4. In the absence of a framework referred to in paragraphs 2 and 3, and where a decision is taken to release EUCI to a third State or international organisation on an exceptional ad hoc basis in accordance with Section VI, written assurances shall be sought from the third State or international organisation concerned to ensure that it protects any EUCI released to it in accordance with the basic principles and minimum standards set out in this Decision.

III. SECURITY OF INFORMATION AGREEMENTS

5. Security of information agreements shall establish the basic principles and minimum standards governing the exchange of classified information between the EU and a third State or international organisation.

6. Security of information agreements shall provide for technical implementing arrangements to be agreed between the GSC Security Office, the ECSD and the competent security authority of the third State or international organisation in question. Such arrangements shall take account of the level of protection provided by the security regulations, structures and procedures in place in the third State or international organisation concerned. They shall be approved by the Security Committee.

7. No EUCI shall be exchanged by electronic means unless explicitly provided for in the security of information agreement or technical implementing arrangements.

8. Security of information agreements shall provide that prior to the exchange of classified information under the agreement, the GSC Security Office and the ECSD shall agree that the receiving party is able to protect and safeguard information provided to it in an appropriate manner.

9. When the Council concludes a security of information agreement, a registry shall be designated in each party as the main point of entry and exit for classified information exchanges.

10. In order to assess the effectiveness of the security regulations, structures and procedures in the third State or international organisation concerned, assessment visits shall be conducted by the GSC Security Office together with the ECSD and in mutual agreement with the third State or international organisation concerned. Such assessment visits shall be conducted in accordance with the relevant provisions of Annex III and shall evaluate:

- (a) the regulatory framework applicable for protecting classified information;

- (b) any specific features of the security policy and the way in which security is organised in the third State or international organisation which may have an impact on the level of classified information that may be exchanged;
 - (c) the security measures and procedures actually in place; and
 - (d) security clearance procedures for the level of EUCI to be released.
11. The team conducting an assessment visit on behalf of the EU shall assess whether the security regulations and procedures in the third State or international organisation in question are adequate for the protection of EUCI at a given level.
 12. The findings of such visits shall be set out in a report on the basis of which the Security Committee shall determine the maximum level of EUCI which may be exchanged in hard copy, and where appropriate electronically, with the third party concerned as well as any specific conditions governing exchange with that party.
 13. Every endeavour shall be made to conduct a full security assessment visit to the third State or international organisation in question before the Security Committee approves the implementing arrangements in order to establish the nature and the effectiveness of the security system in place. However, where this is not possible the Security Committee shall receive as full a report as possible from the GSC Security Office, based on the information available to it, informing the Security Committee about the security regulations applicable and the way in which security is organised in the third State or international organisation concerned.
 14. The Security Committee may decide that pending examination of the outcome of an assessment visit, no EUCI can be released, or may be released only up to a specified level, or it may lay down other specific conditions governing the release of EUCI to the third State or international organisation in question. This shall be notified by the GSC Security Office to the third State or international organisation in question.
 15. In mutual agreement with the third State or international organisation concerned, the GSC Security Office shall, at regular intervals, conduct follow-up assessment visits to verify that the arrangements in place continue to meet the minimum standards agreed.
 16. Once the security of information agreement is in force and classified information is exchanged with the third State or international organisation concerned, the Security Committee may decide to modify the maximum level of EUCI which may be exchanged in paper form or by electronic means, in particular in the light of any follow-up assessment visit.

IV. ADMINISTRATIVE ARRANGEMENTS

17. Where a long-term need exists to exchange information classified as a general rule no higher than RESTREINT UE/EU RESTRICTED with a third State or international organisation, and where the Security Committee has established that the party in question does not have a sufficiently developed security system for it to be possible to enter into a security of information agreement, the Secretary-General may, subject to approval by the Council, enter into an administrative arrangement with the relevant authorities of the third State or international organisation in question.
18. Where, for urgent operational reasons, a framework for exchanging classified information needs to be put in place rapidly, exceptionally the Council may decide that an administrative arrangement be entered into for exchanging information of a higher classification level.
19. Administrative arrangements shall as a general rule take the form of an exchange of letters.
20. An assessment visit referred to in paragraph 10 shall be conducted and the report forwarded to, and deemed satisfactory by, the Security Committee before EUCI is actually released to the third State or international organisation in question. However, where there are exceptional reasons for exchanging classified information urgently which are brought to the attention of the Council, EUCI may be released provided every endeavour is made to conduct such an assessment visit as soon as possible.
21. No EUCI shall be exchanged by electronic means unless explicitly provided for in the administrative arrangement.

V. EXCHANGE OF CLASSIFIED INFORMATION IN THE CONTEXT OF CSDP OPERATIONS

22. Framework participation agreements govern the participation of third States or international organisations in CSDP operations. Such agreements shall include provisions on the release of EUCI generated for the purposes of CSDP operations to the contributing third States or international organisations. The maximum classification level of EUCI which may be exchanged shall be RESTREINT UE/EU RESTRICTED for civilian CSDP operations and CONFIDENTIEL UE/EU CONFIDENTIAL for military CSDP operations, unless otherwise laid down in the Decision establishing each CSDP operation.
23. ad hoc participation agreements concluded for a specific CSDP operation shall include provisions on the release of EUCI generated for the purposes of that operation to the contributing third State or international organisation. The maximum classification level of EUCI which may be exchanged shall be RESTREINT UE/EU RESTRICTED for civilian CSDP operations and CONFIDENTIEL UE/EU CONFIDENTIAL for military CSDP operations, unless otherwise laid down in the Decision establishing each CSDP operation.
24. ad hoc administrative arrangements on a third State's or international organisation's participation in a specific CSDP operation may cover inter alia the release of EUCI generated for the purposes of the operation to that third State or international organisation. Such ad hoc administrative arrangements shall be entered into in accordance with the procedures set out in paragraphs 17 and 18 of Section IV. The maximum classification level of EUCI which may be exchanged shall be RESTREINT UE/EU RESTRICTED for civilian CSDP operations and CONFIDENTIEL UE/EU CONFIDENTIAL for military CSDP operations, unless otherwise laid down in the Decision establishing each CSDP operation.
25. No implementing arrangements or assessment visits are required prior to implementing the provisions on release of EUCI in the context of paragraphs 22, 23 and 24.
26. Where the host State on whose territory an CSDP operation is conducted has no security of information agreement or administrative arrangement in place with the EU for the exchange of classified information, in the event of a specific and immediate operational need, an ad hoc administrative arrangement may be established. This possibility shall be provided for in the Decision establishing the CSDP operation. EUCI released under such circumstances shall be restricted to that generated for the purposes of the CSDP operation and classified no higher than RESTREINT UE/EU RESTRICTED. Under such an ad hoc administrative arrangement, the host State shall undertake to protect EUCI according to minimum standards which are no less stringent than those laid down in this Decision.
27. The provisions on classified information to be included in framework participation agreements, ad hoc participation agreements and ad hoc administrative arrangements referred to in paragraphs 22 to 24 shall provide that the third State or international organisation in question shall ensure that its personnel seconded to any operation will protect EUCI in accordance with the Council's security rules and with further guidance issued by the competent authorities, including the operation's chain of command.
28. If a security of information agreement is subsequently concluded between the EU and a contributing third State or international organisation, the security of information agreement shall supersede any framework participation agreement, ad hoc participation agreement or ad hoc administrative arrangement as far as the exchange and handling of EUCI is concerned.
29. No exchange of EUCI by electronic means shall be permitted under a framework participation agreement, ad hoc participation agreement or ad hoc administrative arrangement with a third State or international organisation, unless explicitly provided for in the agreement or arrangement in question.
30. EUCI generated for the purposes of a CSDP operation may be disclosed to personnel seconded to the said operation by third States or international organisations in accordance with paragraphs 22 to 29. When authorising access to EUCI in premises or in CIS of a CSDP operation by such personnel, measures shall be applied (including recording of EUCI disclosed) to mitigate the risk of loss or compromise. Such measures shall be defined in relevant planning or mission documents.

VI. EXCEPTIONAL AD HOC RELEASE OF EUCI

31. Where no framework is in place in accordance with Sections III to V, and where the Council or one of its preparatory bodies determines the exceptional need to release EUCI to a third State or international organisation, the GSC shall:
- (a) to the extent possible, verify with the security authorities of the third State or international organisation concerned that its security regulations, structures and procedures are such that EUCI released to it will be protected to standards no less stringent than those laid down in this Decision;

- (b) invite the Security Committee, on the basis of available information, to issue a recommendation regarding the confidence that can be placed in the security regulations, structures and procedures in the third State or international organisation to which the EUCI is to be released.
32. If the Security Committee issues a recommendation in favour of releasing the EUCI, the matter shall be referred to the Committee of Permanent Representatives (COREPER), which shall take a decision on its release.
33. If the Security Committee's recommendation is not in favour of releasing the EUCI:
- (a) for matters relating to CFSP/CSDP, the Political and Security Committee shall discuss the matter and formulate a recommendation for a decision by COREPER;
- (b) for all other matters, COREPER shall discuss the matter and take a decision.
34. Where deemed appropriate, and subject to the prior written consent of the originator, COREPER may decide that the classified information may be released only in part or only if downgraded or declassified beforehand, or that the information to be released shall be prepared without reference to the source or original EU classification level.
35. Following a decision to release EUCI, the GSC shall forward the document concerned, which shall bear a releasability marking indicating the third State or international organisation to which it has been released. Prior to or upon actual release, the third party in question shall undertake in writing to protect the EUCI it receives in accordance with the basic principles and minimum standards set out in this Decision.

VII. AUTHORITY TO RELEASE EUCI TO THIRD STATES OR INTERNATIONAL ORGANISATIONS

36. Where a framework exists in accordance with paragraph 2 for exchanging classified information with a third State or international organisation, the Council shall take a decision to authorise the Secretary-General to release EUCI, in accordance with the principle of originator's consent, to the third State or international organisation in question.
37. Where a framework exists in accordance with paragraph 3 for exchanging classified information with a third State or international organisation, the Secretary-General shall be authorised to release EUCI, in accordance with the Decision establishing the CSDP operation and with the principle of originator's consent.
38. The Secretary-General may delegate such authorisations to senior GSC officials or other persons under his authority.
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*Appendices**Appendix A*

Definitions

Appendix B

Equivalence of security classifications

Appendix C

List of National Security Authorities (NSAs)

*Appendix D*List of abbreviations

Appendix A

DEFINITIONS

For the purposes of this Decision, the following definitions shall apply:

'Accreditation' means the process leading to a formal statement by the Security Accreditation Authority (SAA) that a system is approved to operate with a defined level of classification, in a particular security mode in its operational environment and at an acceptable level of risk, based on the premise that an approved set of technical, physical, organisational and procedural security measures has been implemented;

'Asset' means anything that is of value to an organisation, its business operations and their continuity, including information resources that support the organisation's mission;

'CIS life-cycle' means the entire duration of existence of a CIS, which includes initiation, conception, planning, requirements analysis, design, development, testing, implementation, operation, maintenance and decommissioning;

'Classified contract' means a contract entered into by the GSC with a contractor for the supply of goods, execution of works or provision of services, the performance of which requires or involves access to or the creation of EUCI;

'Classified subcontract' means a contract entered into by a contractor of the GSC with another contractor (i.e. the subcontractor) for the supply of goods, execution of works or provision of services, the performance of which requires or involves access to or the creation of EUCI;

'Communication and information system' (CIS) — see Article 10(2);

'Contractor' means an individual or legal entity possessing the legal capacity to undertake contracts;

'Cryptographic (Crypto) material' means cryptographic algorithms, cryptographic hardware and software modules, and products including implementation details and associated documentation and keying material;

'CSDP operation' means a military or civilian crisis management operation under Title V, Chapter 2, of the TEU;

'Declassification' means the removal of any security classification;

'Defence in depth' means the application of a range of security measures organised as multiple layers of defence;

'Designated Security Authority' (DSA) means an authority responsible to the National Security Authority (NSA) of a Member State which is responsible for communicating to industrial or other entities national policy on all matters of industrial security and for providing direction and assistance in its implementation. The function of DSA may be carried out by the NSA or by any other competent authority;

'Document' means any recorded information regardless of its physical form or characteristics;

'Downgrading' means a reduction in the level of security classification;

'EU classified information' (EUCI) — see Article 2(1);

'Facility Security Clearance' (FSC) means an administrative determination by an NSA or DSA that, from the security viewpoint, a facility can afford an adequate level of protection to EUCI of a specified security classification level and its personnel who require access to EUCI have been appropriately security cleared and briefed on the relevant security requirements necessary to access and protect EUCI;

'Handling' of EUCI means all possible actions to which EUCI may be subject throughout its life-cycle. It comprises its creation, processing, carriage, downgrading, declassification and destruction. In relation to CIS it also comprises its collection, display, transmission and storage;

'Holder' means a duly authorised individual with an established need-to-know who is in possession of an item of EUCI and is accordingly responsible for protecting it;

'Industrial or other entity' means an entity involved in supplying goods, executing works or providing services; this may be an industrial, commercial, service, scientific, research, educational or development entity or a self-employed individual;

'Industrial security' — see Article 11(1);

'Information Assurance' — see Article 10(1);

'Interconnection' — see Annex IV, paragraph 31;

'Management of classified information' — see Article 9(1);

'Material' means any document or item of machinery or equipment, either manufactured or in the process of manufacture;

'Originator' means the EU institution, agency or body, Member State, third state or international organisation under whose authority classified information has been created and/or introduced into the EU's structures;

'Personnel security' — see Article 7(1);

'Personnel Security Clearance' (PSC) means either or both of the following:

— 'EU Personnel Security Clearance' (EU PSC) for access to EUCI means an authorisation by the GSC Appointing Authority which is taken in accordance with this Decision following completion of a security investigation conducted by the competent authorities of a Member State and which certifies that an individual may, provided his 'need-to-know' has been determined, be granted access to EUCI up to a specified level (CONFIDENTIEL UE/EU CONFIDENTIAL or above) until a specified date; the individual thus described is said to be 'security cleared';

— 'National Personnel Security Clearance' (national PSC) for access to EUCI means a statement by a competent authority of a Member State which is made following completion of a security investigation conducted by the competent authorities of a Member State and which certifies that an individual may, provided his 'need-to-know' has been determined, be granted access to EUCI up to a specified level (CONFIDENTIEL UE/EU CONFIDENTIAL or above) until a specified date; the individual thus described is said to be 'security cleared';

'Personnel Security Clearance Certificate' (PSCC) means a certificate issued by a competent authority establishing that an individual is security cleared and holds a valid national or EU PSC, and which shows the level of EUCI to which that individual may be granted access (CONFIDENTIEL UE/EU CONFIDENTIAL or above), the date of validity of the relevant PSC and the date of expiry of the certificate itself;

'Physical security' — see Article 8(1);

'Programme/Project Security Instruction' (PSI) means a list of security procedures which are applied to a specific programme/project in order to standardise security procedures. It may be revised throughout the programme/project;

'Registration' — see Annex III, paragraph 18;

'Residual risk' means the risk which remains after security measures have been implemented, given that not all threats are countered and not all vulnerabilities can be eliminated;

'Risk' means the potential that a given threat will exploit internal and external vulnerabilities of an organisation or of any of the systems it uses and thereby cause harm to the organisation and to its tangible or intangible assets. It is measured as a combination of the likelihood of threats occurring and their impact.

— 'Risk acceptance' is the decision to agree to the further existence of a residual risk after risk treatment.

— 'Risk assessment' consists of identifying threats and vulnerabilities and conducting the related risk analysis, i.e. the analysis of probability and impact.

— 'Risk communication' consists of developing awareness of risks among CIS user communities, informing approval authorities such risks and reporting them to operating authorities.

— 'Risk treatment' consists of mitigating, removing, reducing (through an appropriate combination of technical, physical, organisational or procedural measures), transferring or monitoring the risk.

'Security Aspects Letter' (SAL) means a set of special contractual conditions issued by the contracting authority which forms an integral part of any classified contract involving access to or the creation of EUCI, that identifies the security requirements or those elements of the contract requiring security protection;

'Security Classification Guide' (SCG) means a document which describes the elements of a programme or contract which are classified, specifying the applicable security classification levels. The SCG may be expanded throughout the life of the programme or contract and the elements of information may be re-classified or downgraded; where an SCG exists it shall be part of the SAL;

'Security investigation' means the investigative procedures conducted by the competent authority of a Member State in accordance with its national laws and regulations in order to obtain an assurance that nothing adverse is known which would prevent an individual from being granted a national or EU PSC for access to EUCI up to a specified level (CONFIDENTIEL UE/EU CONFIDENTIAL or above);

'Security mode of operation' means the definition of the conditions under which a CIS operates based on the classification of information handled and the clearance levels, formal access approvals, and need-to-know of its users. Four modes of operation exist for handling or transmitting classified information: dedicated mode, system-high mode, compartmented mode and multilevel mode:

- 'Dedicated mode' means a mode of operation in which all individuals with access to the CIS are cleared to the highest classification level of information handled within the CIS, and with a common need-to-know for all of the information handled within the CIS,
- 'System-high mode' means a mode of operation in which all individuals with access to the CIS are cleared to the highest classification level of information handled within the CIS, but not all individuals with access to the CIS have a common need-to-know for the information handled within the CIS; approval to access information may be granted by an individual,
- 'Compartmented mode' means a mode of operation in which all individuals with access to the CIS are cleared to the highest classification level of information handled within the CIS, but not all individuals with access to the CIS have a formal authorisation to access all of the information handled within the CIS; formal authorisation implies a formal central management of access control as distinct from an individual's discretion to grant access,
- 'Multilevel mode' means a mode of operation in which not all individuals with access to the CIS are cleared to the highest classification level of information handled within the CIS, and not all individuals with access to the CIS have a common need-to-know for the information handled within the CIS;

'Security risk management process' means the entire process of identifying, controlling and minimising uncertain events that may affect the security of an organisation or of any of the systems it uses. It covers the entirety of risk-related activities, including assessment, treatment, acceptance and communication;

'TEMPEST' means the investigation, study and control of compromising electromagnetic emanations and the measures to suppress them;

'Threat' means a potential cause of an unwanted incident which may result in harm to an organisation or any of the systems it uses; such threats may be accidental or deliberate (malicious) and are characterised by threatening elements, potential targets and attack methods;

'Vulnerability' means a weakness of any nature that can be exploited by one or more threats. A vulnerability may be an omission or it may relate to a weakness in controls in terms of their strength, completeness or consistency and may be of a technical, procedural, physical, organisational or operational nature.

Appendix B

EQUIVALENCE OF SECURITY CLASSIFICATIONS

EU	TRÈS SECRET UE/EU TOP SECRET	SECRET UE/EU SECRET	CONFIDENTIEL UE/EU CONFIDENTIAL	RESTREINT UE/EU RESTRICTED
Belgium	Très Secret (Loi 11.12.1998) Zeer Geheim (Wet 11.12.1998)	Secret (Loi 11.12.1998) Geheim (Wet 11.12.1998)	Confidentiel (Loi 11.12.1998) Vertrouwelijk (Wet 11.12.1998)	nota ⁽¹⁾ below
Bulgaria	Строго секретно	Секретно	Поверително	За служебно ползване
Czech Republic	Přísně tajné	Tajné	Důvěrné	Vyhrazené
Denmark	Yderst hemmeligt	Hemmeligt	Fortroligt	Til tjenestebrug
Germany	STRENG GEHEIM	GEHEIM	VS ⁽²⁾ — VERTRAULICH	VS — NUR FÜR DEN DIENSTGEBRAUCH
Estonia	Täiesti salajane	Salajane	Konfidentsiaalne	Piiratud
Ireland	Top Secret	Secret	Confidential	Restricted
Greece	Ἀκρῶς Απόρρητο Abr: ΑΑΠ	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Spain	SECRETO	RESERVADO	CONFIDENCIAL	DIFUSIÓN LIMITADA
France	Très Secret Défense	Secret Défense	Confidentiel Défense	nota ⁽³⁾ below
Italy	Segretissimo	Segreto	Riservatissimo	Riservato
Cyprus	Ἀκρῶς Απόρρητο Abr: (ΑΑΠ)	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Latvia	Sevišķi slepeni	Slepeni	Konfidenciāli	Dienesta vajadzībām
Lithuania	Visiškai slaptai	Slaptai	Konfidencialiai	Riboto naudojimo
Luxembourg	Très Secret Lux	Secret Lux	Confidentiel Lux	Restreint Lux
Hungary	Szigorúan titkos!	Titkos!	Bizalmas!	Korlátozott terjesztésű!
Malta	L-Oghla Segretezza	Sigriet	Kunfidenzjali	Ristrett
Netherlands	Stg. ZEER GEHEIM	Stg. GEHEIM	Stg. CONFIDENTIEEL	Dep. VERTROUWELIJK
Austria	Streng Geheim	Geheim	Vertraulich	Eingeschränkt
Poland	Ścisłe Tajne	Tajne	Poufne	Zastrzeżone
Portugal	Muito Secreto	Secreto	Confidencial	Reservado
Romania	Strict secret de importanță deosebită	Strict secret	Secret	Secret de serviciu

EU	TRÈS SECRET UE/EU TOP SECRET	SECRET UE/EU SECRET	CONFIDENTIEL UE/EU CONFIDENTIAL	RESTREINT UE/EU RESTRICTED
Slovenia	Strogo tajno	Tajno	Zaupno	Interno
Slovakia	Prísne tajné	Tajné	Dôverné	Vyhradené
Finland	ERITTÄIN SALAINEN YTTERST HEMLIG	SALAINEN HEMLIG	LUOTTAMUKSELLINEN KONFIDENTIELL	KÄYTTÖ RAJOITETTU BEGRÄNSAD TILLGÅNG
Sweden ⁽⁴⁾	HEMLIG/TOP SECRET HEMLIG AV SYNNERLIG BETYDELSE FÖR RIKETS SÄKERHET	HEMLIG/SECRET HEMLIG	HEMLIG/CONFIDENTIAL HEMLIG	HEMLIG/RESTRICTED HEMLIG
United Kingdom	Top Secret	Secret	Confidential	Restricted

⁽¹⁾ Diffusion Restreinte/Beperkte Verspreiding is not a security classification in Belgium. Belgium handles and protects 'RESTREINT UE/EU RESTRICTED' information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

⁽²⁾ Germany: VS = Verschlusssache.

⁽³⁾ France does not use the classification 'RESTREINT' in its national system. France handles and protects 'RESTREINT UE/EU RESTRICTED' information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

⁽⁴⁾ Sweden: the security classification markings in the top row are used by the defence authorities and the markings in the bottom row by other authorities.

Appendix C

LIST OF NATIONAL SECURITY AUTHORITIES (NSAs)

BELGIUM Autorité nationale de Sécurité SPF Affaires étrangères, Commerce extérieur et Coopération au Développement 15, rue des Petits Carmes 1000 Bruxelles Tel. Secretariat: +32 25014542 Fax: +32 25014596 E-mail: nvo-ans@diplobel.fed.be	DENMARK Politiets Efterretningstjeneste (Danish Security Intelligence Service) Klausdalsbrovej 1 2860 Søborg Tel.: +45 33148888 Fax: +45 33430190 Forsvarets Efterretningstjeneste (Danish Defence Intelligence Service) Kastellet 30 2100 Copenhagen Ø Tel.: +45 33325566 Fax: +45 33931320
BULGARIA State Commission on Information Security 90 Cherkovna Str. 1505 Sofia Tel.: +359 29215911 Fax: +359 29873750 E-mail: dksi@government.bg Website: www.dksi.bg	GERMANY Bundesministerium des Innern Referat OS III 3 Alt-Moabit 101 D D-11014 Berlin Tel.: +49 30186810 Fax: +49 30186811441 E-mail: oesIII3@bmi.bund.de
CZECH REPUBLIC Národní bezpečnostní úřad (National Security Authority) Na Popelce 2/16 150 06 Praha 56 Tel.: +420 257283335 Fax: +420 257283110 E-mail: czech.nsa@nbu.cz Website: www.nbu.cz	ESTONIA National Security Authority Department Estonian Ministry of Defence Sakala 1 15094 Tallinn Tel.: +372 7170113, +372 7170117 Fax: +372 7170213 E-mail: nsa@kmin.ee
IRELAND National Security Authority Department of Foreign Affairs 76 - 78 Harcourt Street Dublin 2 Tel.: +353 14780822 Fax: +353 14082959	SPAIN Autoridad Nacional de Seguridad Oficina Nacional de Seguridad Avenida Padre Huidobro s/n 28023 Madrid Tel.: +34 913725000 Fax: +34 913725808 E-mail: nsa-sp@areatec.com
GREECE Γενικό Επιτελείο Εθνικής Άμυνας (ΓΕΕΘΑ) Διακλαδική Διεύθυνση Στρατιωτικών Πληροφοριών (ΔΔΣΠ) Διεύθυνση Ασφαλείας και Αντιπληροφοριών ΣΤΓ 1020 -Χολαργός (Αθήνα) Ελλάδα Τηλ.: +30 2106572045 (ώρες γραφείου) + 30 2106572009 (ώρες γραφείου) Φαξ: +30 2106536279 + 30 2106577612 Hellenic National Defence General Staff (HNDGS) Military Intelligence Sectoral Directorate Security Counterintelligence Directorate GR-STG 1020 Holargos – Athens Tel.: +30 2106572045 +30 2106572009 Fax: +30 2106536279 +30 2106577612	FRANCE Secrétariat général de la défense et de la sécurité nationale Sous-direction Protection du secret (SGDSN/PSD) 51 Boulevard de la Tour-Maubourg 75700 Paris 07 SP Tel.: +33 171758177 Fax: + 33 171758200

ITALY Presidenza del Consiglio dei Ministri Autorità Nazionale per la Sicurezza D.I.S. - U.C.Se. Via di Santa Susanna, 15 00187 Roma Tel.: +39 0661174266 Fax: +39 064885273	LATVIA National Security Authority Constitution Protection Bureau of the Republic of Latvia P.O.Box 286 LV-1001 Riga Tel.: +371 67025418 Fax: +371 67025454 E-mail: ndi@sab.gov.lv
CYPRUS ΥΠΟΥΡΓΕΙΟ ΑΜΥΝΑΣ ΣΤΡΑΤΙΩΤΙΚΟ ΕΠΙΤΕΛΕΙΟ ΤΟΥ ΥΠΟΥΡΓΟΥ Εθνική Αρχή Ασφάλειας (ΕΑΑ) Υπουργείο Άμυνας Λεωφόρος Εμμανουήλ Ροΐδη 4 1432 Λευκωσία, Κύπρος Τηλέφωνα: +357 22807569, +357 22807643, +357 22807764 Τηλεομοιοτύπο: +357 22302351 Ministry of Defence Minister's Military Staff National Security Authority (NSA) 4 Emanuel Roidi street 1432 Nicosia Tel.: +357 22807569, +357 22807643, +357 22807764 Fax: +357 22302351 E-mail: cynsa@mod.gov.cy	LITHUANIA Lietuvos Respublikos paslapčių apsaugos koordinavimo komisija (The Commission for Secrets Protection Coordination of the Republic of Lithuania National Security Authority) Gedimino 40/1 LT-01110 Vilnius Tel.: +370 52663201, +370 52663202 Fax: +370 52663200 E-mail: nsa@vds.lt
LUXEMBOURG Autorité nationale de Sécurité Boîte postale 2379 1023 Luxembourg Tel.: +352 24782210 central +352 24782253 direct Fax: +352 24782243	NETHERLANDS Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Postbus 20010 2500 EA Den Haag Tel.: +31 703204400 Fax: +31 703200733
HUNGARY Nemzeti Biztonsági Felügyelet (National Security Authority) P.O. Box 2 1357 Budapest Tel.: +361 3469652 Fax: +361 3469658 E-mail: nbf@nbf.hu Website: www.nbf.hu	Ministerie van Defensie Beveiligingsautoriteit Postbus 20701 2500 ES Den Haag Tel.: +31 703187060 Fax: +31 703187522
MALTA Ministry of Justice and Home Affairs P.O. Box 146 MT-Valletta Tel.: +356 21249844 Fax: +356 25695321	AUSTRIA Informationssicherheitskommission Bundeskanzleramt Ballhausplatz 2 1014 Wien Tel.: +43 1531152594 Fax: +43 1531152615 E-mail: ISK@bka.gv.at

POLAND Agencja Bezpieczeństwa Wewnętrznego – ABW (Internal Security Agency) 2A Rakowiecka St. 00-993 Warszawa Tel.: +48 225857360 Fax: +48 225858509 E-mail: nsa@abw.gov.pl Website: www.abw.gov.pl Służba Kontrwywiadu Wojskowego (Military Counter-Intelligence Service) Classified Information Protection Bureau Oczki 1 02-007 Warszawa Tel.: +48 226841247 Fax: +48 226841076 E-mail: skw@skw.gov.pl	ROMANIA Oficiul Registrului Național al Informațiilor Secrete de Stat (Romanian NSA – ORNISS National Registry Office for Classified Information) 4 Mures Street 012275 Bucharest Tel.: +40 212245830 Fax: +40 212240714 E-mail: nsa.romania@nsa.ro Website: www.orniss.ro
PORTUGAL Presidência do Conselho de Ministros Autoridade Nacional de Segurança Rua da Junqueira, 69 1300-342 Lisboa Tel.: +351 213031710 Fax: +351 213031711	SLOVENIA Urad Vlade RS za varovanje tajnih podatkov Gregorčičeva 27 1000 Ljubljana Tel.: +386 14781390 Fax: +386 14781399
SLOVAKIA Národný bezpečnostný úrad (National Security Authority) Budatínska 30 P.O. Box 16 850 07 Bratislava Tel.: +421 268692314 Fax: +421 263824005 Website: www.nbusr.sk	SWEDEN Utrikesdepartementet (Ministry for Foreign Affairs) SSSB S-103 39 Stockholm Tel.: +46 84051000 Fax: +46 87231176 E-mail: ud-nsa@foreign.ministry.se
FINLAND National Security Authority Ministry for Foreign Affairs P.O. Box 453 FI-00023 Government Tel. 1: +358 916056487 Tel. 2: +358 916056484 Fax: +358 916055140 E-mail: NSA@formin.fi	UNITED KINGDOM UK National Security Authority Room 335, 3rd Floor 70 Whitehall London SW1A 2AS Tel. 1: +44 2072765649 Tel. 2: +44 2072765497 Fax: +44 2072765651 E-mail: UK-NSA@cabinet-office.x.gsi.gov.uk

Appendix D

LIST OF ABBREVIATIONS

Acronym	Meaning
AQUA	Appropriately Qualified Authority
BPS	Boundary Protection Services
CAA	Crypto Approval Authority
CCTV	Closed Circuit Television
CDA	Crypto Distribution Authority
CFSP	Common Foreign and Security Policy
CIS	Communication and Information Systems handling EUCI
COREPER	Committee of Permanent Representatives
CSDP	Common Security and Defence Policy
DSA	Designated Security Authority
ECSD	European Commission Security Directorate
EUCI	EU Classified Information
EUSR	EU Special Representative
FSC	Facility Security Clearance
GSC	General Secretariat of the Council
IA	Information Assurance
IAA	Information Assurance Authority
IDS	Intrusion Detection System
IT	Information Technology
NSA	National Security Authority
PSC	Personnel Security Clearance
PSCC	Personnel Security Clearance Certificate
PSI	Programme/Project Security Instructions
SAA	Security Accreditation Authority
SAB	Security Accreditation Board
SAL	Security Aspects Letter
SecOPs	Security Operating Procedures
SCG	Security Classification Guide
SSRS	System-Specific Security Requirement Statement
TA	TEMPEST Authority

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2011 OF THE EU-MOROCCO ASSOCIATION COUNCIL of 30 March 2011

with regard to the amendment of Annex II of Protocol 4 to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, containing the list of working or processing required to be carried out on non-originating materials in order for the product manufactured to obtain originating status

(2011/293/EU)

THE EU-MOROCCO ASSOCIATION COUNCIL,

(4) Annex II should therefore be amended,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾ (hereinafter 'the Agreement'), and in particular Article 39 of Protocol 4,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Annex II of Protocol 4 to the Agreement containing the list of working or processing required to be carried out on non-originating materials in order for the product manufactured to obtain originating status is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply from 1 January 2007.

Done at Brussels, 30 March 2011.

Whereas:

- (1) Amendments made to the Nomenclature governed by the Convention on the Harmonised Commodity Description and Coding System (hereinafter 'the Harmonised System') of the World Customs Organisation entered into force on 1 January 2007.
- (2) Consequently, in view of the number of changes to be made to the list in Annex II of Protocol 4 to the Agreement (hereinafter 'Annex II'), clarity requires that such list be replaced in its entirety.
- (3) Since the amendments to the Harmonised System were not intended to change the rules of origin, Annex II continues to apply in this regard, and the amendments to such Annex should apply retroactively from 1 January 2007.

For the EU-Morocco Association Council

The President

C. ASHTON

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

ANNEX

‘ANNEX II

LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER FOR THE PRODUCT MANUFACTURED TO OBTAIN ORIGINATING STATUS

The products mentioned in the list may not all be covered by the Agreement. It is therefore necessary to consult the other parts of the Agreement.

HS heading	Description of product	Working or processing, carried out on non-originating materials, which confers originating status	
(1)	(2)	(3)	or (4)
Chapter 1	Live animals	All the animals of Chapter 1 shall be wholly obtained	
Chapter 2	Meat and edible meat offal	Manufacture in which all the materials of Chapters 1 and 2 used are wholly obtained	
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates	Manufacture in which all the materials of Chapter 3 used are wholly obtained	
ex Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 4 used are wholly obtained	
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	Manufacture in which: – all the materials of Chapter 4 used are wholly obtained, – all the fruit juice (except that of pineapple, lime or grapefruit) of heading 2009 used is originating, and – the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
ex Chapter 5	Products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 5 used are wholly obtained	
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair	
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which: – all the materials of Chapter 6 used are wholly obtained, and – the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 7	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used are wholly obtained	

(1)	(2)	(3)	or	(4)
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which: – all the fruit and nuts used are wholly obtained, and – the value of all the materials of Chapter 17 used does not exceed 30 % of the value of the ex-works price of the product		
ex Chapter 9	Coffee, tea, maté and spices; except for:	Manufacture in which all the materials of Chapter 9 used are wholly obtained		
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Manufacture from materials of any heading		
0902	Tea, whether or not flavoured	Manufacture from materials of any heading		
ex 0910	Mixtures of spices	Manufacture from materials of any heading		
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used are wholly obtained		
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading 0714 or fruit used are wholly obtained		
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading 0713	Drying and milling of leguminous vegetables of heading 0708		
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture in which all the materials of Chapter 12 used are wholly obtained		
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Manufacture in which the value of all the materials of heading 1301 used does not exceed 50 % of the ex-works price of the product		
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: – mucilages and thickeners, modified, derived from vegetable products, – other	Manufacture from non-modified mucilages and thickeners Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		

(1)	(2)	(3)	or	(4)
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture in which all the materials of Chapter 14 used are wholly obtained		
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes; except for:	Manufacture from materials of any heading, except that of the product		
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503: – fats from bones or waste, – other	Manufacture from materials of any heading, except those of heading 0203, 0206 or 0207 or bones of heading 0506 Manufacture from meat or edible offal of swine of heading 0203 or 0206 or of meat and edible offal of poultry of heading 0207		
1502	Fats of bovine animals, sheep or goats, other than those of heading 1503 – fats from bones or waste, – other	Manufacture from materials of any heading, except those of heading 0201, 0202, 0204 or 0206 or bones of heading 0506 Manufacture in which all the materials of Chapter 2 used are wholly obtained		
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified: – solid fractions, – other	Manufacture from materials of any heading, including other materials of heading 1504 Manufacture in which all the materials of Chapters 2 and 3 used are wholly obtained		
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading 1505		
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified: – solid fractions, – other	Manufacture from materials of any heading, including other materials of heading 1506 Manufacture in which all the materials of Chapter 2 used are wholly obtained		

(1)	(2)	(3)	or	(4)
1507 to 1515	Vegetable oils and their fractions: – soya, ground nut, palm, copra, palm kernel, babassu, tung and oiticica oil, myrtle wax and Japan wax, fractions of jojoba oil and oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption, – solid fractions, except for that of jojoba oil, – other	Manufacture from materials of any heading, except that of the product Manufacture from other materials of headings 1507 to 1515 Manufacture in which all the vegetable materials used are wholly obtained		
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared	Manufacture in which: – all the materials of Chapter 2 used are wholly obtained, and – all the vegetable materials used are wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used		
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 1516	Manufacture in which: – all the materials of Chapters 2 and 4 used are wholly obtained, and – all the vegetable materials used are wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used		
Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	Manufacture: – from animals of Chapter 1, and/or – in which all the materials of Chapter 3 used are wholly obtained		
ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture from materials of any heading, except that of the product		
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, containing added flavouring or colouring matter	Manufacture in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: – chemically-pure maltose and fructose, – other sugars in solid form, containing added flavouring or colouring matter, – other	Manufacture from materials of any heading, including other materials of heading 1702 Manufacture in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product Manufacture in which all the materials used are originating		

(1)	(2)	(3)	or	(4)
ex 1703	Molasses resulting from the extraction or refining of sugar, containing added flavouring or colouring matter	Manufacture in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
1704	Sugar confectionery (including white chocolate), not containing cocoa	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
Chapter 18	Cocoa and cocoa preparations	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: – malt extract, – other	Manufacture from cereals of Chapter 10 Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: – containing 20 % or less by weight of meat, meat offal, fish, crustaceans or molluscs, – containing more than 20 % by weight of meat, meat offal, fish, crustaceans or molluscs	Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used are wholly obtained Manufacture in which: – all the cereals and their derivatives (except durum wheat and its derivatives) used are wholly obtained, and – all the materials of Chapters 2 and 3 used are wholly obtained		

(1)	(2)	(3)	or	(4)
1903	Tapioca and substitutes therefore prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	Manufacture from materials of any heading, except potato starch of heading 1108		
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included	Manufacture: – from materials of any heading, except those of heading 1806, – in which all the cereals and flour (except durum wheat and <i>Zea mays</i> and their derivatives) used are wholly obtained, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading, except those of Chapter 11		
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture in which all the fruit, nuts or vegetables used are wholly obtained		
ex 2001	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid	Manufacture from materials of any heading, except that of the product		
ex 2004 and ex 2005	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture from materials of any heading, except that of the product		
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised)	Manufacture in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product		

(1)	(2)	(3)	or (4)
ex 2008	– Nuts, not containing added sugar or spirits – Peanut butter; mixtures based on cereals; palm hearts; maize (corn) – Other except for fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which the value of all the originating nuts and oil seeds of headings 0801, 0802 and 1202 to 1207 used exceeds 60 % of the ex-works price of the product Manufacture from materials of any heading, except that of the product Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
ex Chapter 21	Miscellaneous edible preparations; except for:	Manufacture from materials of any heading, except that of the product	
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	Manufacture: – from materials of any heading, except that of the product, and – in which all the chicory used is wholly obtained	
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: – sauces and preparations therefor; mixed condiments and mixed seasonings, – mustard flour and meal and prepared mustard	Manufacture from materials of any heading, except that of the product. However, mustard flour or meal or prepared mustard may be used Manufacture from materials of any heading	
ex 2104	Soups and broths and preparations therefor	Manufacture from materials of any heading, except prepared or preserved vegetables of headings 2002 to 2005	

(1)	(2)	(3)	or (4)
2106	Food preparations not elsewhere specified or included	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
ex Chapter 22	Beverages, spirits and vinegar; except for:	Manufacture: – from materials of any heading, except that of the product, and – in which all the grapes or materials derived from grapes used are wholly obtained	
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product, and – in which all the fruit juice used (except that of pineapple, lime or grapefruit) is originating	
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: – from materials of any heading, except heading 2207 or 2208, and – in which all the grapes or materials derived from grapes used are wholly obtained or, if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume	
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages	Manufacture: – from materials of any heading, except heading 2207 or 2208, and – in which all the grapes or materials derived from grapes used are wholly obtained or, if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume	
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture from materials of any heading, except that of the product	
ex 2301	Whale meal; flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption	Manufacture in which all the materials of Chapters 2 and 3 used are wholly obtained	

(1)	(2)	(3)	or	(4)
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	Manufacture in which all the maize used is wholly obtained		
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3 % of olive oil	Manufacture in which all the olives used are wholly obtained		
2309	Preparations of a kind used in animal feeding	Manufacture in which: – all the cereals, sugar or molasses, meat or milk used are originating, and – all the materials of Chapter 3 used are wholly obtained		
ex Chapter 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture in which all the materials of Chapter 24 used are wholly obtained		
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading 2401 used is originating		
ex 2403	Smoking tobacco	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading 2401 used is originating		
ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture from materials of any heading, except that of the product		
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite		
ex 2515	Marble, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm		
ex 2516	Granite, porphyry, basalt, sandstone and other monumental or building stone, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stone (even if already sawn) of a thickness exceeding 25 cm		
ex 2518	Calcined dolomite	Calcination of dolomite not calcined		

(1)	(2)	(3)	or	(4)
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture from materials of any heading, except that of the product. However, natural magnesium carbonate (magnesite) may be used		
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate		
ex 2525	Mica powder	Grinding of mica or mica waste		
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours		
Chapter 26	Ores, slag and ash	Manufacture from materials of any heading, except that of the product		
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes; except for:	Manufacture from materials of any heading, except that of the product		
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
ex 2709	Crude oils obtained from bituminous minerals	Destructive distillation of bituminous materials		
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations; waste oils	Operations of refining and/or one or more specific process(es) ⁽²⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		

(1)	(2)	(3)	or	(4)
2711	Petroleum gases and other gaseous hydrocarbons	Operations of refining and/or one or more specific process(es) ⁽²⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
2712	Petroleum jelly; paraffin wax, micro-crystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		

(1)	(2)	(3)	or	(4)
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2805	"Mischmetall"	Manufacture by electrolytic or thermal treatment in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 2840	Sodium perborate	Manufacture from disodium tetraborate pentahydrate		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2852	Mercury compounds of internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	Mercury compounds of nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of headings 2852, 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 29	Organic chemicals; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		

(1)	(2)	(3)	or	(4)
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	Operations of refining and/or one or more specific process(es) (1) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol	Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of headings 2915 and 2916 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2932	– Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	– Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	Manufacture from materials of any heading. However, the value of all the materials of headings 2932 and 2933 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2934	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of headings 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2939	Concentrates of poppy straw containing not less than 50 % by weight of alkaloids	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex Chapter 30	Pharmaceutical products; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		

(1)	(2)	(3)	or (4)
3002	Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products: – products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale, – other: -- human blood, -- animal blood prepared for therapeutic or prophylactic uses, -- blood fractions other than antisera, haemoglobin, blood globulins and serum globulins, -- haemoglobin, blood globulins and serum globulins, -- other	Manufacture from materials of any heading, including other materials of heading 3002. However, materials of the same description as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture from materials of any heading, including other materials of heading 3002. However, materials of the same description as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture from materials of any heading, including other materials of heading 3002. However, materials of the same description as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture from materials of any heading, including other materials of heading 3002. However, materials of the same description as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture from materials of any heading, including other materials of heading 3002. However, materials of the same description as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	

(1)	(2)	(3)	or (4)
3003 and 3004 Medicaments (excluding goods of heading 3002, 3005 or 3006): – obtained from amikacin of heading 2941, – other ex 3006 – Waste pharmaceuticals specified in note 4(k) to this Chapter – Sterile surgical or dental adhesion barriers, whether or not absorbable: – made of plastics, – made of fabrics – Appliances identifiable for ostomy use		Manufacture from materials of any heading, except that of the product. However, materials of headings 3003 and 3004 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture: – from materials of any heading, except that of the product. However, materials of headings 3003 and 3004 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product The origin of the product in its original classification shall be retained Manufacture in which the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽³⁾ Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex Chapter 31	Fertilisers; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex 3105	Mineral or chemical fertilisers containing two or three of the fertilising elements nitrogen, phosphorous and potassium; other fertilisers; goods of this Chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for: – sodium nitrate, – calcium cyanamide, – potassium sulphate, – magnesium potassium sulphate	Manufacture: – from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3201	Tannins and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3205	Colour lakes; preparations as specified in note 3 to this Chapter based on colour lakes ⁽⁵⁾	Manufacture from materials of any heading, except headings 3203, 3204 and 3205. However, materials of heading 3205 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Manufacture from materials of any heading, including materials of a different "group" ⁽⁶⁾ in this heading. However, materials of the same group as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or	(4)
ex 3403	Lubricating preparations containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product		
3404	Artificial waxes and prepared waxes: – with a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax, – other	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product Manufacture from materials of any heading, except: – hydrogenated oils having the character of waxes of heading 1516, – fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading 3823, and – materials of heading 3404 However, these materials may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches: – starch ethers and esters, – other	Manufacture from materials of any heading, including other materials of heading 3505 Manufacture from materials of any heading, except those of heading 1108		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or	(4)
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3701	Photographic plates and film in the flat, sensitised, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitised, unexposed, whether or not in packs:			
	– instant print film for colour photography, in packs,	Manufacture from materials of any heading, except those of headings 3701 and 3702. However, materials of heading 3702 may be used, provided that their total value does not exceed 30 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	– other	Manufacture from materials of any heading, except those of headings 3701 and 3702. However, materials of headings 3701 and 3702 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3702	Photographic film in rolls, sensitised, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitised, unexposed	Manufacture from materials of any heading, except those of headings 3701 and 3702		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3704	Photographic plates, film paper, paperboard and textiles, exposed but not developed	Manufacture from materials of any heading, except those of headings 3701 to 3704		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex 3801	– colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes, – graphite in paste form, being a mixture of more than 30 % by weight of graphite with mineral oils	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture in which the value of all the materials of heading 3403 used does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3803	Refined tall oil	Refining of crude tall oil	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3806	Ester gums	Manufacture from resin acids	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	
3810	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding electrodes or rods	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	

(1)	(2)	(3)	or (4)
3811	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and other prepared additives, for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils; – prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals, – other	Manufacture in which the value of all the materials of heading 3811 used does not exceed 50 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3812	Prepared rubber accelerators; compound plasticisers for rubber or plastics, not elsewhere specified or included; anti-oxidising preparations and other compound stabilisers for rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3813	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3814	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3818	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3819	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3820	Anti-freezing preparations and prepared de-icing fluids	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 3821	Prepared culture media for the development or maintenance of micro-organisms (including viruses and the like) or of plant, human or animal cells	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3822	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, other than those of heading 3002 or 3006; certified reference materials	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	

(1)	(2)	(3)	or (4)
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols: – industrial monocarboxylic fatty acids, acid oils from refining, – industrial fatty alcohols	Manufacture from materials of any heading, except that of the product Manufacture from materials of any heading, including other materials of heading 3823	
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included: – the following of this heading: -- prepared binders for foundry moulds or cores based on natural resinous products, -- naphthenic acids, their water-insoluble salts and their esters, -- sorbitol other than that of heading 2905, -- petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts, -- ion exchangers, -- getters for vacuum tubes, -- alkaline iron oxide for the purification of gas, -- ammoniacal gas liquors and spent oxide produced in coal gas purification, -- sulphonaphthenic acids, their water-insoluble salts and their esters, -- fusel oil and Dippel's oil, -- mixtures of salts having different anions, -- copying pastes with a basis of gelatin, whether or not on a paper or textile backing – other	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
3901 to 3915	Plastics in primary forms, waste, parings and scrap, of plastic; except for headings ex 3907 and 3912 for which the rules are set out below: – addition homopolymerisation products in which a single monomer contributes more than 99 % by weight to the total polymer content, – other	Manufacture in which: – the value of all the materials used does not exceed 50 % of the ex-works price of the product, and – within the above limit, the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽³⁾ Manufacture in which the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽³⁾	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 3907	– Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS) – Polyester	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product ⁽³⁾ Manufacture in which the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product and/or manufacture from polycarbonate of tetrabromo-(bisphenol A)	
3912	Cellulose and its chemical derivatives, not elsewhere specified or included, in primary forms	Manufacture in which the value of all the materials of the same heading as the product used does not exceed 20 % of the ex-works price of the product	
3916 to 3921	Semi-manufactures and articles of plastics; except for headings ex 3916, ex 3917, ex 3920 and ex 3921, for which the rules are set out below: – flat products, further worked than only surface-worked or cut into forms other than rectangular (including square); other products, further worked than only surface-worked, – other: – – addition homopolymerisation products in which a single monomer contributes more than 99 % by weight to the total polymer content, – – other	Manufacture in which the value of all the materials of Chapter 39 used does not exceed 50 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 50 % of the ex-works price of the product, and – within the above limit, the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽³⁾ Manufacture in which the value of all the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽³⁾	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex 3916 and ex 3917	Profile shapes and tubes	Manufacture in which: – the value of all the materials used does not exceed 50 % of the ex-works price of the product, and – within the above limit, the value of all the materials of the same heading as the product used does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 3920	– Ionomer sheet or film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralised with metal ions, mainly zinc and sodium	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
	– Sheets of regenerated cellulose, polyamides or polyethylene	Manufacture in which the value of all the materials of the same heading as the product used does not exceed 20 % of the ex-works price of the product	
ex 3921	Foils of plastic, metallised	Manufacture from highly-transparent polyester-foils with a thickness of less than 23 micron ⁽⁷⁾	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
3922 to 3926	Articles of plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 40	Rubber and articles thereof; except for:	Manufacture from materials of any heading, except that of the product	
ex 4001	Laminated slabs of crepe rubber for shoes	Lamination of sheets of natural rubber	
4005	Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50 % of the ex-works price of the product	
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber:		
	– retreaded pneumatic, solid or cushion tyres, of rubber,	Retreading of used tyres	
	– other	Manufacture from materials of any heading, except those of headings 4011 and 4012	
ex 4017	Articles of hard rubber	Manufacture from hard rubber	
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture from materials of any heading, except that of the product	

(1)	(2)	(3)	or	(4)
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lamb skins, with wool on		
4104 to 4106	Tanned or crust hides and skins, without wool or hair on, whether or not split, but not further prepared	Retanning of tanned leather or Manufacture from materials of any heading, except that of the product		
4107, 4112 and 4113	Leather further prepared after tanning or crusting, including parchment-dressed leather, without wool or hair on, whether or not split, other than leather of heading 4114	Manufacture from materials of any heading, except headings 4104 to 4113		
ex 4114	Patent leather and patent laminated leather; metallised leather	Manufacture from materials of headings 4104 to 4106, 4107, 4112 or 4113, provided that their total value does not exceed 50 % of the ex-works price of the product		
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture from materials of any heading, except that of the product		
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture from materials of any heading, except that of the product		
ex 4302	Tanned or dressed furskins, assembled: – plates, crosses and similar forms, – other	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins Manufacture from non-assembled, tanned or dressed furskins		
4303	Articles of apparel, clothing accessories and other articles of fur skin	Manufacture from non-assembled tanned or dressed furskins of heading 4302		
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture from materials of any heading, except that of the product		
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down		
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or end-jointed	Planing, sanding or end-jointing		
ex 4408	Sheets for veneering (including those obtained by slicing laminated wood) and for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or end-jointed	Splicing, planing, sanding or end-jointing		

(1)	(2)	(3)	or	(4)
ex 4409	Wood continuously shaped along any of its edges, ends or faces, whether or not planed, sanded or end-jointed: – sanded or end-jointed, – beadings and mouldings	Sanding or end-jointing Beading or moulding		
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding		
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size		
ex 4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces		
ex 4418	– Builders' joinery and carpentry of wood – Beadings and mouldings	Manufacture from materials of any heading, except that of the product. However, cellular wood panels, shingles and shakes may be used Beading or moulding		
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading, except drawn wood of heading 4409		
ex Chapter 45	Cork and articles of cork; except for:	Manufacture from materials of any heading, except that of the product		
4503	Articles of natural cork	Manufacture from cork of heading 4501		
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	Manufacture from materials of any heading, except that of the product		
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard	Manufacture from materials of any heading, except that of the product		
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard; except for:	Manufacture from materials of any heading, except that of the product		
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47		
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47		

(1)	(2)	(3)	or	(4)
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 4818	Toilet paper	Manufacture from paper-making materials of Chapter 47		
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from paper-making materials of Chapter 47		
ex Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans; except for:	Manufacture from materials of any heading, except that of the product		
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials of any heading, except those of headings 4909 and 4911		
4910	Calendars of any kind, printed, including calendar blocks: – calendars of the “perpetual” type or with replaceable blocks mounted on bases other than paper or paperboard, – other	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture from materials of any heading, except those of headings 4909 and 4911		
ex Chapter 50	Silk; except for:	Manufacture from materials of any heading, except that of the product		

(1)	(2)	(3)	or (4)
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste	
5004 to ex 5006	Silk yarn and yarn spun from silk waste	Manufacture from ⁽⁴⁾ : – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – other natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	
5007	Woven fabrics of silk or of silk waste: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾ : – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture from materials of any heading, except that of the product	
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Manufacture from ⁽⁴⁾ : – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	

(1)	(2)	(3)	or (4)
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾: – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 52	Cotton; except for:	Manufacture from materials of any heading, except that of the product	
5204 to 5207	Yarn and thread of cotton	Manufacture from ⁽⁴⁾: – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	
5208 to 5212	Woven fabrics of cotton: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾: – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or	

(1)	(2)	(3)	or (4)
		Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture from materials of any heading, except that of the product	
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Manufacture from ⁽⁴⁾ : – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾ : – coir yarn, – jute yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	

(1)	(2)	(3)	or (4)
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Manufacture from ⁽⁴⁾ : – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	
5407 and 5408	Woven fabrics of man-made filament yarn: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾ : – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp	
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Manufacture from ⁽⁴⁾ : – raw silk or silk waste, carded or combed or otherwise prepared for spinning, – natural fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper-making materials	

(1)	(2)	(3)	or	(4)
5512 to 5516	Woven fabrics of man-made staple fibres: – incorporating rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾: – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product		
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Manufacture from ⁽⁴⁾: – coir yarn, – natural fibres, – chemical materials or textile pulp, or – paper-making materials		
5602	Felt, whether or not impregnated, coated, covered or laminated: – needleloom felt, – other	Manufacture from ⁽⁴⁾: – natural fibres, or, – chemical materials or textile pulp, However: – polypropylene filament of heading 5402, – polypropylene fibres of heading 5503 or 5506, or – polypropylene filament tow of heading 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres made from casein, or – chemical materials or textile pulp,		

(1)	(2)	(3)	or (4)
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics: – rubber thread and cord, textile covered, – other	Manufacture from rubber thread or cord, not textile covered Manufacture from ⁽⁴⁾: – natural fibres, not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper-making materials	
5605	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper-making materials	
5606	Gimped yarn, and strip and the like of heading 5404 or 5405, gimped (other than those of heading 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, – chemical materials or textile pulp, or – paper-making materials	
Chapter 57	Carpets and other textile floor coverings: – of needleloom felt,	Manufacture from ⁽⁴⁾: – natural fibres, or – chemical materials or textile pulp However: – polypropylene filament of heading 5402, – polypropylene fibres of heading 5503 or 5506, or – polypropylene filament tow of heading 5501,	

(1)	(2)	(3)	or (4)
	– of other felt, – other	of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product Jute fabric may be used as a backing Manufacture from ⁽⁴⁾: – natural fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp Manufacture from ⁽⁴⁾: – coir yarn or jute yarn, – synthetic or artificial filament yarn, – natural fibres, or – man-made staple fibres, not carded or combed or otherwise processed for spinning Jute fabric may be used as a backing	
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for: – combined with rubber thread, – other	Manufacture from single yarn ⁽⁴⁾ Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
5805	Hand-woven tapestries of the types Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture from materials of any heading, except that of the product	

(1)	(2)	(3)	or	(4)
5810	Embroidery in the piece, in strips or in motifs	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn		
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon: – containing not more than 90 % by weight of textile materials, – other	Manufacture from yarn Manufacture from chemical materials or textile pulp		
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, rasing, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product		
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn ⁽⁴⁾		
5905	Textile wall coverings: – impregnated, coated, covered or laminated with rubber, plastics or other materials, – other	Manufacture from yarn Manufacture from ⁽⁴⁾ : – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp or		

(1)	(2)	(3)	or (4)
5906	Rubberised textile fabrics, other than those of heading 5902: – knitted or crocheted fabrics, – other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials, – other	Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp Manufacture from chemical materials Manufacture from yarn	
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated: – incandescent gas mantles, impregnated, – other	Manufacture from tubular knitted gas-mantle fabric Manufacture from materials of any heading, except that of the product	

(1)	(2)	(3)	or (4)
5909 to 5911	Textile articles of a kind suitable for industrial use: – polishing discs or rings other than of felt of heading 5911, – woven fabrics, of a kind commonly used in papermaking or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading 5911, – other	Manufacture from yarn or waste fabrics or rags of heading 6310 Manufacture from ⁽⁴⁾: – coir yarn, – the following materials: – – yarn of polytetrafluoroethylene ⁽⁸⁾, – – yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin, – – yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of <i>m</i>-phenylenediamine and isophthalic acid, – – monofil of polytetrafluoroethylene ⁽⁸⁾, – – yarn of synthetic textile fibres of poly(<i>p</i>-phenylene terephthalamide), – – glass fibre yarn, coated with phenol resin and gimped with acrylic yarn ⁽⁸⁾, – – copolyester monofilaments of a polyester and a resin of terephthalic acid and 1,4-cyclohexanediethanol and isophthalic acid, – – natural fibres, – – man-made staple fibres not carded or combed or otherwise processed for spinning, or – – chemical materials or textile pulp Manufacture from ⁽⁴⁾: – coir yarn, – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp	
Chapter 60	Knitted or crocheted fabrics	Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp	

(1)	(2)	(3)	or (4)
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted: – obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form, – other	Manufacture from yarn ⁽⁴⁾ ⁽⁹⁾ Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp	
ex Chapter 62 ex 6202, ex 6204, ex 6206, ex 6209 and ex 6211 ex 6210 and ex 6216 6213 and 6214	Articles of apparel and clothing accessories, not knitted or crocheted; except for: Women's, girls' and babies' clothing and clothing accessories for babies, embroidered Fire-resistant equipment of fabric covered with foil of aluminised polyester Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: – embroidered, – other	Manufacture from yarn ⁽⁴⁾ ⁽⁹⁾ Manufacture from yarn ⁽⁹⁾ or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product ⁽⁹⁾ Manufacture from yarn ⁽⁹⁾ or Manufacture from uncoated fabric, provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product ⁽⁹⁾ Manufacture from unbleached single yarn ⁽⁴⁾ ⁽⁹⁾ or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product ⁽⁹⁾ Manufacture from unbleached single yarn ⁽⁴⁾ ⁽⁹⁾ or Making up, followed by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering,	

(1)	(2)	(3)	or (4)
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212: – embroidered, – fire-resistant equipment of fabric covered with foil of aluminised polyester, – interlinings for collars and cuffs, cut out, – other	shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of all the unprinted goods of headings 6213 and 6214 used does not exceed 47,5 % of the ex-works price of the product Manufacture from yarn ⁽⁹⁾ or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product ⁽⁹⁾ Manufacture from yarn ⁽⁹⁾ or Manufacture from uncoated fabric, provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product ⁽⁹⁾ Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture from yarn ⁽⁹⁾	
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for: 6301 to 6304 Blankets, travelling rugs, bed linen, etc.; curtains etc.; other furnishing articles: – of felt, of nonwovens, – other: – – embroidered,	Manufacture from materials of any heading, except that of the product Manufacture from ⁽⁴⁾: – natural fibres, or – chemical materials or textile pulp Manufacture from unbleached single yarn ⁽⁹⁾ ⁽¹⁰⁾ or	

(1)	(2)	(3)	or (4)
6305	-- other Sacks and bags, of a kind used for the packing of goods	Manufacture from unembroidered fabric (other than knitted or crocheted), provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product Manufacture from unbleached single yarn ⁽⁹⁾ ⁽¹⁰⁾ Manufacture from ⁽⁴⁾: – natural fibres, – man-made staple fibres, not carded or combed or otherwise processed for spinning, or – chemical materials or textile pulp	
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: – of nonwovens, – other	Manufacture from ⁽⁹⁾ ⁽⁴⁾: – natural fibres, or – chemical materials or textile pulp Manufacture from unbleached single yarn ⁽⁹⁾ ⁽⁴⁾	
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the ex-works price of the set	
ex Chapter 64	Footwear, gaiters and the like; parts of such articles; except for:	Manufacture from materials of any heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 6406	
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture from materials of any heading, except that of the product	
ex Chapter 65	Headgear and parts thereof; except for:	Manufacture from materials of any heading, except that of the product	

(1)	(2)	(3)	or	(4)
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres ⁽⁹⁾		
ex Chapter 66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops, and parts thereof; except for:	Manufacture from materials of any heading, except that of the product		
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair	Manufacture from materials of any heading, except that of the product		
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials; except for:	Manufacture from materials of any heading, except that of the product		
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate		
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading		
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)		
Chapter 69	Ceramic products	Manufacture from materials of any heading, except that of the product		
ex Chapter 70	Glass and glassware; except for:	Manufacture from materials of any heading, except that of the product		
ex 7003, ex 7004 and ex 7005	Glass with a non-reflecting layer	Manufacture from materials of heading 7001		
7006	Glass of heading 7003, 7004 or 7005, bent, edge-worked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials:			
	– glass-plate substrates, coated with a dielectric thin film, and of a semiconductor grade in accordance with SEMII-standards ⁽¹¹⁾ ,	Manufacture from non-coated glass-plate substrate of heading 7006		
	– other	Manufacture from materials of heading 7001		

(1)	(2)	(3)	or	(4)
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading 7001		
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading 7001		
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading 7001		
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product		
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product or Hand-decoration (except silk-screen printing) of hand-blown glassware, provided that the total value of the hand-blown glassware used does not exceed 50 % of the ex-works price of the product		
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: – uncoloured slivers, rovings, yarn or chopped strands, or – glass wool		
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin; except for:	Manufacture from materials of any heading, except that of the product		
ex 7101	Natural or cultured pearls, graded and temporarily strung for convenience of transport	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 7102, ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones		

(1)	(2)	(3)	or	(4)
7106, 7108 and 7110	Precious metals: – unwrought,	Manufacture from materials of any heading, except those of headings 7106, 7108 and 7110 or Electrolytic, thermal or chemical separation of precious metals of heading 7106, 7108 or 7110 or Alloying of precious metals of heading 7106, 7108 or 7110 with each other or with base metals		
ex 7107, ex 7109 and ex 7111	– semi-manufactured or in powder form	Manufacture from unwrought precious metals		
	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought		
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
7117	Imitation jewellery	Manufacture from materials of any heading, except that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided that the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex Chapter 72	Iron and steel; except for:	Manufacture from materials of any heading, except that of the product		
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading 7201, 7202, 7203, 7204 or 7205		
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading 7206		
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading 7207		
ex 7218, 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading 7218		
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading 7218		

(1)	(2)	(3)	or (4)
ex 7224, 7225 to 7228	Semi-finished products, flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading 7206, 7218 or 7224	
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading 7224	
ex Chapter 73	Articles of iron or steel; except for:	Manufacture from materials of any heading, except that of the product	
ex 7301	Sheet piling	Manufacture from materials of heading 7206	
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for jointing or fixing rails	Manufacture from materials of heading 7206	
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading 7206, 7207, 7218 or 7224	
ex 7307	Tube or pipe fittings of stainless steel (ISO No X5CrNiMo 1712), consisting of several parts	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks, provided that the total value of the forged blanks used does not exceed 35 % of the ex-works price of the product	
7308	Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product. However, welded angles, shapes and sections of heading 7301 may not be used	
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading 7315 used does not exceed 50 % of the ex-works price of the product	
ex Chapter 74	Copper and articles thereof; except for:	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	

(1)	(2)	(3)	or	(4)
7401	Copper mattes; cement copper (precipitated copper)	Manufacture from materials of any heading, except that of the product		
7402	Unrefined copper; copper anodes for electrolytic refining	Manufacture from materials of any heading, except that of the product		
7403	Refined copper and copper alloys, unwrought:			
	– refined copper,	Manufacture from materials of any heading, except that of the product		
	– copper alloys and refined copper containing other elements	Manufacture from refined copper, unwrought, or waste and scrap of copper		
7404	Copper waste and scrap	Manufacture from materials of any heading, except that of the product		
7405	Master alloys of copper	Manufacture from materials of any heading, except that of the product		
ex Chapter 75	Nickel and articles thereof; except for:	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
7501 to 7503	Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy; unwrought nickel; nickel waste and scrap	Manufacture from materials of any heading, except that of the product		
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
7601	Unwrought aluminium	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
		or		
		Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium		

(1)	(2)	(3)	or (4)
7602 ex 7616	Aluminium waste or scrap Aluminium articles other than gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, and expanded metal of aluminium	Manufacture from materials of any heading, except that of the product Manufacture: – from materials of any heading, except that of the product. However, gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium may be used, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 77	Reserved for possible future use in the HS		
ex Chapter 78 7801 7802	Lead and articles thereof; except for: Unwrought lead: – refined lead, – other Lead waste and scrap	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture from “bullion” or “work” lead Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 7802 may not be used Manufacture from materials of any heading, except that of the product	
ex Chapter 79 7901 7902	Zinc and articles thereof; except for: Unwrought zinc Zinc waste and scrap	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 7902 may not be used Manufacture from materials of any heading, except that of the product	

(1)	(2)	(3)	or	(4)
ex Chapter 80	Tin and articles thereof; except for:	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
8001	Unwrought tin	Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 8002 may not be used		
8002 and 8007	Tin waste and scrap; other articles of tin	Manufacture from materials of any heading, except that of the product		
Chapter 81	Other base metals; cermets; articles thereof:			
	– other base metals, wrought; articles thereof,	Manufacture in which the value of all the materials of the same heading as the product used does not exceed 50 % of the ex-works price of the product		
	– other	Manufacture from materials of any heading, except that of the product		
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture from materials of any heading, except that of the product		
8206	Tools of two or more of the headings 8202 to 8205, put up in sets for retail sale	Manufacture from materials of any heading, except those of headings 8202 to 8205. However, tools of headings 8202 to 8205 may be incorporated into the set, provided that their total value does not exceed 15 % of the ex-works price of the set		
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning, or screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8208	Knives and cutting blades, for machines or for mechanical appliances	Manufacture:		
		– from materials of any heading, except that of the product, and		
		– in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		

(1)	(2)	(3)	or (4)
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208	Manufacture from materials of any heading, except that of the product. However, knife blades and handles of base metal may be used	
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used	
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used	
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture from materials of any heading, except that of the product	
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8302 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product	
ex 8306	Statuettes and other ornaments, of base metal	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8306 may be used, provided that their total value does not exceed 30 % of the ex-works price of the product	
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8401	Nuclear fuel elements	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8403 and ex 8404	Central heating boilers other than those of heading 8402 and auxiliary plant for central heating boilers	Manufacture from materials of any heading, except those of headings 8403 and 8404	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or	(4)
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8409	Parts suitable for use solely or principally with the engines of heading 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8411	Turbo-jets, turbo-propellers and other gas turbines	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
ex 8413	Rotary positive displacement pumps	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8414	Industrial fans, blowers and the like	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		

(1)	(2)	(3)	or (4)
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 8415	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – in which the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8419	Machines for wood, paper pulp, paper and paperboard industries	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of the same heading as the product used does not exceed 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of the same heading as the product used does not exceed 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8425 to 8428	Lifting, handling, loading or unloading machinery	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8431 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers: – road rollers, – other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8431 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8431 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8431	Parts suitable for use solely or principally with road rollers	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of the same heading as the product used does not exceed 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of the same heading as the product used does not exceed 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8443	Printers, for office machines (for example automatic data processing machines, word-processing machines, etc.)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

(1)	(2)	(3)	or	(4)
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
ex 8448	Auxiliary machinery for use with machines of headings 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8452	Sewing machines, other than book-sewing machines of heading 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles: – sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor, – other	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, – the value of all the non-originating materials used in assembling the head (without motor) does not exceed the value of all the originating materials used, and – the thread-tension, crochet and zigzag mechanisms used are originating Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8456 to 8466	Machine-tools and machines and their parts and accessories of headings 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
8482	Ball or roller bearings	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3) or	(4)
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 8486	– Machine tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electrodischarge, electrochemical, electron beam, ionic-beam or plasma arc processes and parts and accessories thereof – Machine tools (including presses) for working metal by bending, folding, straightening, flattening, and parts and accessories thereof – Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass and parts and accessories thereof – Marking-out instruments which are pattern generating apparatus of a kind used for producing masks or reticles from photoresist coated substrates; parts and accessories thereof – Moulds, injection or compression types – Lifting, handing, loading or unloading machinery	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8431 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8487	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8501	Electric motors and generators (excluding generating sets)	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8503 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8502	Electric generating sets and rotary converters	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of headings 8501 and 8503 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8504	Power supply units for automatic data-processing machines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 8517	Other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wireless network (such as a local or wide area network), other than transmission or reception apparatus of headings 8443, 8525, 8527 or 8528	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8518	Microphones and stands therefore; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8519	Sound recording and sound reproducing apparatus	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8522	Parts and accessories suitable for use solely or principally with the apparatus of headings 8519 to 8521	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8523	– Unrecorded discs, tapes, solid-state non-volatile storage devices and other media for the recording of sound or of other phenomena, but excluding products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
	– Recorded discs, tapes solid-state non-volatile storage devices and other media for the recording of sound or of other phenomena, but excluding products of Chapter 37	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8523 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
	– Matrices and masters for the production of discs, but excluding products of Chapter 37	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8523 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
	– Proximity cards and “smart cards” with two or more electronic integrated circuits	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
	– “Smart cards” with one electronic integrated circuit	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and, – within the above limit, the value of all the materials of headings 8541 and 8542 used does not exceed 10 % of the ex-works price of the product, or	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and video camera recorders	The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a country other than those specified in Articles 3 and 4 Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8528	– monitors and projectors, not incorporating television reception apparatus, of a kind solely or principally used in an automatic data-processing system of heading 8471 – other monitors and projectors, not incorporating television reception apparatus; Reception apparatus for television —, whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8529	Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528: – suitable for use solely or principally with video recording or reproducing apparatus, – suitable for use solely or principally with monitors and projectors, not incorporating television reception apparatus, of a kind solely or principally used in an automatic data-processing system of heading 8471, – other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits for a voltage exceeding 1 000 V	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8538 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8536	– Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits for a voltage not exceeding 1 000 V – connectors for optical fibres, optical fibre bundles or cables: – – of plastics, – – of ceramics, – – of copper	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8538 used does not exceed 10 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product Manufacture from materials of any heading, except that of the product Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading 8517	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 8538 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8542	Electronic integrated circuits – Monolithic integrated circuits – Multichips which are parts of machinery or apparatus, not specified or included elsewhere in this Chapter – Others	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of headings 8541 and 8542 used does not exceed 10 % of the ex-works price of the product or The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a country other than those specified in Articles 3 and 4 Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of headings 8541 and 8542 used does not exceed 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3)	or	(4)
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8548	– Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter – Electronic microassemblies	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of headings 8541 and 8542 used does not exceed 10 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
8608	Railway or tramway track fixtures and fittings; mechanical (including electro-mechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8710	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars:		
	– with reciprocating internal combustion piston engine of a cylinder capacity:		
	– – Not exceeding 50 cm ³ ,	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 20 % of the ex-works price of the product
	– – Exceeding 50 cm ³	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
	– other	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex 8712	Bicycles without ball bearings	Manufacture from materials of any heading, except those of heading 8714	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8715	Baby carriages and parts thereof	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex Chapter 88	Aircraft, spacecraft, and parts thereof; except for:	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 8804	Rotachutes	Manufacture from materials of any heading, including other materials of heading 8804	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture from materials of any heading, except that of the product. However, hulls of heading 8906 may not be used	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for:	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading 8544; sheets and plates of polarising material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

(1)	(2)	(3)	or	(4)
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefor	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; and – in which the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – in which the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – in which the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection	Manufacture: – from materials of any heading, except that of the product, – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – in which the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; range-finders	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments:		
	– dentists' chairs incorporating dental appliances or dentists' spittoons,	Manufacture from materials of any heading, including other materials of heading 9018	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	– other	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor:		
	– parts and accessories, – other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

(1)	(2)	(3)	or	(4)
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionising radiations	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
ex Chapter 91	Clocks and watches and parts thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product		
9105	Other clocks	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9109	Clock movements, complete and assembled	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – the value of all the non-originating materials used does not exceed the value of all the originating materials used		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture in which: – the value of all the materials used does not exceed 40 % of the ex-works price of the product, and – within the above limit, the value of all the materials of heading 9114 used does not exceed 10 % of the ex-works price of the product		Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

(1)	(2)	(3)	or (4)
9111	Watch cases and parts thereof	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9113	Watch straps, watch bands and watch bracelets, and parts thereof: – of base metal, whether or not gold- or silver-plated, or of metal clad with precious metal, – other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like; prefabricated buildings; except for:	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m ² or less	Manufacture from materials of any heading, except that of the product or Manufacture from cotton cloth already made up in a form ready for use with materials of heading 9401 or 9403, provided that: – the value of the cloth does not exceed 25 % of the ex-works price of the product, and – all the other materials used are originating and are classified in a heading other than heading 9401 or 9403	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

(1)	(2)	(3)	or	(4)
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof; except for:	Manufacture from materials of any heading, except that of the product		
ex 9503	Other toys; reduced-size (scale) models and similar recreational models, working or not; puzzles of all kinds	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 9506	Golf clubs and parts thereof	Manufacture from materials of any heading, except that of the product. However, roughly-shaped blocks for making golf-club heads may be used		
ex Chapter 96	Miscellaneous manufactured articles; except for:	Manufacture from materials of any heading, except that of the product		
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from “worked” carving materials of the same heading as the product		
ex 9603	Brooms and brushes (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorised, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the ex-works price of the set		
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		

(1)	(2)	(3)	or	(4)
9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 9609	Manufacture from materials of any heading, except that of the product. However, nibs or nib-points of the same heading as the product may be used		
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture: – from materials of any heading, except that of the product, and – in which the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 9613	Lighters with piezo-igniter	Manufacture in which the value of all the materials of heading 9613 used does not exceed 30 % of the ex-works price of the product		
ex 9614	Smoking pipes and pipe bowls	Manufacture from roughly-shaped blocks		
Chapter 97	Works of art, collectors' pieces and antiques	Manufacture from materials of any heading, except that of the product		

(¹) For the special conditions relating to "specific processes", see Introductory Notes 7.1 and 7.3.

(²) For the special conditions relating to "specific processes", see Introductory Note 7.2.

(³) In the case of the products composed of materials classified within both headings 3901 to 3906, on the one hand, and within headings 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(⁴) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(⁵) Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacture of colouring preparations, provided that they are not classified in another heading in Chapter 32.

(⁶) A "group" is regarded as any part of the heading separated from the rest by a semicolon.

(⁷) The following foils shall be considered as highly transparent: foils, the optical dimming of which, measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor), is less than 2 %.

(⁸) The use of this material is restricted to the manufacture of woven fabrics of a kind used in paper-making machinery.

(⁹) See Introductory Note 6.

(¹⁰) For knitted or crocheted articles, not elastic or rubberised, obtained by sewing or assembling pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

(¹¹) SEMII — Semiconductor Equipment and Materials Institute Incorporated.

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