STATEMENT OF COMPLIANCE
SECURITY ASPECTS LETTER

ANNEX I.H to Request to Participate - GSA/RP/21/14

Index

1 Introduction

The Candidates are required to submit the present compliance matrix to the requirements of the Security Aspects Letter (SAL) indicated below as part of their request to participate **initialled, dated, fully completed and duly signed**. This compliance matrix may require when necessary the provision of supporting data or information relating to the necessary security measures for the exchange of classified information.

Please Note

The Compliance Matrix forms part of the selection criteria – only candidates fully compliant with all requirements of the Matrix may be further considered regarding eligibility for participation in the tender process.

You are therefore kindly asked to carefully read and answer truthfully all the requested requirements. Also submit attachments / supporting documents where requested. Untruthful answering of the requirements will result in exclusion from the tendering process and may be subject to further legal procedures.

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2 Statement of Compliance Matrix

Compliance matrix to the core requirements of the Security Aspects Letter for Contract GSA/RP/21/14	Compliance status or agreement	
SAL Requirement	**YES (Remarks)**	**No (Remarks)**
[REQ 1] The contractor and sub-contractor (if any) shall be registered in a European GNSS PSI Participant (EU Member States, Norway and Switzerland). Each contractor and sub-contractor (if any) for whom an access to the classified information provided by the ESA GalileoSat programme is required must further be registered in a Participant of the GalileoSat PSI. The participants to the GalileoSat Programme Security Instruction are Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.		
[REQ 2] Contractor's personnel as well as subcontractors' personnel involved in work under this Contract shall be nationals of an European GNSS PSI Participant unless otherwise agreed in advance with the GSA, and shall hold an appropriate valid PSC for accessing EU and, national classified information at the level of SECRET, should the need arise to access such national classified information. Whenever applicable they shall also be the holder of an appropriate CRYPTO authorisation. Whenever an access to the classified information provided by the ESA GalileoSat programme is required, they must further be nationals of a Participant of the GalileoSat PSI.		
[REQ 3] The Contractor as well as subcontractors shall provide a list of those personnel in its offer including surname, first name, date of birth and nationality (including multiple nationalities).		
[REQ 4] The documents referenced in section 3, Applicable Documents, in their latest version shall be applicable to the contractor and subcontractors		

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and the security principles they contain shall govern the execution of the contract. The documents referenced in section 4, Reference Documents, in their latest version are additional guidance to the applicable documents.		
[REQ 5] Information generated by the contractor or any subcontractor which requires classification shall be marked using the EU security classification markings and, if needed, a double marking detailed in the European GNSS PSI in accordance with the SCG at Appendix **Error! Reference source not found.**. When required a CRYPTO or CCI marking shall be added in accordance with AD-3 Galileo COMSEC Security Instructions.		
[REQ 6] When a doubt arises about the classification level of information generated under contractual activity, the contractor or subcontractor(s) involved shall ask the GSA in writing about the classification level to adopt. While waiting for the reply of the GSA, the information shall be classified SECRET UE and all parties shall handle it accordingly until the GSA has decided on the actual classification level and communicated it in writing to the contractor and/or subcontractor(s).		
[REQ 7] The contractor shall handle and protect classified information or material provided to them or generated by the contractor pursuant to this Contract in accordance with its classification as described in AD-2, The European GNSS PSI or, provided they are no less stringent, in accordance with national regulations.		
[REQ 8] If the contractor's responsible NSA/DSA identifies a failure by the contractor to observe the security provisions described and Regulations referred to under this SAL, it shall inform the GSA. If this failure is of such a nature as to result in the withdrawal of the contractor's Facility Security Clearance (FSC) to handle classified documents as necessary for the execution of the Contract, the GSA shall have the right to terminate the Contract with immediate effect in accordance with the relevant provisions of the General Terms and		

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Conditions for Contracts awarded by the GSA, without prejudice to criminal and civil proceedings against the contractor.		
[REQ 9] If the responsible NSA/DSA has identified such a failure to comply with the relevant security Regulations by any subcontractor resulting in the withdrawal of the subcontractor's FSC, the GSA shall be entitled to require the contractor to terminate the subcontract with immediate effect, without prejudice to the GSA's right to terminate the contract with immediate effect and/or to initiate criminal and/or civil proceedings against the subcontractor.		
[REQ 10] For work performed on the GSA's premises, the contractor and its personnel shall comply with the security requirements as described in Appendix **Error! Reference source not found.**.		
[REQ 11] For work performed on other locations than the GSA and the contractor's premises, the contractor and its personnel shall comply with the local safety and security rules provided they are not less stringent than those of AD 2, the European GNSS PSI.		
[REQ 12] The contractor shall not transmit any classified information or material to a subcontractor without the prior written consent of the originator and the GSA.		
[REQ 13] The ultimate responsibility for protecting classified information within industrial or other entities rests with the management of those entities.		
[REQ 14] It may be necessary for the contractor to negotiate classified subcontracts with subcontractors at various levels. The contractor is responsible for ensuring that all subcontracting activities are undertaken in accordance with the common minimum standards contained in this SAL. The procedures for subcontracting in AD 2, The European GNSS PSI will be applied to all potential subcontracts.		

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[REQ 15] A Security Classification Guide (SCG) shall also be a part of each classified subcontract, describing the specific elements which are classified and specifying the applicable security classification levels. The provisions of both the SAL and SCG shall not be less stringent that the ones applicable to the prime contractor.		
[REQ 16] Classified information released to the contractor or subcontractor or generated under contractual activity shall not be used for purposes other than those defined by the classified contract and shall not be disclosed to third parties without the prior written consent of the originator and of the GSA.		
[REQ 17] All industrial or other entities participating in classified contracts which involve access to information classified CONFIDENTIEL UE or above shall hold a FSC. The FSC is granted by the NSA/DSA of the participating State in which it is located to confirm that a facility can afford and guarantee adequate security protection of classified information to the appropriate classification level. Questions regarding FSC's should be addressed to the participant's NSA/DSA, details of which can be found in AD 2, the European GNSS PSI.		
[REQ 18] If changes to the security requirements emerge during the performance of the contract and if such changes significantly deviate from the initial arrangements, the contract shall be amended accordingly or terminated, as appropriate.		
[REQ 19] Where changes of security requirements result in additional security measures to be taken or investments to be made by the contractor, a contract amendment shall be negotiated on a fair and reasonable basis.		
[REQ 20] In case the contractor cannot comply with increased security requirements, the contract shall be terminated. However, any contract termination resulting from changes of the security requirements shall not be by default the responsibility of the contractor, and the contractor may be entitled to		

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compensation by the GSA.		
[REQ 21] The NSA/DSA of the participant in which the contractor is registered shall be informed by the contractor and by the GSA Security Department separately of the award of a classified contract.		
[REQ 22] When a classified contract or a classified subcontract is terminated, the contractor and the GSA Security Department shall notify separately this termination in less than one month to the NSA/DSA of the participants in which the contractor and subcontractors are registered.		
[REQ 23] A Security Classification Guide (SCG) shall also be a part of each classified subcontract, describing the specific elements which are classified and specifying the applicable security classification levels. The provisions of both the SAL and SCG shall not be less stringent that the ones applicable to the prime contractor.		
[REQ 24] Classified information released to the contractor or subcontractor or generated under contractual activity shall not be used for purposes other than those defined by the classified contract and shall not be disclosed to third parties without the prior written consent of the originator and of the GSA.		
[REQ 25] All industrial or other entities participating in classified contracts which involve access to information classified CONFIDENTIEL UE or above shall hold a FSC. The FSC is granted by the NSA/DSA of the participating State in which it is located to confirm that a facility can afford and guarantee adequate security protection of classified information to the appropriate classification level. Questions regarding FSC's should be addressed to the participant's NSA/DSA, details of which can be found in AD-2.		
[REQ 26] If changes to the security requirements emerge during the performance of the contract and if such changes significantly deviate from the initial		

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arrangements, the contract shall be amended accordingly or terminated, as appropriate.		
[REQ 27] Where changes of security requirements result in additional security measures to be taken or investments to be made by the contractor, a contract amendment shall be negotiated on a fair and reasonable basis.		
[REQ 28] In case the contractor cannot comply with increased security requirements, the contract shall be terminated. However, any contract termination resulting from changes of the security requirements shall not be by default the responsibility of the contractor, and the contractor may be entitled to compensation by the GSA.		
[REQ 29] The NSA/DSA of the participant in which the contractor is registered shall be informed by the contractor and by the GSA Security Department separately of the award of a classified contract.		
[REQ 30] When a classified contract or a classified subcontract is terminated, the contractor and the GSA Security Department shall notify separately this termination in less than one month to the NSA/DSA of the participants in which the contractor and subcontractors are registered.		
[REQ 31] Throughout the life of the classified contract, compliance with all its security provisions shall be monitored by the GSA, in conjunction with the relevant NSA/DSA. Any security incidents shall be reported, in accordance with the provisions laid down in the European GNSS PSI. Any change to or withdrawal of an FSC shall immediately be communicated to the GSA Security Department.		
[REQ 32] The contractor shall - under penalty of termination of the contract - comply with any security requirements prescribed by the Contracting Authority as detailed in this Security Aspects Letter.		

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[REQ 33] The contractor shall describe its security organisation in its bid and provide as well the details of the Contract Manager and the company Security Officer. **Please describe the security organisation in the bid.**		
[REQ 34] The details of the Contract Manager and the company Security Officer will be published in the European GNSS PSI on behalf of the GSA.		
[REQ 35] Any subsequent changes shall be communicated in writing to the GSA using NSA/DSA's channels within 30 days of their occurrence.		
[REQ 36] The procedures for transmission of classified information contained in AD 2, The European GNSS PSI shall be applied to any transmission of classified information as a result of contractual activities.		
[REQ 37] In addition to the prescriptions of AD 2, The European GNSS PSI, classified information, whenever stored on a digital media for transmission and whatever its classification level, will be encrypted.		
[REQ 38] Any sensitive information related to the contract execution will preferably be encrypted before transmission.		
[REQ 39] Details of transmission arrangements of classified information at the level CONFIDENTIEL UE or above are considered as sensitive and shall be encrypted when sent by e-mail.		
[REQ 40] Unless otherwise agreed in writing, the tool 'Chiasmus for Windows' developed by the BSI shall be used for encryption **COMPLIANCE WITH THIS REQUIREMENT HAS TO BE GUARANTEED AT THE SIGNATURE OF THE CONTRACT. IF A TENDERER IS NOT COMPLIANT AT THE TIME OF THE PROCUREMENT PROCESS, THE PLAN OF GETTING COMPLIANCE SHOULD BE DESCRIBED.**		

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[REQ 41] The Contractor shall ensure they are licensed by the BSI to use the tool. **COMPLIANCE WITH THIS REQUIREMENT HAS TO BE GUARANTEED AT THE SIGNATURE OF THE CONTRACT. IF A TENDERER IS NOT COMPLIANT AT THE TIME OF THE PROCUREMENT PROCESS, THE PLAN OF GETTING COMPLIANCE SHOULD BE DESCRIBED.**		
[REQ 42] All parties involved in contractual activities shall handle the encryption tool and the generated encrypted documents in accordance with the Security Operating Procedures (SecOPS) of the Authority providing the encryption tool or, provided they are not less stringent, in accordance with national regulations. **COMPLIANCE WITH THIS REQUIREMENT HAS TO BE GUARANTEED AT THE SIGNATURE OF THE CONTRACT. IF A TENDERER IS NOT COMPLIANT AT THE TIME OF THE PROCUREMENT PROCESS, THE PLAN OF GETTING COMPLIANCE SHOULD BE DESCRIBED.**		
[REQ 43] In addition to the requirements of AD 2, The European GNSS PSI and AD 3, Galileo COMSEC Security Instructions regarding transportation, the Contractor shall submit a transportation plan for any shipment of CCI and/or CRYPTO information or material even when the shipment occurs only within one country.		
[REQ 44] In addition to the submission of the transportation plan to the appropriate NSA's or DSA's, the Contractor shall send at the same time a copy of the plan to the GSA for information.		
[REQ 45] For shipments within one country, the submission of the transportation plan to the NSA/DSA shall be in accordance with national rules but, in any case, a plan shall be established and sent to the GSA at least 48 hours prior to the shipment.		
[REQ 46] Transportation plans within the framework of		

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this contract are considered sensitive and shall be encrypted when sent by e-mail or transmitted on a digital media. They shall be classified as appropriate.		
[REQ 47] Security violations shall be handled as prescribed in in AD 2, The European GNSS PSI.		
[REQ 48] Reports of security violations shall be sent to the GSA too.		
[REQ 49] Reports of security violations shall be classified as appropriate and transmitted accordingly. Should the classification of the report be higher than RESTREINT UE (or equivalent), a sanitized report allowing a classification at the level RESTREINT UE of lower shall be established in order to allow a quick transmission of it using appropriate channels and tools.		
Name, Position, Date Place of authorised representative **Signature**		

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3 Applicable documents

AD-1	REGULATION (EU) No 512/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 amending Regulation (EU) No 912/2010 setting up the European GNSS Agency
AD-2	Programme Security Instruction concerning European GNSS Programmes (European GNSS PSI), v4.0, 19/11/2012
AD-3	European GNSS COMSEC Instructions (Annex H to GNSS PSI), v3.0, 05/09/12 (RESTRICTED EU)
AD-4	Security classification guide of the GALILEO SAT program, v2.1, 06/12/2008 (RESTRICTED EU)
AD-5	Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the Public Regulated Service provided by the Global Navigation Satellite System established under the Galileo programme (OJ L 287, 4.11.2011)

4 Reference documents

RD-1	Commission Decision 2001/844/EC, ECSC, Euratom published in OJ L 317 of 3.12.2001 as last amended by Commission Decision 2006/548/EC, Euratom published in OJ L 215 p.38 of 5.8.2006, amending its internal Rules of Procedure (COMMISSION PROVISIONS ON SECURITY) Amendments to Commission Decision 2001/844/EC, ECSC, Euratom Commission Decision 2005/94/EC, Euratom, of 3 February 2005 published in OJ L 31 of 4.2.2005 amending Decision 2001/844/EC, ECSC, Euratom Commission Decision 2006/70/EC, Euratom, of 31 January 2006 published in OJ L 34 of 7.2.2006 amending Decision 2001/844/EC, ECSC, Euratom Commission Decision 2006/548/EC, Euratom, of 2 August 2006 published in OJ L 215 of 5.8.2006 amending Decision 2001/844/EC, ECSC, Euratom

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