Classifying information as EU classified information involves an assessment and a decision by the originator that the disclosure of such information to unauthorised persons would cause a degree of prejudice to the interests of the European Union or of one or more of the Member States. Within the General Secretariat of the Council, only authorised persons are entitled to create and classify information as EU classified information, under the authority of their hierarchical superiors.

In order to classify information at a given level, those persons must follow the guidelines contained in the Council's security rules and in the "Policy on creating EU classified information" approved by the Council (Council document 10872/11). It is Council policy that information should be classified at the level which corresponds to the degree of prejudice its unauthorised disclosure could cause: not higher, not lower. The Council has warned against the dangers of over-classification (since it puts an unnecessary burden on the handling of the information and entails unnecessary costs) and of under-classification (since it exposes the information to an increased risk of disclosure to unauthorised persons).

No specific cases of "incorrect" classification have been drawn to the attention of the Council in 2009, 2010 or 2011. However, the level of classification of information may be subject to change over time. Indeed, classification is to be maintained only as long as the information requires protection against unauthorised disclosure. At the time of creation of a classified document, the originator may indicate that the document may be downgraded or declassified at a certain date or following a specific event. Otherwise, classified documents are kept under periodic review in order to determine whether they may be downgraded or declassified. Such review may also result from a specific request for access by a member of the public under Regulation (EC) No 1049/2001, by another EU institution or by a third party. The Council has approved "Guidelines on downgrading and declassifying Council documents" (Council document 14845/11).

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