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NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Arrangement between the European Parliament, the Council and the High Representative of the Union for Foreign Affairs and Security Policy concerning access by the European Parliament to classified information held by the Council and the European External Action Service in the area of the common foreign and security policy - Information note on the EP's access to classified information in CFSP/CSDP area

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.05.2024)

Delegations will find in Annex a Presidency note providing an overview of the state of play and the next steps.

Information note on the EP's access to classified information in CFSP/CSDP area**State of play**

1. The 2002 Interinstitutional Agreement¹ (IIA) on access by the European Parliament to classified information in the field of CSDP, the only agreement that allows EP members to access this type of information, is outdated and should be brought into line with the institutional setup established by the Lisbon Treaty, in particular as regards the role of the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the existence of the European External Action Service (EEAS).
2. COREPER approved a mandate² for negotiations with the European Parliament in December 2012. Negotiations started but were put on hold in 2014 because the Member States wanted to assess the implementation of the IIA³ concerning the forwarding to and handling by the EP of classified information on matters other than those in the area of CFSP, especially as regards the European Parliament's alignment with the Council security rules for protecting EU classified information (EUCI).
3. On 17 April 2019, COREPER endorsed the resumption of the negotiations and adopted an updated mandate⁴ for the Council and the HR to negotiate a new Arrangement, following the Council Security Committee's evaluation of the European Parliament's alignment with the Council security rules for protecting EUCI.

¹ Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy, OJ C 298, 30.11.2002, p. 1–3.

² ST 17773/12.

³ Interinstitutional Agreement of 12 March 2014 between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, OJ C 95, 1.4.2014, p. 1–7.

⁴ ST 8513/19.

4. In 2020, the European Parliament Conference of Presidents appointed the EP negotiating team composed of MEPs David McAllister (Chair of AFET Committee, EPP, DE) and Nathalie Loiseau (Chair of SEDE Sub-Committee, RE, FR). The mandate given to the negotiators was to renegotiate the 2002 IIA and align it with the IIA of 12 March 2014 concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of CFSP. In July 2021, the European Parliament sent to the Council and the EEAS its negotiating position⁵.

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⁵ WK 9288/2021.