

Brussels, 18 November 2025
(OR. en)

15548/25

LIMITE

CSC 602
COMPET 1177
ESPACE 86

OPINION

From: Council Security Committee

To: Ad hoc Working Party on the Multiannual Financial Framework (European Competitiveness Fund)

Subject: Proposal for a Regulation of the European Parliament and of the Council on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation activities, repealing Regulations (EU) 2021/522, (EU) 2021/694, (EU) 2021/697, (EU) 2021/783, repealing provisions of Regulations (EU) 2021/696, (EU) 2023/588, and amending Regulation (EU) [EDIP] - Partial opinion of the Council Security Committee

1. On 29-30 September 2025, the Commission presented to the Council Security Committee (CSC) its proposal for a Regulation of the European Parliament and of the Council on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation activities, with a focus on security of information parts of the proposal¹. The presentation was made to allow the CSC to prepare a draft opinion on the security of information aspects of the ECF as requested by the Chair of the Ad-hoc Working Party on the MFF (ECF)².
2. The CSC examined a draft opinion at its meeting on 29 October 2025³ and at the informal videoconference on 12 November 2025⁴.

¹ doc. 11991/25

² WK 11214/25

³ WK 14072/25

⁴ WK 14970/25

3. Text resulting from the informal videoconference was submitted for written consultation with the deadline of 17 November⁵. One Member State raised an objection to Article 55 during the period of written consultation. Another Member State signalled an additional proposal for Article 83(6). The Commission also suggested a modification in Article 51(5). The remaining parts of the text have been endorsed by the CSC.
4. The CSC opinion that can be found in the Annex to this note is therefore partial and includes only those provisions that the CSC endorsed by means of written consultation on 17 November 2025. Changes to the Commission proposal are indicated in **bold** for new text and in ~~strikethrough~~ for deleted text. Some changes are accompanied with a comment box.
5. The main changes have been made in the following Articles:
 - **Article 13**: its scope is proposed to be limited to classified information only. In addition, given the fact that several provisions scattered throughout the text are of a horizontal character, they were moved to Article 13. Consequently, Article 78 is proposed to be deleted. In this manner, Article 13 now contains the following provisions that are to be applied to all policy windows:
 - paragraphs 2a and 2b: exchange of classified information with third States and international organisations;
 - paragraphs 2c, 2d and 2e: industrial security requirements;
 - paragraph 3: it is specified that only accredited CIS are to be used for the exchange of classified information between the Commission and Member States;
 - a new paragraph 4a has been added that specifies the requirements for those Union entities that would have a need to handle EU CI.

⁵ WK 15464/25

- A **new Article 13a** is proposed to be created to address the specific need to protect administrative non-classified information during the award procedures that involve classified information. Instead of using a non-defined term “sensitive non-classified information”, the text contains a list of protective measures that correspond to this type of non-classified information.
 - **Article 83(1)** has been added to the opinion, where a new point ha) is proposed to be inserted referring to a Security Committee that would be competent for security matters arising from the implementation of the Chapter VII of the ECF.
6. The CSC will continue examining outstanding provisions in Article 51(5), Article 55 and Article 83(6), and will revert in due time with a complete CSC opinion.
-

Partial

**CSC opinion on the security of information aspects
proposal for a Regulation of the European Parliament and of the Council on establishing the
European Competitiveness Fund ('ECF'), including the specific programme for defence
research and innovation activities**

Article 13

~~Application of the rules on~~ Protection of classified information and sensitive information

Comment:

- definition of "EU classified information" to be added to **Article 2**:
'EU classified information' or '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 Union or of one or more of the Member States

1. The Commission shall protect classified information in accordance with the security rules set out in Commission Decision (EU, Euratom) 2015/444.¹
2. Each Member State ~~and associated country~~ shall ensure that it offers a degree of protection of EU classified information equivalent to security rules set out in Council Decision 2013/488/EU.² ~~Equivalence of protection in third countries shall be established by security of information agreement adopted in accordance with Article 218 TFEU.~~

Comment:

- Third countries/associated countries are addressed in separate paragraphs 2a and 2b here below

¹ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information, OJ L 72, 17.3.2015, p. 53.

² Council Decision of 23 September 2013 on the security rules for protecting EU classified information, OJ L 274, **15.10.2013**, p. 1.

- 2a. Classified information may be exchanged only with the third States or international organisations that have an agreement with the Union on the exchange and protection of classified information that is in force and applicable.**
- 2b. Subject to paragraph 2a, a natural person resident in or legal person established in a third State may be given access to EUCI where deemed necessary on a case-by-case basis, according to the nature and content of such information and the recipient's need-to-know and the degree of advantage to the Union.**
- 2c. Where contracts or grant agreements involve, require or contain EU classified information, the relevant contracting or granting authorities shall specify in the call for proposals or tenders, the measures and requirements necessary to ensure the security of such information at the requisite level.**
- 2d. To protect EUCI, the contracting or granting authorities shall ensure that the obligations of the contractors or beneficiaries regarding the protection of EUCI used or created in the performance of contracts or grant agreements are an integral part of those contracts or grant agreements. Contract- and grant-specific security requirements shall take the form of a security aspects letter ('SAL'). Where relevant, the programme- or project-specific security requirements shall take the form of a programme (or project) security instruction ('PSI').**
- 2e. To ensure that EUCI is classified in a consistent way, the Commission shall develop Security Classification Guides with the assistance of security experts appointed by the Member States or by associated countries on whose territory the beneficiaries or the contractors are established.**
- 3. A secured Exchange systems that are security accredited by a competent security accreditation authority for the protection of EUCI at the required security classification level shall be used to facilitate the exchange of classified information and sensitive information with the Member States and, where appropriate, other recipients, including the relevant contractors and beneficiaries.**

4. Union institutions, bodies and agencies involved in the implementation of the Union budget shall have access to **non classified** information, ~~including classified information~~, necessary for the purpose of carrying out the award procedures, implementing ~~actions~~ **contracts or grant agreements**, including reporting and payments, as well as checks, reviews, audits, and investigations.
- 4a. **Only Union institutions, bodies and agencies that have established security rules and procedures for handling and storing EU classified information that ensure the level of protection equivalent to the one afforded by the Commission or the Council, as applicable, may have access to EUCI. Access to classified information shall be granted only on a need-to-know basis to an individual who is authorised to access EUCI at the relevant level, where applicable.**

Article 13a

Protection of award procedures

- 5- ~~To ensure compliance with the requirements set out in Regulation (EU, Euratom) 2024/2509, including the principles of transparency and equal treatment,~~ In all stages of the award procedures involving classified information, administrative ~~data~~ **information that is non classified and is necessary to evaluate, award and audit Union support, limited to legal, financial and procedural information, shall be handled as follows** ~~treated as sensitive non-classified information:~~
- a) **information is covered by the obligation of professional secrecy;**
 - b) **it shall only be accessible to recipients with a need-to-know;**
 - c) **electronic transmission shall be encrypted in accordance with the requirements of the sending entity;**
 - d) **the entities shall identify the users of a CIS before granting them access to a CIS handling this information; users shall be authenticated at a level of assurance that is appropriate to the level of assessed risk;**
 - e) **information shall be kept under the control of a liable holder.**

Earth Observation

8. EOGS shall in particular be composed of:
- (a) EOGS Infrastructure, including, development and operations of new Earth-observation space missions designed for sensitive governmental applications; access to complementary third-party space-based Earth observation data; access to in-situ and other ancillary data;
 - (b) EOGS Services, including activities for the generation of value-added geo-spatial information restricted to government-authorized users for sensitive situational awareness applications, in support of preparedness, decision-making in the fields of security and defence;
 - (c) EOGS Data access and distribution, including infrastructure and services to ensure the access to, distribution and exploitation and long-term preservation of EOGS data and information, **including classified information**, in a secure manner.

Comment:

- To clarify that EOGS will also handle classified information

10. The users of EOGS shall be duly authorised by the Commission or Member States, and shall comply with the general security requirements referred to in Article ~~69~~**77(3)**. The following entities may be authorised as users of EOGS:
- (a) a Union or Member State public authority or body entrusted with the exercise of public authority;
 - (b) a natural or legal person acting on behalf and under the control of an entity referred to in point (a).

Comment:

- Correction of the reference

12. Union agencies may have access to EOGS only insofar as necessary to fulfil their tasks and in accordance with detailed rules laid down in an administrative arrangement concluded between the agency concerned and the Union institution that supervises it.
- 12a. **Without prejudice to paragraph 12, Union agencies may have access to EUCI provided they fulfill the conditions set out in Article 13(4a).**

Article 61

Secure Connectivity

Paragraph 2

- (e) the procurement and provision of governmental and commercial satellite communication capacities, services, and user equipment necessary for the pooling and sharing of GOVSATCOM services; capacities, services, and user equipment, which shall be provided by:
- (1) GOVSATCOM participants as referred to in paragraph 17; or
 - (2) legal persons duly accredited to provide satellite communication capacities or services in accordance with the security accreditation procedure referred to in Article ~~69~~ **77(2)(e)**, which shall be done in compliance with the general security requirements referred to in Article **77(3)**.

Comment:

- Correction of the references

12. Union agencies may have access to EOGS only insofar as necessary to fulfil their tasks and in accordance with detailed rules laid down in an administrative arrangement concluded between the agency concerned and the Union institution that supervises it.
- 12a. **Without prejudice to paragraph 12, Union agencies may have access to EUCI provided they fulfill the conditions set out in Article 13(4a).**

Article 65

Access to space

Paragraph 5

5. In order to protect the security interests of the Union, the space assets of the governmental infrastructure shall be launched by service providers, that comply with the eligibility and participation conditions set out in Article 69 and, only in justified exceptional circumstances ~~or~~ **and** on a basis of an international agreement providing for such activity, from the territory of a third country.

Comment:

- To clarify that for the launches from the territory of third countries, two criteria must be met: justified exceptional circumstances and an international agreement.

Article 69

Eligibility and participation conditions for the preservation of the security, integrity and resilience of operational space systems of the Union

1. The Commission shall apply the eligibility and participation conditions set out in paragraph ~~2~~ **3** to the procurement, grants or prizes under this Title if it deems that this is necessary and appropriate to preserve the security, integrity and resilience of the operational Union systems, taking into account the objective to promote the Union's strategic autonomy, in particular in terms of technology across key technologies and value chains, while preserving an open economy.

Comment:

- Correction of the reference

2. Before applying the eligibility and participation conditions in accordance with paragraph 1 the Commission shall inform the Committee referred to in Article 83, paragraph 1, point (g **ha**) and shall take utmost account of the Member States' views on the scope of application of and the justification for those eligibility and participation conditions.

Comment:

- Reference modified to a new Security Committee

3. The eligibility and participation conditions shall be as follows:
- (a) the eligible legal entity is established in a Member State and its executive management structures are established in that Member State;
 - (b) the eligible legal entity commits to carry out all relevant activities in one or more Member States; and
 - (c) the eligible legal entity is not to be subject to control by a third country or by a third country entity.
4. The Commission may set out, by means of implementing acts, the criteria determining ~~which ability to exercise~~ a decisive influence over a legal entity, directly, or indirectly through one or more intermediate legal entities **that** may have an impact on ~~the security, integrity and resilience of~~ the security, integrity and resilience of the operational Union systems, taking into account the objective to promote the Union's strategic autonomy, in particular in terms of technology across key technologies and value chains.

Comment:

- Small adjustments to clarify the meaning.

5. The Commission may waive the conditions of paragraph 3, points (a) ~~and~~ or (b) for a particular legal entity upon evaluation based on the following cumulative criteria:
- (a) for specific technologies, goods or services needed for the activities referred to in paragraph 1 no substitutes are readily available in the Member States;

- (b) the legal entity is established in a country which is a member of the EEA or EFTA and which has concluded an international agreement with the Union as referred to in Article 11, its executive management structures are established in that country and the activities linked to the procurement, grant or prize are carried out in that country or in one or more such countries; and
- (c) ~~sufficient measures are implemented to ensure~~ the protection of EUCI **is ensured in accordance with** ~~under~~ Article 13 78 and **measures are implemented to ensure** the ~~integrity~~, security and resilience of the Programme's components, their operation and their services.

Comment:

- point c): it is clarified that the security measures to protect EUCI are set out in horizontal Article 13;

6. By way of derogation from point (b) of ~~the first subparagraph of this paragraph 5~~, the Commission may waive the conditions under points (a) or (b) of ~~the first subparagraph of paragraph 3 2~~ for a legal entity established in a third country which is not a member of the EEA or EFTA.

Comment:

- paragraph 6: correction of the references

7. The Commission may waive the condition under point (c) of paragraph 3 if the legal entity established in a Member State provides the following guarantees:
- (a) control over the legal entity is not exercised in a manner that restrains or restricts its ability to:
- (1) carry out the procurement, grant or prize; and
 - (2) deliver results, in particular through reporting obligations;

- (b) the controlling third country or third country entity commits to refrain from exercising any controlling rights over or imposing reporting obligations on the legal entity in relation to the procurement, grant or prize; and
- (c) the legal entity complies with Article 77 ~~69~~.

Comment:

- point c): correction of the reference

8. The competent authorities of the Member State in which the legal entity is established shall assess whether the legal entity complies with the criteria set out in point (c) of paragraph 5 for waivers relative to condition (3)(b) and guarantees referred to in paragraph 7. The Commission shall comply with that assessment.
9. The Commission shall provide the following to the Programme committee referred to in Article 83, paragraph 1, point ~~g~~ **ha**):
- (a) the scope of application of eligibility and participation conditions referred to in paragraph 1 of this Article;
 - (b) details and justifications on the waivers granted in accordance with this Article; and;
 - (c) the evaluation that formed the basis for a waiver, subject to paragraphs **5 and 7** ~~3 and~~ 4 of this Article, without divulging commercially sensitive information.

Comment:

- introductory sentence: reference modified to a new Security Committee
- point c): correction of the reference

10. The conditions set out in paragraph 3, the criteria set out in paragraphs 4, 5 and 6 and the guarantees set out in paragraph 7 shall be included in the documents relating to the procurement, grant or prize, as applicable, and, in the case of procurement, they shall apply to the full life cycle of the resulting contract.

11. This Article is without prejudice to Decision No 1104/2011/EU and Commission Delegated Decision of 15.9.2015 (43), Regulation (EU) 2019/452, Decision 2013/488/EU and Decision (EU, Euratom) 2015/444 and to the security vetting carried out by Member States with regard to legal entities involved in activities requiring access to EUCI subject to the applicable national laws and regulations.
12. If contracts resulting from the application of this Article are classified, eligibility and participation conditions applied by the Commission in accordance with paragraph 1 shall be without prejudice to the competence of national security authorities.
13. This Article shall not interfere with, amend or contradict any existing Facility Security Clearance and Personnel Security Clearance procedure within a Member State.

Article 77

Principles of governance and security

New paragraph 1a

- 1a. **The Security Accreditation Board established by Regulation (EU) [XXX] *[EUSPA founding Reg]* shall be the security accreditation authority for all of the components of the Union space systems [referred to in Article 58].**

Comment:

- Clarification as to which entity will be the Security Accreditation Authority for the Union Space systems components.

Paragraph 2

2. The principles of security or the specific activities and components under this section shall be based on the following:
- (a) to take account of the experience of the Member States in the field of security and draw inspiration from their best practices;
 - (b) to ensure the protection of the ground infrastructures which form an integral part of the space policy window and which are located on their territory the Member States shall take measures which are at least equivalent to those necessary for the protection of European critical infrastructures within the meaning of Council Directive 2008/114/EC;
 - (c) to **apply Council Decision 2013/488/EU as far as Member States are concerned** ~~use the security rules of the Council and of the Commission~~ **Decision (EU, Euratom) 2015/444 as far the Commission is concerned**, which provide, inter alia, for a separation between operational functions and those associated with accreditation;
 - (d) to consider the Commission as Originator of all classified information created by entrusted entities as referred to in Article **74(1) 68**, ~~paragraph 1~~;
 - (e) to ensure that the Security Accreditation Board established by Regulation (EU) [XXX] [*EUSPA founding Reg*] performs its tasks without prejudice to the responsibilities of the Commission or to those entrusted entities, and without prejudice to the competences of the Member States as regards security accreditation;
 - (f) The security accreditation decisions, as well as the residual risks identified, shall be communicated by the Commission to the Council for information.
 - (fa)** The Commission may adopt any adequate measures in accordance with this Regulation **and in accordance with the security accreditation decision-making process as set out in Regulation (EU) [XXX] [*EUSPA founding Reg*]**

- (g) to establish a structure to coordinate the operations of the governmental services of the different components with designated national competent authorities or national entities for relevant component.

Comment:

- point c): clarification introduced following the comments made by delegations
- point d): correction of the reference
- new point fa) to specify the nature of “adequate measures”

Article 78

Complementary rules on the protection of classified information

- ~~1. The exchange of classified information related to the components supported under this sections shall be subject to the existence of an international agreement between the Union and a third country or international organisation on the exchange of classified information or, where applicable, an arrangement entered into by the competent Union institution or body and the relevant authorities of a third country or international organisation on the exchange of classified information, and to the conditions laid down therein.~~
- ~~2. Natural persons resident in and legal persons established in third countries may deal with EUCI regarding the space policy window's only where they are subject, in those third countries, to security regulations ensuring a degree of protection at least equivalent to that provided by the Commission's rules on security set out in Decision (EU, Euratom) 2015/444 and by the security rules of the Council set out in the Annexes to Decision 2013/488/EU. The equivalence of the security regulations applied in a third country or international organisation shall be defined in a security of information agreement, including, if relevant, industrial security matters, concluded between the Union and that third country or international organisation in accordance with the procedure provided for in Article 218 TFEU and taking into account Article 13 of Decision 2013/488/EU.~~

- ~~3. Without prejudice to Article 13 of Decision 2013/488/EU and to the rules governing the field of industrial security as set out in Decision (EU, Euratom) 2015/444, a natural person or legal person, third country or international organisation may be given access to EUCI where deemed necessary on a case-by-case basis, according to the nature and content of such information, the recipient's need to know and the degree of advantage to the Union.~~

Comment:

- Article to be deleted in the light of the changes proposed in Article 13

Article 83

Committee procedure

1. The Commission shall be assisted by a committee, which shall be the committee within the meaning of Regulation (EU) No 182/2011, and may convene in the following configurations:
 - (a) ECF General Committee, for matters concerning the general objectives or matters concerning more than one of the specific objectives set out in Article 3(2);
 - (b) Clean Transition Committee for matters concerning specific objectives set out in Article 3(2), point (a);
 - (c) Health, Biotech, Agriculture and Bioeconomy Committee for matters concerning specific objectives set out in Article 3(2), point (b);
 - (d) Digital Committee for matters concerning specific objectives set out in Article 3(2), point (c);
 - (e) Defence Industry Committee for matters concerning specific objectives set out in Article 3(2), point (d);
 - (f) Resilience Committee for matters concerning specific objectives set out in Article 3(2), point (d) ;

- (g) Space Committee for matters concerning specific objectives set out in Article 3(2), point (d), In accordance with its rules of procedure, the Space Committee may set up sub-committees and working groups, such as the ‘User Forum’, to advise on user requirements aspects, evolution of the services and user uptake;
- (h) Security Industry Committee for matters concerning specific objectives set out in Article 3(2), point (d).4.
- (ha) Security Committee: for security matters concerning specific objectives set out in Article 3(2)(d).**

Comment:

- Following comments made by delegations, a Security Committee is proposed to be added as an additional configuration of the general Programme Committee. The Security Committee would cover security matters arising from the implementation of Chapter VII of the ECF.