Council of the European Union

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LIMITE

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AG 90

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Outcome of proceedings of the Council Security Committee meeting held on 7 July 2022

1. Adoption of the agenda

The agenda as set out in CM 3379/1/22 REV 1 was adopted.

At the beginning of the meeting, the Chair updated delegations on the developments concerning the project for a secure meeting room (up to classification level SECRET UE/EU SECRET) in the GSC premises. In that regard, delegations noted that the GSC has submitted the high-level business and high-level security requirements (doc. 11133/22) to Coreper for its approval[1].

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[1] doc. 11133/22 approved by Coreper on 13 July 2022.

2*. Review of the Council Security Rules: Management of classified information

The Committee finished examining all articles of the revised draft as well as few new proposals put forward by the Central Registry of the GSC.

The Committee agreed on the following main points:

- Non-security cleared commercial carrier services will be allowed to carry EUCI based on decision by a competent authority of the sending party rather than on the basis of national laws and regulations.

- Carriage of EUCI exchanged between the Union and a third State or international organisation shall be subject to security of information agreements.

- A possibility for security-cleared staff to hand carry EUCI at the level TRÈS SECRET UE/EU TOP SECRET should be envisaged since such a need might arise.

- Automatic declassification of EUCI at the level RESTREINT UE/EU RESTRICTED will be introduced in the revised CSR in order to avoid backlogs of this information in the future. The EUCI at this classification level will be automatically declassified 15 years after its creation. The new provision will cover not only the EUCI originated by the GSC and the Council but will extend to Member States as well. The originator will be allowed not to choose automatic declassification of EUCI at the time of its creation, and to oppose to it if he deems necessary.

- The revised CSR will not include a requirement for the responsible registries to inform the originator's Central Registry about further distribution of the copies of EUCI classified at the level SECRET UE/EU SECRET. If a need arose such information would be still available in Member States.

- For classified meetings, more general provisions will be kept with a focus on the requirement that any procedures regarding the management of classified information applied during such meetings shall follow the EUCI registration rules.

The Chair concluded that, based on the outcome of this detailed examination of the text, the GSC will prepare a final version of the draft and will circulate it to delegations for their written approval.

3. Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union

**a)	Information by the Chair of the Horizontal Working Party on Cyber Issues**

The Chair of the Horizontal Working Party on Cyber Issues (HWPCI), which is the leading working party for this proposal, briefed the Committee about the latest developments on the file. In particular, delegations were informed about the high interest of the HWPCI to advance speedily its work with an intention to align the proposal with the future Directive on measures for a high common level of cybersecurity across the Union (NIS2 Directive). In light of the above, the Chair of the HWPCI informed delegations that a revised Presidency compromise text will be issued in due course.

**b)	Examination of the focus paper**

The Committee discussed a focus paper (WK 9491/22) to prepare an opinion on the proposal for a Regulation of the European Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union as requested by the HWPCI [2].

The Committee agreed on the following points:

- Systems handling EUCI will be explicitly excluded.
- CERT-EU may provide assistance on incidents in systems handling EUCI only on request by the EUIBA owning the system.
- The overlap of the scopes of security measures foreseen for systems handling unclassified information in each of the two "sister" proposals (Cybersecurity and Infosecurity Regulations) must be avoided in order to prevent repetitions and/or contradictions.

The Commission will clarify the issue by providing to the Committee a comparative analysis during the summer period.

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[2] WK 7487/22

There will be no obligation for EUIBAs to share or notify information received from Member States security and intelligence services, unless explicitly allowed by those services.

As for next steps, the GSC will prepare a draft opinion for Member States' comments by means of written consultation over the summer in view to meet the deadline to provide the Committee's opinion to the HWPCI by mid-September.

4. **Proposal for a Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union: follow-up to the Coreper mandate**

Following a mandate by the Coreper to the CSC[3] to examine in detail the proposal for a Regulation on information security, the Chair presented the proposed way forward as set out in WK 9492/22. Delegations agreed to proceed with the examination of the proposal by taking into account the work currently under way to revise the Council Security Rules and the results achieved so far. After a discussion on the impact analysis report[4] and a first reading, the Committee will therefore start by focusing on the chapters that were already discussed and agreed during the review exercise: physical security, exchange of classified information with third States and international organisations and management of EUCI. In order to keep pace with this file while addressing usual business, delegations further agreed with holding two-day meetings instead of one day and, if necessary, adding informal VTC meetings.

5. **Presentation of the priorities of the Czech Presidency relevant for the work of the Security Committee**

The Czech delegation presented to delegations the priorities of the Czech Presidency of the Council of the EU of relevance for the work of the Security Committee. They included the envisaged work on the two proposals for regulations on cybersecurity and information security and the review of the Council Security Rules.

The presentation is available in WK 10000/22.

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[3] doc. 10231/22 (courtesy translation in English in WK 8619/22)
[4] doc. 7670/22 ADD 8, ADD 7 contains an executive summary of the impact analysis report

6.   Any other business

a)   Update on the opening of negotiations of a revised EU-ESA security of information agreement

The EEAS informed the Committee that the draft revised Agreement between the European Space Agency and the European Union on security procedures for exchanging and protecting classified information was approved by the EEAS Security Committee on 28 June 2022.

The Council would receive in due course the Recommendation to authorise the High representative of the Union for Foreign Affairs and Security Policy to open negotiations with the European Space Agency (ESA) in order to amend the existing security of information agreement. Consequently, delegations will be invited to provide their comments to the revised EU-ESA security of information agreement.

b)   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 – state of play

The GSC and the EEAS provided a state of play. Recently the technical teams of the EEAS and the GSC discussed and agreed on compromise proposals as possible avenues for a further discussion with the European Parliament. These efforts aim to unblock the process which has stopped at the beginning of 2022 since the position communicated by the EP clearly departed from the Council's mandate and delegations in the Working Party on General Affairs (GAG) were considering how to proceed. Therefore, at the GAG meeting on 6 September, the Presidency intends to present as an information point the way forward including the compromise proposals for the EP. The EEAS pointed out that the proposed wording would respect the red lines set in the Council mandate.

c) **Update on activities of the CSC sub-committees**

This item was not addressed at the meeting due to time constraints. Latest developments on activities of the relevant CSC sub-committees are available in the following documents:

- Outcome of proceeding of the Security Accreditation Board meeting held on 13 June 2022 (doc. 10489/22);
- Outcome of proceedings of the Implementation TEMPEST task force (ITTF) meeting held on 28 June 2022 (doc. 10961/22);
- Outcome of proceedings of the Council Security Committee-Information Assurance (CSC-IA) meeting held on 5 July 2022 (doc. 11227/22).

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*Representatives of EDA, EUAA, Eurojust, Frontex and SatCen were invited to attend the discussion on this item (doc. 19584/22)