



Council of the
European Union

**Brussels, 12 October 2022
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12916/22

LIMITE

CSC 420

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations
Subject: Outcome of proceedings of the Council Security Committee meeting held on 26 - 27 September 2022

1. Adoption of the agenda

The agenda was adopted as set out in CM 4252/1/22 REV 1.

At the beginning of the meeting the Chair informed delegations about the presentation of the CSC opinion on security of information aspects concerning the Cyber Regulation proposal made on 21 September 2022 at the Horizontal Working Party on Cyber Issues (HWPCI). The HWPCI would discuss the matter further at its meeting on 28 September to see how the opinion of the CSC would be taken into account.

The Chair also informed delegations that Coreper had approved on 21 September 2022 the terms of reference of the Council Security Committee – Technical Surveillance Counter-Measures Expert Group as set out in 12075/22. The first meeting of the expert group is planned for 30 November 2022.

2. 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

a) Impact analysis report

The Commission gave a short presentation of the impact analysis report as set out in 7670/22 ADD 7 and in 7670/22 ADD 8 explaining the aim of such analysis, its structure and findings, with a focus on the impacts of the chosen policy approach. As to the proposed governance structure, it was chosen to respect the autonomy of each Union institution and body and to fit the legal basis of article 298 TFEU. The latter would only allow granting Member States an advisory role. However, the Commission is looking forward to receiving potential amendments. The Commission also mentioned the potential indirect impact on Member States, as in the area of industrial security, where the proposal has to be aligned with the already agreed rules (such as Implementing rules of the Commission and Guidelines on Industrial Security approved by the CSC).

Delegations expressed their concerns regarding the possible side-effects at national level, not only in the area of industrial security due to the inclusion of provisions on non classified information (NCI) and the involvement of Member States in the proposed governance structure. They also pointed out possible budgetary impacts and additional administrative burden generated by the Regulation. Finally, several questions were raised regarding the way the Regulation would be implemented in practice by the EUIBAs, and the impact it would have on the Council Security Rules (CSR) for the protection of EUCI.

b) Proposal by the European Commission

The CSC started the examination of the draft Regulation on the basis of doc. 7670/22. The Chair informed the delegations that the examination would only cover the substantive part of the draft Regulation, and that the recitals would be examined at a later stage. The CSC finalised the initial examination of Articles 1-14 during which Commission presented the rationale behind and Member States provided their preliminary views on the text.

One of the major concerns was the inclusion of NCI in the scope of the Regulation and about its proposed division in three levels. Delegations were not satisfied with the proposed use of the expression “normal” in this context, and the nature of the protection measures for each category was also questioned. In particular, "sensitive non classified" information was considered as too close to RESTREINT EU/EU RESTRICTED. Some delegations also pointed out that a possible indirect impact on their national legislation or the lack of such legislation at national level would create a problem.

Many Member States asked for the involvement of the CSC-IA regarding provisions of Chapters 3 and 5 on the protection of communication and information systems.

The Committee would continue the first reading at its next meeting to be held on 26 – 27 October 2022.

3. Exchange of classified information with third States and international organisations

EEAS provided a short update on the negotiations with Australia and informed the delegations about the technical meetings held with the Australian counterparts in July and September 2022, as well as about the main points of discussion. EEAS will report on the future progress.

EEAS recalled that the Recommendation and draft Council Decision to revise the existing SIA with ESA were sent to the Council in July 2022. Once EEAS will receive the mandate from the Council, the following steps (i.e. informing ESA of the opening of negotiations) will start. The CSC will be duly informed during the whole process.

4. 2023 EU security assessment visit programme

The GSC presented the 2023 programme of EU security assessment visits as set out in the Annex to WK 12237/2022. The programme would be forwarded to Coreper and to the Council for approval.