



Council of the
European Union

Brussels, 20 December 2022
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16250/22

LIMITE

CSC 605

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

Subject: Outcome of proceedings of the Council Security Committee meeting held on 7 - 8 December 2022

1. Adoption of the agenda

The agenda was adopted as set out in CM 5321/1/22 REV 1 after the following items added under AOB:

- request by the Swedish delegation to have an update about the report from the assessment visit conducted by the EU team in the European Space Agency (ESA) as well as about the planned assessment visit by the ESA,

- information by the Council Secretariat about the selection of cryptographic products for the secure videoconferencing system.

2. Threat assessment on EUIBAs (SECRET UE/EU SECRET)

INTCEN gave a presentation followed by an exchange of views.

3.* Review of the Council Security Rules

a) CIS Security Chapter

The General Secretariat of the Council informed delegations on the state of play of the review of the CIS Security Chapter in the Council Security Committee - Information Assurance (CSC-IA) subcommittee as set out in WK 16897/22. Article 10 and Annex IV of the Council Security Rules (CSR) had been combined in one text, and all relevant definitions would be moved to the chapter on general provisions. A new feature was the possibility to temporarily disconnect non-compliant Member States from the CIS handling EUCI. CSC-IA will continue its examination at its next meeting on the basis of comments received from the Member States.

b) Industrial security - draft proposal

The Council Secretariat presented its draft proposal for the review of the chapter on industrial security of the CSR as set out in WK 15320/22. The CSC examined Articles 1 to 11 and will continue the examination at its next meeting in February 2023.

The CSC examined provisions related to general requirements, security elements in a classified contract, access to EUCI by contractors' personnel and requirements for a Facility Security Clearance (FSC) laid down in the articles 11 – 11c of the proposed draft. In particular, delegations discussed a possibility to include classified grants to the scope of industrial security that currently covers only classified contracts and also several issues related to requirements for an FSC.

Based on the outcome of discussion, the Council Secretariat noted that different practices are in place in the Member States regarding requirements for an FSC. In this regard, the Council Secretariat will prepare a working paper with a view to revise the relevant provisions in order to set out a common feasible baseline in line with national laws and regulations.

In the context of this discussion, one delegation requested the Council Secretariat to present an overview of the work carried out so far in the entire CSR review process which had been ongoing since 2019. Some delegations also proposed to set up ad hoc groups of the Member States on a voluntary basis to assist the Council Secretariat in the drafting work, with the aim of speeding up the process.

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

EEAS informed the delegations that the letter informing the Executive Director of ESA on the re-opening of negotiation had been sent by HR on 30 November. On Moldova, EEAS sought the Member States' support on the way forward for granting Moldova's request to receive EUCI up to and including R-UE/EU-R in electronic form. EEAS informed that a draft Specific Implementing Arrangement was about to be finalised and that it would be sent to the GSC in the following days, for formal approval by the Member States.

5. 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) Position paper by 20 Member States

The Chair reminded the delegations about the procedural rules governing the ordinary legislative procedure and about the roles of the Council and the European Parliament as co-legislators, following the position paper sent by certain delegations to the European Parliament as set out in WK 15847/22.

b) Article-by-article examination and discussion (continuation)

The CSC examined Articles 51 to 62 and finalised the first examination of the body of the proposed Regulation as set out in 7670/22. The CSC will continue its work with first examination of the annexes to the proposal at its next meeting foreseen in February 2023.

Regarding the exchange of classified information with third States and international organisations, the importance of the traceability of classified information exchanged with third States was mentioned. In this regard, the Council Secretariat recalled a discussion on a common repository to keep metadata necessary to identify current locations and holders of classified information¹. A number of delegations wondered whether the current practice regarding the organisation of assessment visits would change. They pointed out that the functioning of the planned subgroup dealing with the exchange of classified information, its tasks as well as the roles of the institutions and agencies, including the decision-making processes, should be clarified.

¹ See more details in WK 13227/21

Delegations were reminded that any possible revision of the future Regulation would need to be based on a proposal from the Commission, which had the right of initiative in this regard.

c) Outcome of Chapter 3 & Chapter 5 Section 5 examination by the CSC-IA

The Council Secretariat presented the outcome of the first examination of Chapter 3 and Chapter 5 Section 5 by the CSC-IA subgroup as set out in 16909/22. The Chair invited the CSC-IA subgroup to present drafting suggestions for these articles to the CSC.

6. CSC meetings calendar for the first semester of 2023

The Chair presented the CSC meetings calendar as set out in WK 16043/22.

7. Any other business

a) Update on activities of the CSC sub-committees

The Council Secretariat informed delegations of the meeting of the Security Accreditation Board which took place on 17 November 2022. Outcome of that meeting could be found in 15434/22. Next meetings were planned for 30 March and 22 June 2023.

The meeting of the Implementation tempest Task Force (ITTF) subgroup took place on 18 November 2022, as set out in 15469/22. The next meeting was planned for 15 June 2023.

The first meeting of the new Technical Security Counter Measures (TSCM) subgroup took place on 30 November 2022. It was agreed that the follow-up meetings would take place in a restricted format.

The latest meeting of the AQUA reference group took place on 15 November 2022. The Council Secretariat would organise a workshop open to all Member States in 2023.

b) Request from the Swedish delegation

In reply to the request by the Swedish delegation to have an update about the report from the assessment visit conducted by the EU team in the European Space Agency (ESA) as well as about the planned assessment visit by the ESA, the Council Secretariat informed the delegations that the report from the EU assessment visit was not yet available. The timing of the assessment visit by the ESA was not yet known.

c) Information by the Council Secretariat about the selection of cryptographic products for the secure videoconferencing system

The Council Secretariat informed delegations about the selection of two German cryptographic products for a future VTC system for the Heads of State meetings as set out in WK 15110/22 (R-UE/EU-R).

* Representatives of EUAA, eu-LISA, Eurojust and SatCen were invited to attend the discussion on this item (doc. 15150/22).