



Council of the  
European Union

Brussels, 1 June 2023  
(OR. en)

9200/23

LIMITE

CSC 229  
ESPACE 24  
USA 38

## OUTCOME OF PROCEEDINGS

---

From: General Secretariat of the Council  
To: Delegations  
Subject: Outcome of proceedings of the Council Security Committee meeting held on 3-4 May 2023

---

### 1. Adoption of the agenda

The agenda was adopted as set out in CM 2242/1/23 REV 1.

### 2. Security of EDF programmes managed by the European Defence Agency (EDA)

To respond to concerns expressed by some Member States, the representative of the European Defence Agency presented the security of the European Defence Fund programmes managed by the EDA (WK 6311/23).

The main point of discussion was the specific security framework which allows Member States to be originators of classified information generated in the implementation of EDF actions, and the need for the EDA to access such national classified information in order to assess the implementation of those actions and proceed with payments. One Member State asked for more details about classified information shared directly by industry with the EDA, among other things on a need-to-know policy. Another point of discussion was the security governance of EDF projects and the role of the Council. The EDA recalled that the security aspects of EDF projects are discussed during the implementation of each such project, while the general security questions are addressed in the EDA governing structures where the Council is represented.

The Chair invited the EDA to inform the Committee regularly about EDF projects, in particular those involving classified information.

### **3.\* Review of the Council Security Rules**

#### **a) Industrial security: revised draft proposal**

The Committee examined the revised draft proposal on industrial security set out in WK 5012/23. Based on the comments received by delegations, the Council Secretariat will prepare a newly revised draft for the Council Security Committee (CSC) meeting in July. The Committee noted that the Council Secretariat will work further on the outstanding issue of the handling of classified grants.

#### **b) Personnel security: first draft proposal**

The Committee examined the text of the draft proposal presented in WK 5011/23.

Regarding the general provisions, some delegations discussed the importance of the principles of loyalty, trustworthiness and reliability for security vetting and security clearance procedures. After a short exchange of views, it was agreed to keep the reference to those principles in the text, also because they constitute a benchmark in security of information agreements with third States and international organisations.

On the security vetting criteria, delegations supported the proposed changes in principle. However, some delegations asked for a reorganisation of the list of criteria to distinguish clearly between the criteria against which the assessment is made and the sources of information which national authorities may examine in addition to those criteria. In relation to one specific criterion regarding a new proposed element that would assess if an individual undermined democratic values through their action or speech, some delegations preferred a more general wording in order to avoid wording such as 'hate speech' and 'inciting for violence'. The text on the assessment of an individual's medical background was another source of concern for delegations. The Council Secretariat will work on a better-balanced text in relation to all of these elements.

Furthermore, Member States asked for clarification of the wording concerning the procedure in the GSC where a security vetting does not result in a positive outcome and the individual concerned may not be granted an authorisation to access EUCI (EU classified information) in the GSC.

Regarding the provisions on security briefings, the discussion mostly concerned their frequency: the proposal was at least every 2 years both for general security briefings, covering mainly handling of information classified RESTREINT UE/EU RESTRICTED and awareness of threat landscape, and for specific briefings for access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL and above for which a PSC (personnel security clearance) is required. The Chair proposed to keep a time limit for recurrent briefings but to increase it to at least every 3 years, while specifying that the briefings could take different forms, including on-line training courses or quizzes.

In general delegations welcome the new procedure for granting temporary authorisation to access EUCI in the GSC which requires an explicit confirmation from the responsible NSA that it is not aware of any adverse information in respect of the individual concerned. On the other hand, some delegations expressed a reservation on the possibility for the GSC to use an ad-hoc authorisation in cases where Member States' laws and regulation do not recognise temporary authorisation.

Finally, in response to the question about granting emergency access to information classified TRES SECRET UE/EU TOP SECRET, delegations consider the current limitations necessary and were not in favour of any change.

The revised draft of the personnel security chapter will be submitted to the Committee at its meeting in July for further examination.

#### **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**

##### **a) European Central Bank's Confidentiality Regime and impact of the Information Security Proposal**

The representatives of the European Central Bank (ECB) gave a presentation of its confidentiality regime which applied to the ECB's information. They confirmed that the ECB does not currently handle EUCI. They emphasised, however, that they believe they hold a significant amount of information that might be equivalent to EUCI. Regarding the possible impact of the proposed Information Security Regulation, they were in particular concerned about their ability to operate efficiently and fulfil their mandate and tasks under the proposed regulation and the EUCI regime. The regulation is aimed at EU institutions, bodies and agencies and not at Member States' institutions; however, because the ECB work as one team with national central banks and national competency authorities, the ECB considers that the regulation will *de facto* also apply to them as they have common information rules, standards and information/communication systems. The ECB supports the aim of the Regulation but feels their ability to operate efficiently and deliver their mandate would be negatively impacted and they feel this is disproportionate. The ECB therefore proposed that it should be excluded from the scope of the draft Information Security Regulation.

A number of delegations were of the view that there is currently no equivalence between the ECB information protection regime and the regime for protecting EUCI. At the same time, they recalled that damage to the EU or its Member States' economic, financial and monetary systems might present a security risk and that the ECB should therefore assess its information on this basis and apply the necessary protective measures accordingly.

The ECB could not provide immediate answers to some questions raised by different delegations such as the ECB's handling of national classified information, whether the national central banks share national classified information with the ECB and what are the ECB's security vetting procedures. The Chair invited them to do so in writing after the meeting.

The ECB invited the Council Secretariat to carry out an exploratory visit with a view to a preliminary assessment of the situation.

**b) Governance: main issues and draft proposal for Articles 6-8**

The Chair presented the main elements under discussion as set out in 8453/23 with the objective of having a first concrete discussion on the proposed governance structure. The aim of the new text was to strengthen the role of the Member States by giving them additional weight in the proposed Interinstitutional Security Coordination Group and by establishing the new Information Security Committee and its permanent secretariat within the Council's structures. A consultation mechanism should also be set up to ensure a smooth interaction between the Coordination Group, the Information Security Committee and the thematic subgroups in a way which would ensure that the Member States' security interests are adequately taken into account.

Initial reactions from the delegations were positive but more internal consultations are still needed. Some delegations suggested that the advice provided by the Member States in the new Information Security Committee should be made binding for the Coordination Group. Some delegations pointed out that, instead of a decision-making process by consensus, a voting mechanism might be needed to ensure the Coordination Group functions efficiently. The list of agencies involved in the Coordination Group should allow some flexibility in case new needs arose in the future in terms of handling EUCI. It was also suggested that the list of institutions and agencies to be involved in the Coordination Group take into account their capacity to handle EUCI and their needs.

The Commission stated that the Security Authorities of each concerned EUIBA should be present in the Coordination Group and not a lower level representative as this ensures the right level of awareness required by the information security domain. The Commission also pointed out that, since the function of monitoring EU law is its prerogative in accordance with the Treaties, this task could not be given to the Coordination Group. It was also important to ensure that all EU agencies would be adequately involved in the future Coordination Group to ensure their participation in the relevant discussions and further smooth cooperation with them.

Delegations were invited to provide written comments in view of the next meeting of the CSC in July.

## 5. Exchange of classified information with third States and international organisations

### a) Update by the Commission on the planned EU-USA agreement to launch EU satellites from US territory

The Commission (DEFIS) announced that next week it would submit to the Council a recommendation to open negotiations with the USA on an agreement on the protection of classified information and assets related to the launch of EU satellites. The Commission therefore accepted the request made by the Committee at its last meeting that a binding agreement, rather than a simple arrangement, was needed in order to appropriately protect EU classified information. The Commission hoped that the Council could approve the negotiating mandate quite quickly, ideally by mid-June, to allow for the launch preparations to start in time.

### b) Status report by the EEAS

The EEAS informed the delegations about the need to reinforce cooperation with the **Japanese** authorities, including on the exchange of classified information via a secure line. As a short term measure, the EEAS will suggest to Japan that it enter into an administrative arrangement with the EEAS, which will allow the EEAS to share information classified RESTREINT UE/EU RESTRICTED and to address the immediate need for secure communication; the overall objective is to start negotiations on the comprehensive security of information agreement between the EU and Japan.

The Committee was also informed about the request made by **Ukraine** to renew the 2022 specific Implementing arrangements in order to continue receiving information classified RESTREINT UE/EU RESTRICTED in electronic form in the context of the ongoing Russian military aggression. A written consultation would be launched to renew these Arrangements<sup>1</sup>.

As regards the exchange of information classified RESTREINT UE/EU RESTRICTED with **Moldova**, the EEAS started a testing phase of delivery of EUCI in paper format as previously communicated to the Committee.

---

<sup>1</sup> The Committee approved the text of the renewed specific Implementing Arrangement via a written consultation that ended on 15 May 2023 without any objections being raised. The text as contained in WK 6198/23 was thus approved.

## **6. EUCI incident and compromise report 2022**

The Council Secretariat presented to delegations a report on incidents concerning EUCI that were recorded by the GSC during 2022 (8389/23 RESTREINT UE/EU RESTRICTED).

## **7. Any other business**

### **Meeting dates of the Council Security Committee for the second half of 2023**

The Council Secretariat informed delegations that the planned meeting dates of the Council Security Committee for the second half of 2023 were as follows:

- 4-5 July
- 26-27 September
- 23-24 October
- 7-8 December.

---

\* Representatives of the EDA, EUAA, Eurojust, Europol and SatCen were invited to attend the discussion on this item (8384/23).