



Council of the  
European Union

Brussels, 20 September 2018  
(OR. en)

11496/18

**LIMITE**

**PE 101  
INST 313  
AG 19  
RELEX 683  
CSC 233**

**NOTE**

---

From: Presidency  
To: Working Party on General Affairs

---

Subject: Draft arrangement between the European Parliament, the Council and the High Representative on the forwarding to and handling by the European Parliament of classified information in the area of CFSP  
– State of play

---

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.05.2024)**

Delegations will find in Annex a note on the above-mentioned subject, with a view to a discussion in the framework of the Working Party on General Affairs.

**I. INTRODUCTION**

1. The 2002 EP-Council interinstitutional agreement sets out arrangements regarding the Parliament's access to "sensitive information" (i.e., classified CONFIDENTIEL UE/EU CONFIDENTIAL and above) held by the Council in the area of security and defence policy ("the 2002 CSDP IIA"). Therefore, this agreement is not applicable to documents classified "RESTREINT UE/EU RESTRICTED"; nor does it cover the whole area of common foreign and security policy. In addition, since the creation of the EEAS, many of the obligations of the 2002 CSDP IIA are in fact no longer implemented by the Council, but by the EEAS, which is not as such bound by the provisions of the 2002 CSDP IIA.
2. In 2012, the EP and the Council approved the inter-institutional agreement on the forwarding to and the handling by the EP of classified information in areas other than the common foreign and security policy ("the non-CFSP IIA"<sup>1</sup>), which entered into force on 1 April 2014 (OJ C 95, 1.4.2014, p.1.). They agreed in a joint statement<sup>2</sup> that a review of the 2002 CSDP IIA "should begin in the course of 2012", and "would be undertaken [...] taking account of experience gained in implementing both [the non-CFSP IIA and the 2002 CSDP IIA]".
3. It is recalled that neither the 2002 CSDP IIA nor the non-CFSP IIA create rights for the EP to receive classified information. Both IIAs only establish the arrangements governing the forwarding to and handling by the EP of classified information which ought to be applied in cases where implementation of the Treaties and, as appropriate, other relevant provisions would require access by the EP to classified information held by the Council.

---

<sup>1</sup> 14592/12 +ADD1.

<sup>2</sup> 14592/12 ADD1

4. On the occasion of the establishment of the EEAS, in her declaration on political accountability<sup>3</sup> in 2010, the HR had indicated that:
  - she could provide access to other documents in the CFSP area on a need to know basis [...] where such access is required for the exercise of their institutional function;
  - she would review and where necessary propose to adjust the existing provisions [of the 2002 CSDP IIA]; and that,
  - "pending this adjustment, she would decide on transitional measures that she deems necessary to grant duly designated and notified MEPs exercising an institutional function easier access to [classified] information".
5. This declaration also provided that, until then, the system of providing confidential information through the IIA 2002 CSDP Special Committee would be continued.
6. Negotiations on an updated arrangement started in October 2012 but were put on hold, pending the entry into force of the non-CFSP IIA and the gathering of experience of handling documents under that framework.
7. This paper aims to provide a state of play to examine the conditions for a possible resumption of negotiations. It contains background on the negotiations on the CFSP draft arrangement and provides information on the experience gained on sharing classified information with the EP and other relevant developments.

---

<sup>3</sup> 12401/10 ADD 1

**II. BACKGROUND ON THE NEGOTIATIONS ON THE CFSP DRAFT  
ARRANGEMENT**

**DELETED FROM THIS POINT UNTIL THE END OF THE DOCUMENT (page 6)**

---