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'I' ITEM NOTE

From:	Working Party on General Affairs
To:	Permanent Representatives Committee (Part 2)
No. prev. doc.:	17773/12 11496/18 14529/18
Subject:	- 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 - Draft Interinstitutional Agreement between the European Parliament and the Council repealing the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy = Position with a view to reopening negotiations with the EP

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.05.2024)

1. The Working Party on General Affairs discussed the way forward regarding the 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 (new EUCI CFSP Arrangement). Further to the Presidency progress report of December 2018¹ it continued to discuss the way ahead at its meetings on 12 and 24 January, 8 and 22 February, 8 March as well as 12 April.

¹ 14529/18

The aim was to examine the prospects for a resumption of talks,² on the basis of existing mandate from 2012³, with a view to updating the IIA from 2002. The working party notably examined the practical experience gained with the implementation of the non-CFSP IIA.

2. In the discussion the delegations highlighted various aspects of the existing mandate that they considered particularly important with a view to reopening the negotiations on a new Arrangement with the European Parliament. These discussions are summarized in the Guiding Principles (Annex III).
3. It was agreed to delete the express reference to Article 295 TFEU in recital 5. According to the Legal Service, while it would be preferable to keep an explicit reference to Article 295 in the recitals for reasons of legal clarity, this was not a legal requirement and its omission did not change its characterisation of this arrangement as an inter-institutional agreement falling within the scope of Article 295 TFEU, as set out in its contribution of 28 November 2018⁴; nor did it affect its legally binding character which depended on the intentions of the parties.
4. **DELETED**
5. **DELETED**
6. In the light of the above, COREPER is invited to agree to the following :
 - to endorse the reopening of negotiations on the new Arrangement with the European Parliament on the basis of the revised mandate as contained in Annex I, Annex II and taking into account the Guiding principles set out in Annex III.

The negotiations will be conducted in consultation with the Working Party on general Affairs and the Council Security Committee, which will be kept informed and provide advice as necessary.

² 11496/18

³ 17773/12

⁴ 14876/18

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