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From:	General Secretariat of the Council
To:	Security Committee
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 – Discussion on the main issues

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Delegations will find in Annex a set of the main issues concerning the position received from the European Parliament on the draft arrangement for EP access to classified information in the area of the common foreign and security policy (WK 9288/21).

The Council Security Committee (CSC) will discuss the matter at its meeting on 19 October 2021 based on the questions listed further in this document. Delegations are kindly invited to send written replies to the questions by 15 October 2021, Friday, cob.

**CFSP arrangement - discussion on the main issues****I. Background information**

On 9 July 2021, the European Parliament communicated its position on the future CFSP arrangement, which should replace the 2002 Interinstitutional Agreement between the European Parliament and the Council on the EP access to sensitive information<sup>1</sup>. A technical meeting to clarify the rationale for the Parliament's proposals took place on 21 September 2021.

As some of the proposals go way beyond the Council's mandate<sup>2</sup>, Member States need to be consulted in order to assess how the negotiations should proceed. The Presidency presented the EP position to the Working Party on General Affairs (GAG) on 28 September 2021 and invited the delegations to hold an in-depth discussion at the next meeting.

The GAG requested the Council Legal Service (CLS) to provide its assessment of the EP position. Among the legal issues arising from the EP position is the proposal to use the title "Interinstitutional Agreement" instead of "Arrangement"<sup>3</sup>, the added references to EP powers<sup>4</sup>, the legal aspects of distinction between rules on access to CFSP and CSDP documents, the provisions on suspension of the arrangement and other. They will be addressed in more detail by the CLS during the next GAG meeting.

Some delegations also expressed their wish to hear first an assessment by the Council Security Committee (CSC). Following this, on 1 October 2021, the Chair of the GAG asked in writing the Chair of the CSC to provide the view of the CSC, as regards its areas of competence, on the EP position. The agreed view will be presented to the GAG to facilitate its further discussion on the process.

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<sup>1</sup> 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 (OJ C 298, 30.11.2002, p. 1–3).

<sup>2</sup> ST 8513/19.

<sup>3</sup> Contribution of the Legal Service of 28 November 2018, ST 14876/18.

<sup>4</sup> Opinion of the Legal Service of 11 January 2017, ST 5151/17.



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