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General Secretariat

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WK 16772/2023 INIT

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LETTER

From: General Secretariat of the Council
To: Security Committee

N° prev. doc.: 15574/23

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
- Request for CSC opinion

Delegations will find in Annex I a letter from the Chair of the Working Party on General Affairs, addressed to the Chair of the Council Security Committee (CSC), asking the CSC opinion on the matters within its areas of competence on the latest draft compromise discussed with the European Parliament during the interinstitutional technical meeting held on 14 November 2023 and set out in document 15574/23 (third column).

Delegations will also find in Annex II background information on this file aimed to help their understanding and forming an opinion.

WK 16772/2023 INIT

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Delegations are kindly invited to provide their views to the General Secretariat of the Council by **10 January 2024, cob** on the issues listed in the letter (Annex I). On the basis of this input, the General Secretariat of the Council will prepare a draft opinion that will be discussed at the next CSC meeting scheduled for **31 January - 1 February 2024**.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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Background information

1. The Council mandate regarding the Draft arrangement is set out in doc. 8513/19, where in Annex III the Guiding principles are provided. The future CFSP arrangement is intended to replace the 2002 Interinstitutional Agreement between the European Parliament and the Council that governs the EP access to sensitive information in CSDP area¹. The new arrangement will cover the whole CFSP area, including CSDP matters, and will have three parties: the Council, the High Representative and the EP. Thus, the arrangement will be adapted to the post-Lisbon situation but will not create any new obligations.
2. On 9 July 2021, the European Parliament communicated to the Council its position on the future CFSP arrangement². As requested by the Working Party on General Affairs (GAG), the CSC provided its view³ on the EP position which assessed some of the changes proposed by the EP as not being in line with the mandate of the Council.
3. Since then, two technical meetings were held between the negotiation teams, respectively on 7 December 2022 and 14 November 2023 in efforts to bring closer the two positions. [REDACTED]
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[REDACTED]
[REDACTED]
4. The Working Party on General Affairs (GAG) discussed the latest draft compromise at its meeting on 27 November 2023, after which delegations provided written comments⁴.
5. In addition, on 10 July 2023⁵, the Council determined that equivalence has been achieved regarding the reception from the Council of information up to the classification level TRÈS SECRET UE/EU TOP SECRET in paper form in the Secure Area in SPAAK 2B007 located in the EP premises in Brussels. This determination was done within the framework of 2014 non-CFSP Interinstitutional Agreement on matters

¹ 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).

² WK 9288/21.

³ WK 13673/21.

⁴ Doc. 16504/23.

⁵ Doc. 10992/23.

other than CFSP⁶. Therefore, it is necessary for the CSC to consider to what extent the achieved equivalence could be extended within the framework of a new CFSP arrangement.

⁶ Interinstitutional Agreement of 12 March 2014 between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy (OJ C 95, 1.4.2014, p. 1–7).