Basic information

2002/2130(ACI) ACI - Interinstitutional agreement procedure	Procedure completed
Parliament access to sensitive Council documents on security and defence. Interinstitutional agreement **Subject** 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFCO Constitutional Affairs	BROK Elmar (PPE-DE)	15/07/2002
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Competitiveness (Internal Market, Industry, Research and Space)	2462	2002-11-14

Key events

Date	Event	Reference	Summary
01/06/2002	Committee referral announced in Parliament		
03/10/2002	Vote in committee		Summary
03/10/2002	Committee report tabled for plenary	A5-0329/2002	
22/10/2002	Debate in Parliament		
23/10/2002	Decision by Parliament	T5-0500/2002 T5-0502/2002	
23/10/2002	End of procedure in Parliament		
14/11/2002	Act adopted by Council after consultation of Parliament		
30/11/2002	Final act published in Official Journal		

Technical information

Procedure reference	2002/2130(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
Legal basis	Rules of Procedure EP 154
Stage reached in procedure	Procedure completed

Committee dossier	AFCO/5/16654

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0329/2002	03/10/2002	
Motion for a resolution		B5-0526/2002	23/10/2002	
Text adopted by Parliament, single reading		T5-0500/2002 OJ C 300 11.12.2003, p. 0165-0300 E	23/10/2002	Summary
Text adopted by Parliament, single reading		T5-0501/2002 OJ C 300 11.12.2003, p. 0165-0300 E	23/10/2002	
Text adopted by Parliament, topical subjects		T5-0502/2002 OJ C 300 11.12.2003, p. 0165-0300 E	23/10/2002	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EU	Implementing legislative act	32002D1130(01) OJ C 298 30.11.2002, p. 0004-0005	23/10/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Interinstitutional agreement 2002/1130(01)
OJ C 298 30.11.2002, p. 0001-0005 Summary

Parliament access to sensitive Council documents on security and defence. Interinstitutional agreement

2002/2130(ACI) - 20/11/2002 - Final act

PURPOSE : to conclude an interinstitutional agreement concerning the access by the European Parliament to sensitive information held by the Council in the field of security and defence. COMMUNITY MEASURE : European Parliament/Council Interinstitutional Agreement concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy. CONTENT : the European Parliament and the Council have approved the interinstitutional agreement concerning access by the European Parliament to sensitive information held by the Council in the field of security and defence policy. In view of the specific nature and especially sensitive content of certain highly classified information in the field of security and defence policy, special arrangements are introduced for the handling of documents. This Interinstitutional Agreement deals with access

by the European Parliament to sensitive information, i.e. information classified as 'confidential', 'secret' or 'top secret' whatever its origin, medium or state of completion, held by the Council in the field of security and defence policy and the handling of documents so classified. For documents classified as 'confidential', 'secret' or 'top secret', Parliament has until now been subject to the same restrictions as the public. Under the new agreement, the President of Parliament and a special committee, chaired by the chairman of the Foreign Affairs Committee and including four members designated by the Conference of Presidents, will be informed by the Council Presidency or the High Representative of the content of sensitive documents if these are needed for Parliament to perform its democratic functions (please refer to the summary of the Parliament's resolution dated 23/10/2002). The interinstitutional agreement will provide the European Parliament with treatment comparable to practices in the Member States, where specific mechanisms govern the transmission and handling of classified information by governments and national parliaments. Equally, at the time of adoption of the interinstitutional agreement, a decision was adopted which establishes the mechanisms and security measures for the reception, confidential handling and the use of sensitive information within Parliament. This Decision shall be annexed to Parliament's Rules of Procedure and shall enter into force on 30 November 2002. This Interinstitutional Agreement shall be implemented in conformity with the relevant applicable regulations and in particular with the principle according to which the consent of the originator is a necessary condition for the transmission of classified information. Consultation of sensitive documents by the members of the Special Committee of the European Parliament shall take place in a secured room at the Council premises. This Interinstitutional Agreement shall enter into force after the European Parliament has adopted internal security measures which are in accordance with the principles laid down in the Agreement and comparable to those of the other institutions in order to guarantee an equivalent level of protection of the sensitive information concerned.

Parliament access to sensitive Council documents on security and defence. Interinstitutional agreement

2002/2130(ACI) - 23/10/2002 - Text adopted by Parliament, single reading

Parliament adopted the report, by Mr Elmar BROK (EPP/ED, D) which approves an agreement between Parliament and Council on access by Parliament to sensitive Council documents. Following several years of negotiations, this agreement - which above all covers security and defence documents - plugs a gap that emerged after the adoption of the regulation (1049/2001/EC) on public access to documents of the EU institutions. For documents classified as 'confidential', 'secret' or 'top secret', Parliament has until now been subject to the same restrictions as the public. Under the new agreement, the President of Parliament and a special committee, chaired by the chairman of the Foreign Affairs Committee and including four members designated by the Conference of Presidents, will be informed by the Council Presidency or the High Representative of the content of sensitive documents if these are needed for Parliament to perform its democratic functions. The President of Parliament and the special committee can ask to consult the documents in question on the Council's premises. Various procedures for informing, consulting and/or forwarding documents to Parliament are laid down according to the level of confidentiality of the documents. Information originating from non-EU states or international organisations will only be forwarded with their agreement. The EU Member States may decide to restrict the dissemination of classified documents. In the case of a refusal of the transmission of information originating from a third State, international organisation or a Member State, the Council shall give reasons. Moreover, the agreement may be reviewed after two years at the request of one of the two institutions after an assessment has been made of how it is working in practice. The agreement will also require a change to Parliament's Rules of Procedure. This change aims in particular to specify that the exceptions to this rule for the handling of documents to which public access may be refused pursuant to Regulation 1049/2001/EC of the European Parliament and of the Council regarding public access to European Parliament, Counci land Commission documents shall be laid down in Annex VII to these Rules of Procedure. The adoption of the agreement includes a change to Parliament's Rules of Procedure following a decision of the Bureau. This decision establishes the mechanisms and security measures for the reception, confidential handling and the use of sensitive information within Parliament.