

D 321485 10.12.2015

Ms Cecilia Malmström
Commissioner for Trade
European Commission
B-1049 Brussels

Subject: Access to TTIP-related documents - comprehensive agreement on operational arrangements between the INTA Committee and DG TRADE

Dear Commissioner,

In reply to your letter of 2 December 2015 on access to TTIP-related documents for the European Parliament, we would like to thank you for your letter and the attached paper summarising new working arrangements as regards access to TTIP-related documents, which reflect the discussions between us and our respective services on this matter.

We would like to confirm the operational arrangements for access to TTIP-related documents (including classified information) as sent by you and annexed to this letter pursuant to annex II, point 2.3 of the Framework Agreement on relations between the European Parliament and the European Commission¹. We very much welcome that this arrangement enlarges access to so-called 'consolidated' classified as EU RESTRICTED and other similarly sensitive documents to all Members of the European Parliament.

We acknowledge that increased transparency from the side of the Commission regarding confidential documents or information comes with the responsibility on the side of Members of the European Parliament to respect the rules and conditions regarding the consultation of such documents.

In this context, allow us to remind you that the European Parliament has endowed itself with solid and clear rules on how to handle confidential or sensitive information, which are laid down in its Bureau Decision concerning the rules governing the treatment of confidential information by the European Parliament of 15 April 2013². Access to confidential information to Members and staff of the European Parliament is only granted in full respect of these provisions, which aim to ensure equivalent standards of protection and compatibility with the rules adopted by other EU institutions or Member States.

We have given a clear political signal in the relevant Parliamentary settings to all Members of the European Parliament and all relevant categories of staff on the importance of respecting the confidentiality of the information and the consequences of non-respect. Prior to granting access to Members of the European Parliament to confidential documents or information, these Members will be duly informed about the current arrangements, their

¹ Notably its annex II point 2.3 of 20 November 2010, Official Journal L304/57.

² 2014/C 96/01.

awareness of the applicable rules is raised, in particular the strict respect of confidentiality, including in the case of documents marked as 'limited'.

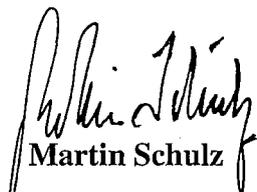
Proportionate, dissuasive and expeditious measures will, if appropriate, be taken to ensure and enforce confidentiality, on the basis of the Bureau Decision concerning the rules governing the treatment of confidential information by the European Parliament of 15 April 2013, in particular its relevant security notice, as well as the overarching rules applicable to EU sensitive and confidential information, including the applicable Rules of Procedure of the Parliament (for Members), and the Staff regulation (for staff), notably the application of the procedures and penalties provided for.

The European Parliament and DG Trade will monitor the implementation of these arrangements and, when necessary, the Chairman of INTA will discuss with you any open issue.

We are confident that these arrangements increase transparency of TTIP negotiations even further with respect to the European Parliament. The respect of these arrangements is important for the European Parliament to carry out its responsibilities under EU Trade Policy without jeopardising the interests of the Union, thereby, strengthening democratic scrutiny and accountability of the EU Trade Policy. Ultimately, these arrangements contribute to foster legitimacy of the EU Trade Policy.

Once more, we would like to thank you for the initiatives taken to increase transparency in TTIP negotiations and we are looking forward to the implementation of further Commission initiatives applying similar arrangements to other trade negotiations as mentioned in the Commission's communication "Trade for all: Towards a more responsible trade and investment policy" of October 2015.

Yours sincerely,



Martin Schulz

President of the European Parliament



Bernd Lange

Chairman of the INTA Committee

Operational Arrangements for access to TTIP-related Documents
between INTA Committee and DG TRADE

(as endorsed by the College of Commissioners on 02/12/2015)

This document sets out arrangements for the handling of and access to documents with respect to the EU-US TTIP negotiations, when such documents are transmitted to the European Parliament (INTA Committee) by the European Commission (DG Trade).

These arrangements shall be applied in line with relevant EU rules, notably the Framework Agreement (FA) on relations between the European Parliament and the European Commission¹, the European Commission's security rules for protecting EU classified information² with European Parliament specific rules governing the treatment of confidential information by the European Parliament³ and with the European Parliament's Rules of Procedure.

1) Documents marked *Limited*

General principle: All MEPs to have access to documents marked as Limited.

- a) Documents marked *Limited* are transmitted in secure electronic format by DG Trade to the INTA Secretariat.
- b) Within the European Parliament (EP), these documents are shared internally via an IT system, namely "SharePoint" (log in required, access to individualized watermarked document in screen and with possibility to print also with watermark). Access to these documents may also be possible outside Parliament premises, as long as the equivalent security conditions are guaranteed. Log of access to individualised watermarked documents is kept by the European Parliament, in line with the relevant data protection rules.
- c) Designated Secretariat staff and advisors of political groups are granted access to SharePoint on a "need to know" basis established by the INTA Chair – and on at least as secure a basis as that applied to Members. The INTA Chair interprets "need to know" in correspondence with point 2 d) below⁴.

¹ OJ L304, 20/11/2010.

² Commission Decision 2015/444 of 13 March 2015.

³ EP Bureau Decision 2014/C 96/01 of 15 April 2013.

⁴ With regard to documents marked *Limited* point 2(d)(i) shall be understood as including INTA administrators with a "need to know".

- d) The European Parliament fully acknowledges that, whilst not formally classified, those documents marked as limited contain sensitive and non-public information, and must therefore be treated with utmost care to prevent its unwarranted disclosure.

2) RESTREINT UE/EU RESTRICTED Documents

General Principle: Extend access to RESTREINT UE/EU RESTRICTED documents to all MEPs in a secure reading room.

- a) TTIP documents classified as RESTREINT UE/EU RESTRICTED and originating in the Commission are available to all MEPs through a secure Reading Room. This also applies to all RESTREINT EU/EU RESTRICTED TTIP documents that the Commission has shared with the European Parliament before the current arrangement was put in place.
- b) The secure reading room is provided and managed by the European Parliament (hereafter the EP Reading Room managed by the EP's Classified Information Unit (CIU)), in line with European Parliament specific rules governing the treatment of confidential information by the European Parliament⁵. The Commission, as the originator of the documents, permits note-taking on paper within the EP Reading Room but no copies or any other reproductions of documents such as photos are allowed.
- c) All MEPs using the EP Reading Room sign an acknowledgement that they have followed and understood the EP security briefing and commit in writing to respecting the security arrangements explained in that briefing. Other Parliament staff, as listed below, may be granted access to the EP Reading Room and if so will be given specific training in addition to signing the acknowledgement, which will include a reminder of their obligation of discretion as regards information accessed via the EP Reading Room.
- d) Designated European Parliament staff also have access to the reading room on a "need to know" basis established by the INTA Chair and within the following limits:
- i. Six established INTA Secretariat administrators,
 - ii. Two established administrators from the Secretariat of each Committee formally involved in the monitoring of the TTIP negotiations, and from the European Parliament Interparliamentary Delegation for the USA,
 - iii. Three established advisors per political group,
 - iv. Two established staff members of the President's Cabinet.

All these categories of staff will also need to respect the security arrangements and procedures set out in this document.

⁵ EP Bureau Decision 2014/C 96/01 of 15 April 2013.

- e) By way of derogation and in accordance with established practise, those MEPs currently receiving paper copies of RESTREINT UE/EU RESTRICTED documents (the President of the Parliament, INTA Chair, INTA Vice Chairs and Coordinators, INTA standing rapporteur and shadow standing rapporteurs on TTIP and, where relevant to their areas of responsibility, as determined by the European Parliament's Rules of Procedure, the Chair and standing rapporteur of other Committees involved in the work of the INTA monitoring group for the US) will continue to receive a paper copy. For such paper copies, the European Parliament continues to implement suitable arrangements, ensuring confidentiality and traceability.
- f) Two individualised paper copies are also made available to the INTA Secretariat, for use in their work of assisting members and substitutes of the Committee.
- g) The copies referred to under point (e) and (f) are individualised and watermarked by the INTA Secretariat, which keeps a register of people having received a paper copy, in line with the requirements laid down in the European Parliament's rules on handling and treatment of confidential information. They are handled in accordance with the rules applicable for RESTREINT UE/EU RESTRICTED documents. Such copies must be stored in compliance with the common minimum standards of security applied by other Union Institutions, in particular the Commission, in line with Annex II of the FA (e.g. as a minimum a locked cupboard).

3) Consolidated documents and other similarly sensitive documents

General Principle: Extend access to EU restricted documents to all MEPs in a secure reading room.

- a) TTIP docs classified as RESTREINT UE/EU RESTRICTED and containing the positions of both Parties (so called "Consolidated" documents), and other categories of similarly sensitive documents considered as covered by common accord between the Trade Commissioner and the INTA Chair, can be consulted in the EP reading room only, as per the arrangements set out in point 2, by all MEPs⁶.
- b) European Parliament staff having access to the EP Reading Room for these documents will be as per point 2.
- c) No paper copies of these documents are made available outside of the EP Reading Room.

⁶ This includes the previously agreed specific category of documents containing tactical assessments of the negotiations or of the position of the USA which shall be handled in line with the arrangements set out in point 3a) of these operational arrangements.

4) Framework, Monitoring and Problem Solving

The arrangements set out in this document are agreed pursuant to Annex II, point 2.3. of the Framework Agreement on relations between the European Parliament and the European Commission and neither replace nor amend it.

Relevant EP Services and DG Trade staff will regularly review the implementation of these arrangements and, where necessary, the Chairman of INTA and the EU Trade Commissioner will discuss any open issues. Should any unwarranted disclosure of information occur, there will be close cooperation between relevant staff of the European Parliament and the European Commission, within their respective competences, in order to establish the facts, assess how to prevent a recurrence and otherwise contribute to resolving the matter. In case of manifest breaches, or of serious risk of breaches, of these operational arrangements, the Commission as originator of the documents containing this information reserves its right to suspend these operational arrangements following consultations with the INTA Chair.
