



**2022/0084(COD)**

9.11.2022

# **AMENDMENTS**

## **31 - 64**

**Draft opinion**

**Pascal Durand**

(PE730.186v01-00)

Information security in the institutions, bodies, offices and agencies of the Union

Proposal for a regulation

(COM(2022)0119 – C9-0121/2022 – 2022/0084(COD))



## Amendment 31

Sven Simon

on behalf of the PPE Group

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

(2) While progress has been made towards more consistent rules for the protection of European Union classified information ('EUCI') and non-classified information, the interoperability of the relevant systems remains limited, preventing a seamless transfer of information between the different Union institutions and bodies. ***Further efforts should therefore be made to enable*** an interinstitutional approach to the sharing of EUCI and sensitive non-classified information, with common categories of information and common key handling principles. ***A baseline should also be envisaged to simplify*** procedures for sharing EUCI and sensitive non-classified information between Union institutions and bodies and with Member States.

*Amendment*

(2) While progress has been made towards more consistent rules for the protection of European Union classified information ('EUCI') and non-classified information, the interoperability of the relevant systems remains limited, preventing a seamless transfer of information between the different Union institutions and bodies. An interinstitutional approach to the sharing of EUCI and sensitive non-classified information, with common categories of information and common key handling principles ***is urgently needed. This includes common*** procedures for sharing EUCI and sensitive non-classified information between Union institutions and bodies and with Member States.

Or. en

## Amendment 32

Sven Simon

on behalf of the PPE Group

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

(4) The recent pandemic caused a significant change in working practices with remote communication tools becoming the rule. Therefore, many procedures that were still at least partly paper-based were rapidly adjusted to enable electronic processing and exchanges

*Amendment*

(4) The recent pandemic caused a significant change in working practices with remote communication tools becoming the rule. Therefore, many procedures that were still at least partly paper-based were rapidly adjusted to enable electronic processing and exchanges

of information. These developments require changes in the handling and protection of information. This Regulation takes account of the new working practices.

of information. These developments require changes in the **procurement**, handling and protection of information. This Regulation takes account of the new working practices.

Or. en

### **Amendment 33**

**Sven Simon**

on behalf of the PPE Group

### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

(5) By creating a minimum common level of protection for EUCI and non-classified information, this Regulation contributes to ensuring that the Union institutions and bodies have the support of an efficient and independent administration in carrying out their missions. At the same time, each Union institution and body retains its autonomy in determining how to implement the rules laid down in this Regulation, in line with its own security needs. This Regulation shall in no case prevent Union institutions and bodies to fulfil their mission, as entrusted by the EU legislation, or **encroach** on their institutional autonomy.

*Amendment*

(5) By creating a minimum common level of protection for EUCI and non-classified information, this Regulation contributes to ensuring that the Union institutions and bodies have the support of an efficient and independent administration in carrying out their missions. At the same time, each Union institution and body retains its autonomy in determining how to implement the rules laid down in this Regulation, in line with its own security needs. This Regulation shall in no case prevent Union institutions and bodies to fulfil their mission, as entrusted by the EU legislation, or **create disproportionate burdens** on their institutional autonomy.

Or. en

### **Amendment 34**

**Sven Simon**

on behalf of the PPE Group

### **Proposal for a regulation**

#### **Recital 8**

*Text proposed by the Commission*

(8) With a view to establishing a

*Amendment*

(8) With a view to establishing a

formal structure for cooperation between Union institutions and bodies in the field of information security, it is necessary to set up an Interinstitutional Coordination Group (the 'Coordination Group') in which all Union institutions' and bodies' Security Authorities are represented. ***Without having decision-making powers, the Coordination*** Group should enhance the coherence of policies in the field of information security and should contribute to the harmonisation of the information security procedures and tools across the Union institutions and bodies.

formal structure for cooperation between Union institutions and bodies in the field of information security, it is necessary to set up an Interinstitutional Coordination Group (the 'Coordination Group') in which all Union institutions' and bodies' Security Authorities are represented. ***The Coordination*** Group should ***adopt recommendations and provisions to*** enhance the coherence of policies in the field of information security and should contribute to the harmonisation of the information security procedures and tools across the Union institutions and bodies.

Or. en

## Amendment 35 Victor Negrescu

### Proposal for a regulation Recital 9

#### *Text proposed by the Commission*

(9) The Coordination Group's work needs the support of experts in different areas of information security: categorisation and marking, communication and information systems, accreditation, physical security and sharing EUCI and exchanging classified information. In order to prevent duplication of effort across the Union institutions and bodies, thematic sub-groups should be therefore established. Moreover, where needed, the Coordination Group should be able to set up other subgroups with specific tasks.

#### *Amendment*

(9) The Coordination Group's work needs the support of experts in different areas of information security: categorisation and marking, communication and information systems, accreditation, physical security and sharing EUCI and exchanging classified information. In order to prevent duplication of effort across the Union institutions and bodies, thematic sub-groups should be therefore established. Moreover, where needed, the Coordination Group should be able to set up other subgroups with specific tasks. ***The Coordination Group's work should also regard the training component for the Union institutions' and bodies' personnel, with the scope of enhancing information security awareness and best practices, complementary to the established procedures.***

Or. en

**Amendment 36**  
**Victor Negrescu**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) The Coordination Group should closely cooperate with the National Security Authorities of the Member States with a view to enhancing information security in the Union. An Information Security Committee of the Member States should therefore be set up to provide advice to the Coordination Group.

*Amendment*

(10) The Coordination Group should closely cooperate with the National Security Authorities of the Member States with a view to enhancing information security in the Union. An Information Security Committee of the Member States should therefore be set up to provide advice to the Coordination Group. ***Given the constantly evolving threat landscape at Union level, close cooperation with the Committee is required in order to adapt prevention and mitigation methods for information security.***

Or. en

**Amendment 37**  
**Cyrus Engerer**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) With the purpose of adjusting to the new teleworking practices, the networks used for connecting to the Union institution's or body's remote access services should be protected by ***adequate*** security measures.

*Amendment*

(14) With the purpose of adjusting to the new teleworking practices, the networks used for connecting to the Union institution's or body's remote access services should be protected by ***effective*** security measures.

Or. en

**Amendment 38**  
**Cyrus Engerer**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) The substantive rules regarding access to EUCI in the internal rules of various Union institutions and bodies are currently aligned, but there are significant differences as regards denominations and required procedures. This creates a burden for the National Security Authorities of the Member States who need to adjust to different requirements. Thus it is necessary to provide for a common glossary and common procedures in the area of personnel security, thereby simplifying cooperation with the National Security Authorities of the Member States and limiting the risk of compromising EUCI.

*Amendment*

(16) The substantive rules regarding access to EUCI in the internal rules of various Union institutions and bodies are currently aligned, but there are significant differences as regards denominations and required procedures. This creates a burden for the National Security Authorities of the Member States who need to adjust to different requirements. Thus it is necessary to provide for a common glossary and common procedures in the area of personnel security, thereby simplifying cooperation with the National Security Authorities of the Member States and limiting the risk of compromising EUCI, ***while respecting the Rules of Procedure of each institution and body.***

Or. en

**Amendment 39**  
**Sven Simon**  
on behalf of the PPE Group

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Furthermore, the sharing of EUCI between the Union institutions and bodies and the exchange of classified information with international organisations and third countries should also be regulated by appropriate security measures for the protection of that information. Where agreements on security of information are envisaged, the provisions of Article 218 ***of the Treaty*** should apply.

*Amendment*

(25) Furthermore, the sharing of EUCI between the Union institutions and bodies and the exchange of classified information with international organisations and third countries should also be regulated by appropriate security measures for the protection of that information. Where agreements on security of information are envisaged, the provisions of Article 218 ***TFEU*** should apply.

Or. en

#### **Amendment 40**

**Sven Simon**

on behalf of the PPE Group

#### **Proposal for a regulation**

##### **Article 4 – paragraph 2**

###### *Text proposed by the Commission*

2. Non-compliance with this Regulation, in particular the unauthorised disclosure of information with the confidentiality levels referred to in Article 2(2), except information for public use shall be subject to investigation and may trigger personnel liability in accordance with the Treaties *or* with their relevant staff rules.

###### *Amendment*

2. Non-compliance with this Regulation, in particular the unauthorised disclosure of information with the confidentiality levels referred to in Article 2(2), except information for public use shall be subject to investigation and may trigger personnel liability in accordance with the Treaties, *with relevant criminal law and* with their relevant staff rules.

Or. en

#### **Amendment 41**

**Sven Simon**

on behalf of the PPE Group

#### **Proposal for a regulation**

##### **Article 6 – paragraph 1 – subparagraph 2**

###### *Text proposed by the Commission*

It shall be composed of all Security Authorities of the Union institutions and bodies, and shall have a mandate to define *their* common *policy* in the field of information security.

###### *Amendment*

It shall be composed of all Security Authorities of the Union institutions and bodies, and shall have a mandate to define common *measures* in the field of information security.

Or. en

#### **Amendment 42**

**Sven Simon**

on behalf of the PPE Group

#### **Proposal for a regulation**

##### **Article 6 – paragraph 2 – point c**



*Text proposed by the Commission*

(c) establish guidance documents on the implementation of this Regulation, in cooperation with the Interinstitutional Cybersecurity Board referred to in Article 9 of the Regulation EU [...] laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union, where appropriate;

*Amendment*

(c) establish **recommendations and** guidance documents on the implementation of this Regulation, in cooperation with the Interinstitutional Cybersecurity Board referred to in Article 9 of the Regulation EU [...] laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union, where appropriate;

Or. en

**Amendment 43**

**Victor Negrescu**

**Proposal for a regulation**

**Article 6 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) set up dedicated platforms for sharing best practices and knowledge on common topics relevant to information security as well as for providing assistance in case of information security incidents;

*Amendment*

(d) set up dedicated platforms for sharing best practices, **training** and knowledge on common topics relevant to information security as well as for providing assistance in case of information security incidents;

Or. en

**Amendment 44**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 6 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) ensure compliance of the Union bodies, institutions, offices and agencies with the provisions set out within the Regulation**

Or. en

**Amendment 45**

**Sven Simon**

on behalf of the PPE Group

**Proposal for a regulation**

**Article 6 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) Shall carry out risk assessments, in particular with regards to foreign interference in EUCL.**

Or. en

**Amendment 46**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 6 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6 a. The appointed members of the Coordination Group shall be adequately gender and geographically balanced.**

Or. en

**Amendment 47**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 6 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

7. Union institutions and bodies shall bring to the attention of the Coordination Group any significant information security policy development within their organisation.

7. Union institutions and bodies shall bring to the attention of the Coordination Group any significant information security policy development within their organisation, **within a reasonable timeframe.**

**Amendment 48**  
**Cyrus Engerer**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The responsibilities of one or more of the functions referred to in paragraph 3 may be delegated to another Union institution or body whenever decentralised delivery of security offers significant efficiency, resource or time savings.

*Amendment*

4. ***Under exceptional circumstances,*** the responsibilities of one or more of the functions referred to in paragraph 3 may be delegated to another Union institution or body whenever decentralised delivery of security offers significant efficiency, resource or time savings.

Or. en

**Amendment 49**  
**Cyrus Engerer**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Union institutions and bodies ***may*** mark with ‘PUBLIC USE’ the information referred to in paragraph 1.

*Amendment*

2. Union institutions and bodies ***shall*** mark with ‘PUBLIC USE’ the information referred to in paragraph 1.

Or. en

**Amendment 50**  
**Cyrus Engerer**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Union institutions and bodies shall establish procedures for the reporting and management of any incident or suspected

*Amendment*

1. Union institutions and bodies shall establish ***streamlined*** procedures for the reporting and management of any incident

incident that could lead to a compromise of the security of non-classified information.

or suspected incident that could lead to a compromise of the security of non-classified information.

Or. en

#### **Amendment 51**

**Cyrus Engerer**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Union institutions and bodies **shall** ensure that CISs meet the following minimum requirements when handling and storing sensitive non-classified information:

##### *Amendment*

1. Union institutions and bodies **must** ensure that CISs meet the following minimum requirements when handling and storing sensitive non-classified information:

Or. en

#### **Amendment 52**

**Sven Simon**

on behalf of the PPE Group

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) SNC information shall be stored and processed in the Union;

##### *Amendment*

(c) SNC information shall be stored and processed **exclusively** in the Union;

Or. en

#### **Amendment 53**

**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 a (new)**

**2 a. In the event of any doubt as to the confidential nature of an item of information or its appropriate level of classification, the two institutions shall consult each other without delay and before transmission of the document. In these consultations, Parliament shall be represented by the chair of the parliamentary body concerned, accompanied, where necessary, by the rapporteur, or the office-holder who submitted the request. The Commission shall be represented by the Member of the Commission with responsibility for that area, after consultation of the Member of the Commission responsible for security matters. In the event of a disagreement, the matter shall be referred to the Presidents of the two institutions so that they may resolve the dispute.**

Or. en

*Justification*

*This is in order to align these provisions with the interinstitutional procedure to contest classification laid down in Annex II point 2.3 of the Framework Agreement on relations between the European Parliament and the European Commission.*

**Amendment 54**

**Sven Simon**

on behalf of the PPE Group

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. The holder of any item of EUCI shall be responsible for its protection.

*Amendment*

1. The holder of any item of EUCI shall be **legally** responsible for its protection. ***This shall include responsibility under the Treaties, relevant criminal law and staff regulations.***

Or. en

**Amendment 55**

**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. This Article is without prejudice to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.**

Or. en

**Amendment 56**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The security Authority of each Union institution and body shall approve the security measures for protecting EUCI throughout its life-cycle in accordance with the outcome of a risk assessment performed by the respective Union institution or body.

1. The security Authority of each Union institution and body shall approve the security measures for protecting EUCI throughout its life-cycle in accordance with the outcome of a risk assessment performed by the respective Union institution or body. ***The risk assessment shall have a common criteria to ensure all Union institutions and bodies have aligned security measures, while also considering the particularities relevant to each institution or body.***

Or. en

**Amendment 57**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 22 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) inform the originator;

(a) inform the originator ***as soon as the compromise has been identified***;

Or. en

**Amendment 58**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 22 – paragraph 3 – point e**

*Text proposed by the Commission*

*Amendment*

(e) notify the competent authorities about the actual or potential compromise and the action taken.

(e) notify the competent authorities about the actual or potential compromise and the action taken, ***without any undue delay***.

Or. en

**Amendment 59**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 23 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Security Authority of a Union institution or body ***may*** grant individuals access to EUCI where all the following conditions are met:

1. The Security Authority of a Union institution or body ***shall*** grant individuals access to EUCI where all the following conditions are met:

Or. en

**Amendment 60**

**Sven Simon**

on behalf of the PPE Group

**Proposal for a regulation**

**Article 39 – paragraph 1**

*Text proposed by the Commission*

1. Union institutions and bodies shall decide ***whether and*** when to archive EUCI, and the corresponding practical measures, ***in accordance with their policy on document management.***

*Amendment*

1. Union institutions and bodies shall decide ***upon a recommendation by the Coordination Group*** when to archive EUCI, and the corresponding practical measures.

Or. en

**Amendment 61**

**Sven Simon**

on behalf of the PPE Group

**Proposal for a regulation**

**Article 39 – paragraph 2**

*Text proposed by the Commission*

2. EUCI documents shall ***not*** be transferred to the Historical Archives of the European Union.

*Amendment*

2. EUCI documents shall be transferred to the Historical Archives of the European Union ***after 30 years. The Historical Archives of the European Union shall take effective measures to protect EUCI from unauthorised access prior to declassification.***

Or. en

**Amendment 62**

**Cyrus Engerer**

**Proposal for a regulation**

**Article 51 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Such agreements and arrangements shall be subject to an ongoing review and assessment procedure, factoring in developments in the security measures, as well as Union's relationship with these third countries, subject to the provisions laid out in Article 53.***



## Amendment 63

Cyrus Engerer

### Proposal for a regulation

#### Article 52 – paragraph 2

##### *Text proposed by the Commission*

2. The sub-group on EUCI sharing and exchange of classified information shall be composed of representatives from the Commission, the Council and the European External Action Service and shall work by consensus.

##### *Amendment*

2. The sub-group on EUCI sharing and exchange of classified information shall be composed of representatives from the Commission, the Council and the European External Action Service, ***ensuring gender and geographical balance***, and shall work by consensus.

Or. en

## Amendment 64

Cyrus Engerer

### Proposal for a regulation

#### Article 53 – paragraph 1

##### *Text proposed by the Commission*

1. The sub-group on EUCI sharing and exchange of classified information shall carry out assessment visits in full cooperation with the officials of the Union institution or body being visited. It may seek assistance from the NSA on whose territory the Union institution or body is located.

##### *Amendment*

1. The sub-group on EUCI sharing and exchange of classified information shall carry out ***regular*** assessment visits in full cooperation with the officials of the Union institution or body being visited. It may seek assistance from the NSA on whose territory the Union institution or body is located.

Or. en