



2022/0084(COD)

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AMENDMENTS

20 - 69

Draft opinion

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(PE738.558v01-00)

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 20
Eva Kaili

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Union institutions **and** bodies currently have their own information security rules, based on their rules of procedure or their founding act, or do not have such rules at all. In that context, each Union institution and body invests significant efforts in adopting different approaches, leading to a situation where exchange of information is not always reliable. The lack of a common approach hinders the deployment of common tools building on an agreed set of rules depending on the security needs of the information to be protected.

Amendment

(1) Union institutions, bodies, **offices and agencies** currently have their own information security rules, based on their rules of procedure or their founding act, or do not have such rules at all. In that context, each Union institution and body invests significant efforts in adopting different approaches, leading to a situation where exchange of information is not always reliable. The lack of a common approach hinders the deployment of common tools building on an agreed set of rules depending on the security needs of the information to be protected.

Or. en

Amendment 21
Eva Kaili

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

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. 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, 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.

principles, *and where appropriate, common information system infrastructure on which information is handled, stored and transmitted by Union institutions, bodies, offices and agencies.* 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.

Or. en

Amendment 22 Evžen Tošenovský

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 **sensitive** non-classified information (**'non-EUCI'**), 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 **framework for** the sharing of EUCI and sensitive non-classified information, **composed of this regulation and of the [regulation on non-EUCI]** with common **definitions** and common key handling principles. A baseline should also be envisaged to simplify procedures for sharing EUCI and sensitive **non-EUCI** between Union institutions and bodies and with Member States.

Or. en

Justification

The Commission should be invited to table a legislative proposal dedicated to non-EUCI due

to risk of confusion and weakening of the established EUCI standards.

Amendment 23

Eva Kaili

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) When developing information security rules, Union institutions and bodies should ensure efficiency and choose the best solutions, in particular as regards return on investments, appropriate levels of flexibility, decrease of administrative burdens, minimisation of risks, and higher levels of transparency, and improvement of the work environment;

Or. en

Amendment 24

Eva Kaili

Proposal for a regulation

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3 b) In the context of information security, Union institutions and bodies should increase organisational interoperability and act together to ensure the protection of networks and information systems, data and the assets employed to capture, store, process and transmit it, and information as well as information infrastructure.

Or. en

Amendment 25

Mikuláš Peksa
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) While ensuring a high level of protection for information, this Regulation is also providing a clear framework to enhance transparency, minimising and limiting in time the use of confidential documents, providing safeguards against use of classification that would prevent Union institutions and bodies to fulfil their mission and ensuring that the whistleblowers are adequately protected.

Or. en

Amendment 26
Eva Kaili

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) This Regulation should ensure that any limitation of the right to the protection of personal data and privacy is necessary and proportionate, in accordance with Article 52 (1) of the EU Charter of Fundamental Rights.

Or. en

Amendment 27
Eva Kaili

Proposal for a regulation
Recital 5 b (new)

(5 b) All information security measures involving processing of personal data should be compliant with the relevant Union data protection and privacy legislation. Union institutions and bodies should take relevant technical and organisational safeguards to ensure compliance in an accountable and transparent manner.

Or. en

Amendment 28**Eva Kaili****Proposal for a regulation****Recital 6***Text proposed by the Commission*

(6) This Regulation is without prejudice to Regulation (Euratom) No 3/1958¹⁷, Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Economic Community and the European Atomic Energy Community¹⁸, Regulation (EC) 1049/2001 of the European Parliament and of the Council¹⁹, Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁰, Council Regulation (EEC, EURATOM) No 354/83²¹, Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council²², Regulation (EU) 2021/697 of the European Parliament and of the Council²³, Regulation (EU) [...] of the European Parliament and of the Council²⁴ laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.

Amendment

(6) This Regulation is without prejudice to Regulation (Euratom) No 3/1958¹⁷, Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Economic Community and the European Atomic Energy Community¹⁸, Regulation (EC) 1049/2001 of the European Parliament and of the Council¹⁹, Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁰, **including the rules on international transfers**, Council Regulation (EEC, EURATOM) No 354/83²¹, Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council²², Regulation (EU) 2021/697 of the European Parliament and of the Council²³, Regulation (EU) [...] of the European Parliament and of the Council²⁴ laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.

¹⁷ Regulation (Euratom) No 3/1958 implementing Article 24 of the Treaty establishing the European Atomic Energy Community (OJ 17, 6.10.1958, p. 406).

¹⁸ OJ 45, 14.6.1962, p. 1385.

¹⁹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

²⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

²¹ Council Regulation (EEC, EURATOM) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1).

²² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

²³ Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149).

²⁴ Regulation [...] of the European

¹⁷ Regulation (Euratom) No 3/1958 implementing Article 24 of the Treaty establishing the European Atomic Energy Community (OJ 17, 6.10.1958, p. 406).

¹⁸ OJ 45, 14.6.1962, p. 1385.

¹⁹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

²⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

²¹ Council Regulation (EEC, EURATOM) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1).

²² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

²³ Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149).

²⁴ Regulation [...] of the European

Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union, to be adopted

Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union, to be adopted

Or. en

Amendment 29

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) The principle of information security risk management should be at the core of the policy to be developed in the field by each Union institution and body. While the minimum requirements laid down in this Regulation must be met, each Union institution and body should adopt specific security measures for protecting information in accordance with the results of an internal risk assessment. In the same way, the technical means to protect the information should be adapted to the specific situation of each institution and body.

Amendment

(12) The principle of information security risk management should be at the core of the policy to be developed in the field by each Union institution and body. While the minimum requirements laid down in this Regulation must be met, each Union institution and body should adopt specific security measures for protecting information in accordance with the results of an internal risk assessment. In the same way, the technical means to protect the information should be adapted to the specific situation of each institution and body. ***However, the specific security measures should not constitute an impediment for the activity of other institutions and legal access to information, as for example unduly limiting the access of the Members of European Parliament to the information produced or held by the European Commission.***

Or. en

Amendment 30

Eva Kaili

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, ***information systems, digital infrastructure and terminal devices*** used for connecting to the Union institution's or body's remote access services should be protected by adequate security measures.

Or. en

Amendment 31

Eva Kaili

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Since Union institutions and bodies frequently make use of contractors and outsourcing, it is important to establish common provisions relating to contractors' personnel carrying out tasks related to information security.

Amendment

(15) Since Union institutions and bodies frequently make use of contractors and outsourcing, it is important to establish common provisions relating to contractors' personnel carrying out tasks related to information security. ***Union institutions, bodies, offices and agencies should establish formal procedures underpinning the tendering process for contractors and outsourcing partners, taking into account the specificities of their operational technology environments and the complexities of their supply chains.***

Or. en

Amendment 32

Eva Kaili

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) All Union institutions, bodies, offices and agencies should integrate procedures for dealing with personal data breaches in their procedures for information security incident management. Union institutions, bodies, offices and agencies should adopt a personal data breach handling procedure which also includes notification to the European Data Protection Supervisor (EDPS) and communication to the people affected, where necessary. The procedure for dealing with personal data breaches does not replace or supersede any other incident handling process or procedure.

Or. en

Amendment 33

Eva Kaili

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Union institutions and bodies have been traditionally developed their communication and information systems autonomously, with insufficient attention to their interoperability across all Union institutions and bodies. It is therefore necessary to establish minimum security requirements concerning the Communication and Information Systems (CISs) handling *and* storing both EUCI and non-classified information with the aim to guarantee a seamless exchange of information with the relevant stakeholders.

Amendment

(21) Union institutions and bodies have been traditionally developed their communication and information systems autonomously, with insufficient attention to their interoperability across all Union institutions and bodies. It is therefore necessary to establish minimum security requirements concerning the Communication and Information Systems (CISs) handling, storing *and transmitting* both EUCI and non-classified information with the aim to guarantee a seamless exchange of information with the relevant stakeholders.

Or. en

Amendment 34

Eva Kaili

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The close cooperation between Union institutions and bodies as well as the multitude of synergies developed among them involve the sharing of a large amount of information. For the sake of the classified information security, the trustworthiness of a Union institution or body should be assessed before they handle and store a specified level of EUCI.

Amendment

(24) The close cooperation between Union institutions and bodies as well as the multitude of synergies developed among them involve the sharing of a large amount of information. For the sake of the classified information security, the trustworthiness of a Union institution or body should be assessed before they handle and store a specified level of EUCI. ***Such synergies and cooperation is relevant, when dealing with activities such as applying data protection by design and by default to information security measures, selecting security measures that involve personal data, integrated risk management, and integrated security incident handling.***

Or. en

Amendment 35
Eva Kaili

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The close cooperation between Union institutions and bodies as well as the multitude of synergies developed among them involve the sharing of a large amount of information. For the sake of the classified information security, the ***trustworthiness*** of a Union institution ***or body*** should be assessed before they handle and store a specified level of EUCI.

Amendment

(24) The close cooperation between Union institutions and bodies as well as the multitude of synergies developed among them involve the sharing of a large amount of information. For the sake of the classified information security, the ***capabilities*** of a Union institution, ***body, office or agency to handle, store and transmit EUCI*** should be assessed before they handle and store a specified level of EUCI.

Or. en

Amendment 36

Eva Kaili

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down information security rules for all Union institutions **and** bodies.

Amendment

1. This Regulation lays down information security rules for all Union institutions, bodies, **offices and agencies**.

Or. en

Amendment 37

Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) three levels of non-classified information: public use, normal and sensitive non-classified;

Amendment

deleted

Or. en

Amendment 38

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(i a) ‘ICT environment’ means any on-premise or virtual asset, ICT product, ICT service and ICT process and any network and information system whether owned and operated by a Union institution, body, office or agency, or hosted or operated by a third party, including mobile devices, corporate networks, and business networks not connected to the internet and any devices connected to the ICT

environment;

Or. en

Amendment 39

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 1 – point i b (new)

Text proposed by the Commission

Amendment

(i b) ‘classified ICT environment’ means any component of a Union institution, body, office or agency’s ICT environment that is used for the processing, storing or transmission of EU classified information (EUCI);

Or. en

Amendment 40

Ivars Ijabs, Christophe Grudler

Proposal for a regulation

Article 3 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) ‘zero trust’ means a security model, a set of system design principles, and a coordinated cybersecurity and system management strategy based on an acknowledgement of the existence of threats inside and outside traditional network boundaries;

(s) ‘zero trust’ means a security model, a set of system design principles, and a coordinated cybersecurity and system management strategy based on an acknowledgement of the existence of threats inside and outside traditional network boundaries *and ‘never trust, always verify’ concept.*

Or. en

Justification

Adds detail to the definition of the zero trust model

Amendment 41

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 1 – point ae a (new)

Text proposed by the Commission

Amendment

(ae a) ‘standard’ means a standard as defined in point (1) of Article 2 of Regulation (EU) No 1025/2012;

Or. en

Amendment 42

Eva Kaili

Proposal for a regulation

Article 4 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Union institutions **and** bodies handling and storing EUCI shall organise mandatory training at least once every **5** years for all individuals authorised to access EUCI. The Union institutions and bodies concerned shall organise specific training for the specific functions entrusted with information security tasks.

Union institutions, bodies, **offices and agencies** handling and storing EUCI shall organise mandatory training at least once every **3** years for all individuals authorised to access EUCI. The Union institutions and bodies concerned shall organise specific training for the specific functions entrusted with information security tasks. **Union institutions, bodies, offices and agencies shall design and implement effective and appropriate trainings commensurate to the risks identified in accordance with Article 5 of this Regulation for all individuals authorised to access EUCI no later than 6 months after the entry into force of this Regulation.**

Or. en

Amendment 43

Eva Kaili

Proposal for a regulation

Article 5 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) integrity, availability and resilience of processing systems and services.

Or. en

Amendment 44
Eva Kaili

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Each Union institution, body, office and agency shall ensure compliance with Regulation (EU) 2018/1725. Personal data processing activities allowed for the purposes of this Regulation shall include:

- a) the purposes of data processing;***
- b) categories of personal data;***
- c) categories of data subjects;***
- d) definition of roles as applicable (controller, processor, joint controllers);***
- e) retention periods;***
- f) recipients, in case of transmission to entities not subject to the Regulation (EU) 2018/1725.***

Or. en

Amendment 45
Eva Kaili

Proposal for a regulation
Article 5 – paragraph 3 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the risks for the rights and freedom of natural persons;

Or. en

Amendment 46

Eva Kaili

Proposal for a regulation

Article 5 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the threats deriving from access based on third country jurisdictions;

Or. en

Amendment 47

Eva Kaili

Proposal for a regulation

Article 5 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) business continuity and disaster recovery;

(f) business continuity, *such as back up management* and disaster recovery, *and crisis management*;

Or. en

Amendment 48

Evžen Tošenovský

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

It shall be composed of all Security Authorities of the Union institutions and bodies *and the chairperson of the Information Security Committee referred*

information security.

to in paragraph 8 of this Article, and shall have a mandate to define their common policy in the field of information security.

Or. en

Amendment 49
Evžen Tošenovský

Proposal for a regulation
Article 6 – paragraph 8

Text proposed by the Commission

8. In the performance of the tasks referred to in paragraph 2, point (e), the Coordination Group shall be assisted by an Information Security Committee. That Committee shall be composed of one representative from each National Security Authority and shall ***be chaired by*** the Secretariat of the Coordination Group, referred to in paragraph 5. ***The Information Security Committee shall have an advisory role.***

Amendment

8. In the performance of the tasks referred to in paragraph 2, point (e), the Coordination Group shall be assisted by an Information Security Committee. That Committee shall be composed of one representative from each National Security Authority and shall ***have the administrative support of*** the Secretariat of the Coordination Group, referred to in paragraph 5.

Or. en

Amendment 50
Eva Kaili

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Security Authority shall cooperate closely with the Data Protection Officer designated in accordance with Article 43 of Regulation (EU) 2018/1725.

Or. en

Amendment 51

Evžen Tošenovský

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Any CIS that handles and stores EUCI shall be accredited in accordance with Chapter 5, Section 5. ***Any CIS that handles and stores sensitive non-classified information shall comply with the minimum requirements for sensitive non-classified information in CISs set out in Chapter 4.***

Amendment

2. Any CIS that handles and stores EUCI shall be accredited in accordance with Chapter 5, Section 5.

Or. en

Amendment 52
Ivars Ijabs, Christophe Grudler

Proposal for a regulation
Article 10 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) strengthening cooperation and coordination with Cybersecurity Centre for the Union institutions and bodies (CERT-EU)

Or. en

Justification

Extensive cooperation between Coordination Group and CERT-EU is critical for security of communication and information systems

Amendment 53
Eva Kaili

Proposal for a regulation
Article 11 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(d a) end-to-end encryption, in particular when exchanging sensitive non-classified information;

Or. en

Amendment 54

Ivars Ijabs, Christophe Grudler

Proposal for a regulation

Article 11 – paragraph 5 – point d

Text proposed by the Commission

(d) information security incidents shall be formally recorded and ***followed up***, in accordance with Regulation EU [XXX] laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.

Amendment

(d) information security incidents shall be formally recorded and ***handled***, in accordance with Regulation EU [XXX] laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.

Or. en

Justification

'Incidents' and 'incident handling' are being defined in the upcoming Regulation laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.

Amendment 55

Evžen Tošenovský

Proposal for a regulation

Article 12

Text proposed by the Commission

Article 12

Information for public use

1. Information intended for public use or official publication or already disclosed, which can be shared without restrictions inside or outside the Union institutions and bodies, shall be categorised and handled and stored as information for

Amendment

deleted

public use.

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

3. All Union institutions and bodies shall ensure the integrity and availability of information for public use by appropriate measures based on its security needs.

Or. en

Amendment 56

Evžen Tošenovský

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Normal information

1. Information intended for use by a Union institution or body in the execution of its functions which is neither sensitive non-classified nor for public use shall be categorised, handled and stored as normal information. This category covers all normal working level information processed in the Union institution or body concerned.

2. Normal information may be marked visually or in metadata where necessary to ensure its protection, particularly where shared outside Union institutions and bodies. The marking 'EU NORMAL' or the 'name or acronym of the Union institution or body NORMAL' (adjusted on a case-by-case basis) shall be used in that case.

3. Union institutions and bodies shall define standard protective measures for normal information taking into account guidance from the sub-group on non-classified information and any specific risks related to their tasks and activities.

4. Normal information shall be exchanged outside Union institutions and bodies only with natural or legal persons having a need-to-know.

Or. en

Amendment 57
Evžen Tošenovský

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Sensitive non-classified information

1. Union institutions and bodies shall categorise, handle and stored as sensitive non-classified all information that is not classified but which they must protect due to legal obligations or because of the harm that may be caused to the legitimate private and public interests, including those of the Union institutions and bodies, Member States or individuals by its unauthorised disclosure.

2. Each Union institution and body shall identify sensitive non-classified information by a visible security marking and shall define corresponding handling instructions in accordance with Annex I.

3. Union institutions and bodies shall protect sensitive non-classified information by applying appropriate measures in respect of its handling and storage. Such information may only be made available inside Union institutions and bodies to individuals with a need-to-know for the fulfilment of their assigned tasks.

4. Sensitive non-classified information shall be exchanged outside Union institutions and bodies only with natural and legal persons that have a need-to-know while respecting the handling

instructions accompanying the information. All parties involved shall be made aware of the appropriate handling instructions.

Or. en

Amendment 58
Evžen Tošenovský

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

***Protection of non-classified information
and interoperability***

1. Union institutions and bodies shall establish procedures for the reporting and management of any incident or suspected incident that could lead to a compromise of the security of non-classified information.

2. Where required, Union institutions and bodies shall use the markings provided for in Articles 12, 13 and 14. Exceptionally, other equivalent markings may be used internally and in relation with their particular counterparts from other Union institutions and bodies or from the Member States, when all parties agree. Such exception shall be notified to the sub-group on non-classified information, as referred to in Article 7(1), point (b).

3. Contractual safeguards shall be established to ensure the protection of normal and sensitive non-classified information processed by outsourced services. The safeguards shall be designed to guarantee at least an equivalent level of protection to that provided by this Regulation, and shall include confidentiality and non-disclosure undertakings to be signed by all relevant service providers involved in the provision

of the outsourced systems.

Or. en

Amendment 59

Evžen Tošenovský

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Sub-group on non-classified information

1. The sub-group on non-classified information referred to in Article 7(1), point (b), shall have the following roles and responsibilities:

(a) streamlining the procedures relating to handling and storing the non-classified information and preparing the relevant guidance;

(b) coordinating with the sub-group on information assurance referred to in Article 7(1), point (a), on matters related to systems handling and storing non-classified information;

(c) preparing handling instructions for the different confidentiality levels of non-classified information;

(d) assisting Union institutions and bodies in establishing the equivalence between their particular categories of non-classified information and those provided for in Articles 12, 13 and 14;

(e) facilitating the sharing of non-classified information between Union institutions and bodies, by providing assistance and guidance.

Or. en

Amendment 60

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Handling and storing of sensitive non-classified information in CISs

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

(a) strong authentication shall be implemented to access SNC information and SNC information shall be encrypted in transmission and in storage;

(b) encryption keys used for storage shall be under the responsibility of the Union institution or body responsible for the operation of the CIS;

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

(d) contractual provisions covering security of staff, assets and information shall be included in any outsourcing contracts;

(e) interoperable metadata shall be used to record the confidentiality level of electronic documents and to facilitate the automation of security measures;

(f) measures to prevent and detect data leaks shall be implemented by the Union institutions and bodies to protect sensitive non-classified information;

(g) security equipment bearing a European cybersecurity certificate shall be used, where available;

(h) implementation of security measures based on the principles of need-to-know and zero trust to minimise access to sensitive non-classified information by service providers and contractors.

2. Any derogation from the minimum requirements set out in paragraph 1 shall be subject to approval by the appropriate level of management of the Union institution or body concerned, on the basis of a risk assessment covering the legal and technical risks to the security of the sensitive non-classified information.

3. The Information Assurance Authority of the Union institution or body concerned may check compliance with the principles set out in paragraph 1 at any time during the lifecycle of a CIS.

Or. en

Amendment 61

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. The Coordination Group shall adopt guidance documents on EUCI creation and classification.

Amendment

2. The Coordination Group shall adopt guidance documents on EUCI creation and classification, ***implementing the principle of minimisation of the use of classification and limiting in time the duration of such classification;***

The guidance must contain rules on assessment and justification for classifying information and material, aimed at increasing transparency and avoiding unjustified lock-in effects.

Or. en

Amendment 62

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation Article 18 – paragraph 2 a (new)

2 a. In the case of the European Commission and the European Parliament, 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 63

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 3 a (new)

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

Amendment 64

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The persons who report, within the organisation concerned or to an outside authority, or disclose to the public EUCI on a wrongdoing, obtained in a work-related context, help preventing damage and detecting threat or harm to the public interest that may otherwise remain hidden, is exempted from administrative and criminal liability.

Or. en

Amendment 65

Evžen Tošenovský

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

Amendment

1. Where Union institutions and bodies decide to declassify an EUCI document, consideration shall be given as to whether it is to bear a sensitive non-classified information distribution marking.

1. Where Union institutions and bodies decide to declassify an EUCI document, consideration shall be given as to whether it is to bear a sensitive non-classified information distribution marking ***in accordance with [regulation on protection of non-EUCI].***

Or. en

Amendment 66

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 41 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) the system owner or Information Assurance Operational Authority shall ensure that a process of identifying and reporting vulnerabilities is in place, including internal and external rewards as appropriate. This should be complemented by regular audits and penetration tests where appropriate.

Or. en

Amendment 67
Mikuláš Peksa
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

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 and shall work by consensus.

2. The sub-group on EUCI sharing and exchange of classified information shall be composed of representatives from the Commission, the ***European Parliament, the*** Council and the European External Action Service and shall work by consensus. ***The sub-group shall ensure synergy with the Access to Documents Regulation and make sure that classification doesn't in itself prevent disclosure.***

Or. en

Amendment 68
Eva Kaili

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 ***European Parliament, the*** Council and the European External Action Service and shall work by consensus.

Or. en

Amendment 69

Mikuláš Peksa

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The conditions in paragraph 1 letter a) are considered to be fulfilled when acces to EUCI is needed in order to fulfil the institution mandate or mission, as entrusted by the EU legislation, or would otherwise encroach on heir institutional autonomy.

Or. en