



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 June 2012**

**11425/12**

**CSC 42  
COSDP 506  
PESC 745  
JAI 441**

**“I/A” ITEM NOTE**

---

**From:** The Working Party of Foreign Relations Counsellors

**To:** COREPER (Part 2)/Council

---

**Subject:** Council Decision concerning the signing and conclusion of the Agreement between the Organisation for Joint Armament Cooperation and the European Union on the protection of classified information  
- Adoption of the Decision

---

1. On 18 May 2009<sup>1</sup>, the Council endorsed the European Defence Agency's Steering Board recommendation to take forward work on establishing a security of information Agreement between the EU and the Organisation for Joint Armament Cooperation (OCCAR), with the objective of it being available in time for the approval of the draft Administrative Arrangement between the Agency and OCCAR (then foreseen for November 2009).
2. Negotiations with OCCAR on the security of information Agreement took place on the basis of the mandate given by the Council to the Presidency, assisted by the SG/HR, dated 15 June 2009<sup>2</sup>.

---

<sup>1</sup> Council conclusions on ESDP (doc. 10087/09, paragraph 53).  
<sup>2</sup> Doc. 10582/09.

3. Negotiations were provisionally concluded *ad referendum* on 15 September 2009, in line with the negotiating mandate given by the Council. The Council Security Committee examined the draft Agreement on 16 October 2009. Since certain issues raised in the Security Committee went beyond purely security technical considerations, the matter was referred to the Working Party of Foreign Relations Counsellors.
4. RELEX Counsellors examined the draft Agreement (in parallel with the draft Administrative Arrangement between the EDA and OCCAR) in the course of several meetings in October and November 2009, and then in March and May 2010. However, no consensus could be reached on the issues raised.
5. In its conclusions on CSDP, approved on 26 April 2010, the Council invited all parties to enhance efforts to conclude the Security of Information Agreement and the Administrative Arrangement as soon as possible<sup>3</sup>.
6. COREPER discussed the outstanding questions in June<sup>4</sup> and December 2010<sup>5</sup>, and the Antici Group in March 2011, but no agreement was reached.
7. On 2 May 2012, on the basis of a Presidency compromise proposal, the RELEX Working Party agreed the wording of the draft Security of Information Agreement (and of the draft Administrative Arrangement between the EDA and OCCAR) to be presented to the OCCAR negotiators with a view to finalising negotiations. RELEX also agreed the text of a draft statement to be inserted in the minutes of the Council session at which the Agreement would be adopted.
8. By letter dated 6 June 2012, the Director of the OCCAR Executive Administration indicated that the OCCAR Board of Supervisors had approved the text of the Agreement (and of the draft Administrative Arrangement between the EDA and OCCAR) on behalf of OCCAR.

---

<sup>3</sup> Doc. 8671/10, paragraph 61.

<sup>4</sup> Docs. 10566/10 + ADD 1 + ADD 2

<sup>5</sup> See doc. DS 1872/10

9. On 12 June 2012, the High Representative submitted to the Council a proposal for a draft Council Decision concerning the signing and conclusion of the Agreement. The RELEX Working Party endorsed that proposal on 14 June 2012.
10. In accordance with Article 218(10) of the Treaty on the Functioning of the European Union, the European Parliament will be informed of the Council Decision on the signing and conclusion of the Agreement.
11. In these circumstances, and subject to confirmation by COREPER, the Council is invited to:
  - adopt the Council Decision concerning the signing and conclusion of the Agreement between the European Union and the Organisation for Joint Armament Cooperation on the protection of classified information as set out, after review by legal-linguistic experts, in doc. 11393/12<sup>6</sup>;
  - decide to enter the statement set out in Addendum 1 to this note in its minutes.

---

---

<sup>6</sup> The decision exists in all languages, but English is the sole authentic version of the Agreement. Translations of the text of the Agreement will be published in the Official Journal.