Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	15040/25 + ADD 1; 15042/25 + ADD 1
Subject:	COUNCIL DECISION on the signing and provisional application of the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument - adoption COUNCIL DECISION on the conclusion of the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument - agreement in principle - request for the consent of the European Parliament

1. On 27 May 2025, the Council adopted Council Regulation (EU) 2025/1106 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (the 'SAFE instrument')[1]. Article 17 of Regulation (EU) 2025/1106 provides for the participation of entities established in certain third countries and products originating in those countries in the procurements supported by the SAFE instrument, subject to the conclusion of a bilateral or multilateral agreement.

2. On 18 September 2025, the Council issued negotiating directives and authorised the Commission to negotiate an agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland and Canada, respectively, laying down the conditions for the participation of entities established in such third countries and products originating in their territories in the procurements supported by the SAFE Instrument (doc. 12262/25[2] + ADD 1).

3. On 11 December 2025, the Commission submitted the text of the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument (Council Regulation (EU) 2025/1106), together with a proposal for a Council Decision on its signing and provisional application (doc. 15040/25 + ADD 1) as well as a proposal for a Council Decision on its conclusion (doc. 15042/25 + ADD 1).

4. On 19 December 2025, the Permanent Representatives Committee agreed in principle[3] (i) the Agreement, as set out in doc. 15049/25, (ii) the draft Council Decision on its signing and provisional application, as set out in doc. 15044/25 and (iii) the draft Council Decision on its conclusion, as set out in 15047/25.

[1] Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj).
[2] The Danish language version is available under reference doc. 12262/25 REV 1, whereas the Hungarian language version is available under reference doc. 12262/25 REV 2.
[3] Doc. 15351/25.

5. Following legal-linguistic revision of the texts, the Permanent Representatives Committee is invited to recommend that the Council, at a forthcoming session:

- confirm its agreement on the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument, as set out in doc. 15810/25.

– adopt the Council Decision on the signing and provisional application of the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument, as set out in doc. 16849/25.

– decide that the text of the above Decision be published in the Official Journal, together with the text of the Agreement;

– agree in principle the draft Council Decision on the conclusion of the Agreement between the European Union and Canada laying down the conditions for the participation of Canadian legal entities and products originating in Canada to procurement under the SAFE Instrument, as set out in doc. 16853/25, and decide to forward this draft Decision to the European Parliament for its consent after the signing of the Agreement.

6. The European Parliament will be informed in accordance with Article 218(10) TFEU and the Council Decision on the signing, as well as the text of the Agreement, will be forwarded to the European Parliament.

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