



Council of the European Union  
General Secretariat

Brussels, 19 October 2022

WK 13003/2022 REV 1 ADD 1

LIMITE

INDEF

COPS

POLMIL

IND

MAP

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

## WORKING DOCUMENT

|          |                                                                                                                                                                                                                      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From:    | Presidency                                                                                                                                                                                                           |
| To:      | Ad hoc working party on defence industry                                                                                                                                                                             |
| Subject: | European defence industry reinforcement through common procurement act (EDIRPA) <ul style="list-style-type: none"><li>- Second Presidency compromise proposal</li><li>- Comments by the Republic of Cyprus</li></ul> |

Delegations will find enclosed the comments of the Republic of Cyprus on the second Presidency compromise proposal on EDIRPA.

## CY PROPOSAL

### **Article 2(5)**

“‘procurement agent’ means a contracting authority established in a Member State or an associated country, including international organisations, or Union agencies, designated by Member States to conduct a common procurement on their behalf, **provided that, in line with the principle of inclusiveness, the common procurement process undertaken by the procurement agent shall not exclude any of the participating Ms.**”

### **Article 8(5)**

“By way of derogation from paragraph 4, a legal entity established in the Union or in an associated country and controlled by a non-associated third country or a non-associated third country entity, **provided that the third country has an agreement with the EU on security procedures for exchanging and protecting classified information and does not question the territorial integrity and the sovereign rights of Ms in breach of international law**, may participate as contractor or subcontractor involved in the common procurement only if it provides guarantees. The guarantees shall provide assurances that the involvement of the contractor or subcontractor involved in the common procurement does not contravene the security and defence interests of the Union and its Member States as established in the framework of the CFSP pursuant to Title V of the TEU, or the objectives set out in Article 3...”