



Council of the European Union  
General Secretariat

**Brussels, 07 November 2018**

**WK 13450/2018 INIT**

**LIMITE**

**POLMIL  
COMPET  
RECH  
CSDP/PSDC  
CODEC  
IND  
MI**

**WORKING PAPER**

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

**CONTRIBUTION**

---

From:	French Delegation
To:	Friends of the Presidency Group on the European Defence Fund (EDF)
N° prev. doc.:	WK 11775 2018 REV 2
Subject:	FR comments on the 3rd Presidency Compromise Proposal

---

Delegations will find attached the comments by France on the 3rd Presidency Compromise Proposal.

**1/ Article 29.2 et 29.3**

2. Independent experts shall be Union's citizens ~~or associated country nationals from as broad a range of Member States and associated countries as possible~~ and be selected on the basis of calls for expressions of interest addressed to ~~relevant organisations such as~~ Ministries of Defence and subordinated agencies, **other relevant governmental bodies**, research institutes, universities, business associations or enterprises of the defence sector with a view to establishing a list of experts. By derogation from Article {237} of the Financial Regulation, this list shall not be made public.

3. **The security credentials of appointed** independent experts shall ~~have the appropriate security clearance issued by a Member State~~ **be validated by the respective Member State or associated country.**

**2/ Article 30.4**

Classified informations generated in the performance of a research or a development action shall remain under the originatorship of Member States on whose territory Recipients are established [as regulated in the specific PSI approved by those MSs].

Alternative 1:

The originatorship of **classified** foreground information generated ~~by the Commission~~ in the performance of a research or a development action shall not **affect** ~~prevent~~ the use or export of defence-related products by Member States **on whose territory recipients are established.**

Alternative 2:

The originatorship of **classified** foreground information generated ~~by the Commission~~ in the performance of a research or a development action shall not ~~prevent~~ **affect** the use or export of defence-related products by Member States **involved in the projects.**

**3/ Article 2**

'control' means the ability to exercise a decisive influence on an legal entity directly or indirectly through one or more intermediate legal entities;

**4/ Article 28a**

In case a project manager is appointed (or tasked) by a Member State or associated country, the Commission shall consult the project manager (on progress made with regard to the action) before ~~execute~~ the payment is executed ~~to the recipients after consulting the project manager.~~