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NOTE

From: Presidency

To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation activities, repealing Regulations (EU) 2021/522, (EU) 2021/694, (EU) 2021/697, (EU) 2021/783, and amending Regulations (EU) 2021/696, (EU) 2023/588, (EU) [EDIP]

- Presidency text on Article 50 and recital (36a)

Delegations will find below a Presidency text on Article 50 and recital (36a), with a view to the meeting of the Ad hoc Working Party on the Multiannual Financial Framework (European Competitiveness Fund) on 21 September 2026.

Changes in comparison to the Commission's proposal (document 11770/1/25 REV 1) are marked in **bold** for additions and in ~~striethrough~~ for deletions.

General scrutiny reservation: All delegations

Agence Europe

(36a) Due to specific security and defence considerations, the association of third countries to activities for the support of the EDTIB should be limited to specific third countries and it should be possible to limit it to certain activities. It should require a separate specific agreement for the participation in such activities. That association of third countries should be based on the objective to further develop and strengthen the EDTIB and should include EEA-EFTA States and Ukraine, due to their close partnership with the Union in industrial defence production and to the fact that Ukraine has directly been faced with Russia's war of aggression. Their participation should be in accordance with the conditions laid down respectively in the Agreement on the EEA and in the EU-Ukraine Association Agreement. Moreover, other third countries that have formally expressed their interest in being associated to ECF activities in support of the EDTIB and that do not contravene the security and defence interests of the Union and its Member States may also be able to participate in such activities, in accordance with the general requirements for participation of third countries as well as the specific conditions set out in this Regulation. The Commission should consult the [Member States / Space and Defence Advisory Board] on the participation of such third countries. Such consultation should provide Member States with the opportunity to express their views on the possible association, in particular having regard to the strategic, security, defence and public order interests of the Union and its Member States. The arrangements for such consultation should take into account established practices for exchanges on matters relating to the defence industry, without prejudice to the respective prerogatives of the European Parliament, the Council and the Commission under Article 218 TFEU. The participation of those third countries should support the interoperability of systems and products deployed by the Union's partners in this area.

Complementary rules on the association of third countries

- 1. Participation of third countries in actions under this section shall be subject to the conclusion of separate specific agreements as referred to in Article 11.**
1. **In accordance with**~~In addition to the rules laid down in Article 11, the actions under the specific objective referred to in Article 3(2), point d, sub point (2)~~**this Section shall only be open to the participation of:**
- (a) ~~A members of the European Free Trade Association (EFTA)~~**EFTA** which are members of the ~~European Economic Area (EEA), in accordance with the conditions laid down in the Agreement on the EEA;~~
 - (b) ~~Ukraine;~~ **and**
 - (ba) other third countries, based on an agreement in accordance with the procedures under Article 218 TFEU.**
- 1a. **The Commission shall consult the [Member States / Space and Defence Advisory Board] on the participation of third countries referred to in paragraph 1, point (ba).**
2. ~~Complementary to provisions required~~**In addition to the requirements laid down in Article 11, paragraphs 2 to 4, the specific**~~the association agreement with~~**for the participation of the third countries other than those referred to in paragraph 1, point (ba), of this Article shall:**
- (a) specify how ~~the~~ **the** eligibility conditions **set out in Article 51** are to be ~~adapted~~**applied**, in particular **with regard to** ~~enable the participation of entities established in the associated third country but controlled by another third country or by another third country' entity,~~ **taking into account 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;**
 - (b) lay down appropriate measures to ensure security of supply as well as any other measure required for the protection of the security and defence interests of the ~~European Union and of the Member States;~~ **and**

- (c) ~~contributes~~ **specify how the association of the third country to the ECF contributes** to an increase in the standardisation of defence systems **in accordance with NATO standards** and a greater interoperability between Member States' and those ~~other~~ third countries' capabilities.
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