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FORWARDING NOTE

from : Secretariat

to : Delegations

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Subject : Draft arrangements for enhanced cooperation between the European Union and the Western European Union under the Protocol on Article 17

Delegations will find attached

- in Annex A the draft Council decision for the approval of the arrangements under the Protocol on Article 17;
 - in Annex B the texts of the arrangements;
 - in Annex C the text of the statements to be inserted in the Council minutes,
- as resulting from the proceedings of the Security Working Group.

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**D R A F T
COUNCIL DECISION
of 1999**

**concerning the arrangements for enhanced cooperation
between the European Union and the Western European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 17 thereof,

Having regard to the Protocol on Article 17 annexed to the Treaty on European Union,

Whereas the Protocol on Article 17 of the Treaty on European Union stipulates that the Council shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam,

Whereas preparatory work was carried out together with the Western European Union with the aim of drawing up such arrangements,

Whereas the texts resulting from such preparatory work with the WEU are appropriate for arrangements for enhanced cooperation with the Western European Union and should accordingly be approved,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

The texts set out in the Annex are approved.

They constitute the arrangements for enhanced cooperation between the European Union and the Western European Union.

Article 2

This Decision shall enter into force on the day of its adoption.

It shall be published in the Official Journal.

Done at Brussels,
For the Council
The President

D R A F T
ARRANGEMENTS FOR ENHANCED COOPERATION
BETWEEN THE EUROPEAN UNION AND THE WESTERN EUROPEAN UNION
UNDER THE PROTOCOL ON ARTICLE 17
OF THE TREATY ON EUROPEAN UNION

I. INTRODUCTION

1. Article 17 of the Treaty on European Union (TEU) provides inter alia for closer institutional relations with WEU with a view to the possibility of the integration of the WEU into the Union should the European Council so decide. Article 17 further provides that the European Council shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

Pursuant to the relevant provisions of this Article, the Council of the European Union adopted on ... a decision concerning the practical arrangements for the participation of all Member States in tasks under Article 17 para 2 of the Treaty on European Union for which the Union avails itself of WEU.

The WEU Council had adopted earlier, on 18 November 1997, corresponding provisions as the practical arrangements referred to in Article 17 para 3 of the Treaty on European Union. This is mentioned in the EU Council decision.

2. The Protocol on Article 17 stipulates that the European Union shall draw up together with WEU, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam.

The European Council in Vienna invited the Council to bring forward, in agreement with the WEU, the completion of arrangements for enhanced cooperation under the Protocol on Article 17 of the Treaty on European Union, so that these may come into effect on the Treaty's entry into force.

The WEU (in its Declaration dated 22 July 1997) identified a range of measures which could be taken forward in this context. This declaration was noted by the Intergovernmental Conference 1996/97 and annexed to the Final Act.

3. In accordance with the Protocol on Article 17, the European Union and WEU have drawn up the following arrangements for enhanced cooperation between them, drawing on the range of measures included in the above mentioned declaration.

These arrangements constitute a range of measures which can be revised and complemented in the light of experience. The EU and WEU undertake to review these arrangements as necessary and in any case no later than within 2 years from the entry into force of the Amsterdam Treaty, notably in the light of the experience gained and of the development of relations between them.

II. Arrangements

A) Improving the coordination of EU/WEU consultation and decision-making processes, in particular in crisis situations

1. Both EU and WEU are convinced that practical implementation of Article 17 of the TEU will best and most speedily be achieved by arrangements which will enable both organisations to carry out their functions under these provisions more effectively, notably in crisis situations.
2. Without prejudice to their respective competencies in each practical case, the EU and WEU will make full use of existing practices and procedures and seek to identify further measures of consultation and cooperation in the light of experience.
3. The EU and WEU accordingly hereby agree that the "modus operandi" for the implementation of Article 17 and its attached flowchart describing in a diagrammatic way the procedural steps in the two organisations and the linkages between them, as set out in Annex I, will be used as a guide for the decision-making process in the EU and WEU, for cases where the EU avails itself of WEU. They further agree that such a guide can only be illustrative and cannot be expected to cover all elements of any given crisis situation, nor does it prejudice further improvements in the applicable decision-making processes.

B) Holding of joint meetings of the relevant bodies of the two organisations

1. The EU and WEU agree that joint meetings can enhance cooperation and will be organised as appropriate:
 - (i) in areas where cooperation between the two organisations is provided for under Article 17 of the Treaty, with reference to the following:
 - a) the WEU supports the Union in framing the defence aspects of the Common Foreign and Security Policy, as set out in Article 17, para 1, 2nd sub-para;
 - b) the Union avails itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications, as set out in Article 17, para 3;
 - (ii) in other areas where EU and WEU interests and activities overlap and may warrant coordination.

2. For the purposes described under B.1(i) above, the EU and WEU agree to continue the existing practice of holding meetings of an EU/WEU ad hoc group, according to the established modalities.

The following procedures will be followed:

- each country attending is represented by a single delegation; delegations are seated in alphabetical order, the names of countries being in their own languages;
- meetings are co-chaired in accordance with each organisation's rules: for the EU, the Presidency, supported by the Council Secretariat; for the WEU, the Secretariat, with the WEU Presidency at its side next to the EU Presidency.
- the European Commission is seated facing the co-Chairmen;
- agendas and documents for the meetings are circulated under the authority of the EU and WEU Presidency/Presidencies;
- a report on each meeting is prepared jointly by the EU Council Secretariat and WEU Secretariat-General and circulated under the authority of the Presidency/Presidencies as above;
- following the meetings, it is the responsibility of each Presidency to introduce any document or proposed decision in the decision-making process of each organisation.

3. In the handling of crises in which the EU avails itself of the WEU or where their activities warrant consideration under para B.1(ii) above, joint meetings of EU and WEU bodies concerned may be held at the initiative of the two Presidencies jointly.

The modalities and procedures set out for the ad hoc joint group will apply *mutatis mutandis*, with participation reflecting the format adopted in each organisation.

4. Cooperation will also be enhanced notably by :

- close cooperation between the Presidencies and the staff of the respective organisations in liaison, information exchange and coordination of work;
- regular contacts and meetings between the Presidencies and Secretariats of both organisations;
- information regularly presented by EU Presidency at WEU meetings and by WEU Presidency at EU meetings;
- participation of EU and WEU Presidency representatives in corresponding meetings and activities of the other organisation;
- participation by officials of one organisation in meetings of the other organisation, using the modalities indicated in D and G below;
- at EU initiative, representatives of WEU may be included in the EU delegation at meetings and related events with third countries when matters having defence implications are to be covered. Contacts of the EU and WEU with third countries, when both organisations have relations with them, may also be considered.

C) Harmonisation, as much as possible, of the sequence of the Presidencies of WEU and the EU, as well as the administrative rules and practices of the two organisations

1. The WEU Council adopted on 12 September 1997 a decision (Annex 2) harmonising the sequence of presidencies in WEU in relation to the sequence of presidencies in the EU.
2. In cases with budgetary implications, the EU and WEU undertake, drawing inter alia on the possibilities identified in the modus operandi and under E below, to exchange information notably to ensure that the EU institutions are provided as fully and early as possible with all the budgetary estimates appropriate for an EU decision allowing for prompt provision of funding.

D) Close coordination of the work of the staff of the Secretariat General of the WEU and the General Secretariat of the Council of the EU

The EU Council Secretariat and the WEU Secretariat will coordinate their work and will cooperate in accordance with the provisions in Annex 3, covering exchange of information, exchange of written material, cross-participation in meetings, synchronisation of meetings, seating arrangements and exchange and secondment of personnel.

E) Allowing the relevant bodies of the EU, including its Policy Planning and Early Warning Unit, to draw on the resources of WEU's Military Staff, Satellite Centre and Institute of Security Studies

1. EU Council bodies may, in pursuit of work related to Article 17 of the TEU, express a wish for information, advice or other services from WEU resources. Such requests will be conveyed by the EU Council Presidency or the Secretariat acting on its behalf to the Permanent Council of WEU which will give timely specific or general directions.
2. The WEU Military Staff participates in and contributes to joint meetings of the EU and WEU. Documents produced by the Military Staff may be included in information exchange between the organisations subject to the usual modalities. The Military Staff assists in the EU/WEU exchanges required for the preparation, execution and monitoring of decisions under Article 17.3 of the Treaty on European Union.

The Military Staff will provide on a regular basis briefings for EU representatives on relevant aspects of WEU procedures, plans and activities; receive visits from EU representatives at its or their initiative including visits to the Situation Centre; and pursue further arrangements with EU officials to promote preparedness and to facilitate cooperation notably in the operational field.

3. The WEU Satellite Centre will supply image interpretation products to the European Union in accordance with instructions and priorities given to it by the WEU Council. The WEU and the EU are pursuing a number of possibilities for further development in their relations in this field, notably the possibility of assigning to EU task requests the same priority as to WEU Council tasks.

4. The WEU Institute of Security Studies, established on 1 July 1990 as a subsidiary body of the WEU, has as its primary mission to assist in the development of a European security identity. It offers an additional resource for the EU. The Institute's activities of analysis, research, debate, and cooperation with other national and international institutions will be open to the pursuit of themes which the EU identifies as of particular interest for its work. The Institute will systematically invite EU representatives to its seminars and similar events, including the summer course to be organized on a trial basis in 1999 pursuant to a WEU Council decision regarding the gradual development of the Institute into a European Security and Defence Academy.
5. The High Representative for the Common Foreign and Security Policy and any of the staff designated by this person, including The Policy Planning and Early Warning Unit provided for in Declaration n° 6 annexed to the Amsterdam Treaty, will have access to all the abovementioned WEU resources in the exercise of his responsibilities.

In addition, and within the framework of the general arrangements for WEU/EU cooperation described here, the High Representative may invite the WEU Secretary-General to designate WEU personnel for task forces set up to address particular policy issues.

F) Cooperation in the field of armaments, as appropriate

1. Article 17.1 fourth subparagraph provides that the progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.
2. The WEU Declaration of 22 July 1997 includes, among the range of measures which could be taken forward, cooperation in the field of armaments, as appropriate, within the framework of the Western European Armaments Group (WEAG), as the European forum for armaments cooperation, the EU and WEU in the context of rationalisation of the European armaments market and the establishment of a European Armaments Agency.
3. The EU and WEU note the arrangements agreed between the EU and WEAG. To enhance transparency and the effectiveness of coordination of work in the EU and WEAG, these arrangements provide that informal exchanges of information are placed on a more regular basis, without altering their informal character, including through:
 - recognition of the WEAG Presidency and the EU Presidency (the Chair of the Ad hoc Working Party on a European Armaments Policy or its representative) and Commission (according to their respective

responsibilities) as the points of contact and main channels of communication, supported by contacts between the Secretariat General of the Council and the Armaments Secretariat of WEAG;

- on current work of mutual interest, periodic briefings of:
 - = the WEAG Panels through the Chairman of National Armaments Directors by the EU Presidency and the Commission (according to their respective responsibilities);
 - = the Ad hoc Working Party on a European Armaments Policy by the Presidency of WEAG supported as needed by the relevant WEAG Panels;
 - regular exchanges of information on ongoing activities in the Ad hoc Working Party on a European Armaments Policy and WEAG supported by exchanges of relevant working documents and by meetings between the EU Presidency/Commission (according to their respective responsibilities) and the WEAG Presidency. Exchanged documents will be handled in accordance with the relevant security procedures of the EU and WEAG;
 - where the Ad hoc Working Party on a European Armaments Policy and WEAG agree, informal joint sessions on relevant topics;
 - any other cooperative arrangements between the EU and WEAG which may be agreed to enhance European armaments cooperation.
4. Considerations related to armaments may also be addressed during work of the EU and WEU related to defence aspects, as appropriate.

G) Ensuring cooperation with the European Commission

1. Under the Treaty on European Union provisions, the Commission is fully associated with the work carried out in CFSP. The modalities of the cooperation between the WEU and the Commission are set out in Annex 4, covering inter alia exchange of information, exchange of written material, cross-participation in meetings, seating arrangements, exchanges of staff.

2. The EU and WEU note that a model financial arrangement will be established between the Commission and the WEU with a view to facilitating the practical and speedy implementation of EU decisions and actions implying WEU activities under Article 17 and financed on the relevant budget lines of the European Communities general budget.
3. The EU and WEU note that in cases where Community actions and WEU activities are complementary, exchanges and interaction between the Commission and WEU may take place.

H) Security arrangements

1. The Secretary General of the Council of the EU and the Secretary General of WEU have exchanged correspondence on the security rules applicable for the handling of classified information transmitted from the other organisation (see Annex 5). This exchange provides for the unimpeded flow between Secretariats of information required for the proper functioning of EU/WEU relations under the Treaty.
2. The Secretary General of the WEU and the Secretary General of the European Commission have exchanged correspondence on the security rules applicable for the handling of classified information exchanged between the WEU Secretariat-General and the European Commission (see Annex 6).
3. The above arrangements are without prejudice to other official exchange of information between the two organisations which may be required for the implementation of the Treaty provisions or considered necessary by the relevant bodies of each organisation.

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- Annex 1 - Modus operandi for Article 17.3 of the Treaty on European Union
 - Annex 2 - Harmonisation of the sequence of the Presidencies of Western European Union and the European Union
 - Annex 3 - Cooperation between the Secretariat-General of WEU and the General Secretariat of the Council of the European Union
 - Annex 4 - Cooperation between WEU and the European Commission
 - Annex 5 - Exchange of correspondence on security arrangements between the Secretary General of the Council of the EU and the Secretary General of WEU
 - Annex 6 - Exchange of correspondence on security arrangements between the WEU Secretary General and the Secretary General of the European Commission
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**MODUS OPERANDI FOR ARTICLE 17.3
OF THE TREATY ON EUROPEAN UNION**

SECTION A

1. In the European security architecture that is taking shape, crisis management will to a large extent involve more than one organisation at the same time, in particular EU, WEU, NATO, OSCE and UN. The institutional relationship between the European Union and WEU as established in the Treaty on European Union and reinforced in the Treaty of Amsterdam, and the strengthening of institutional cooperation between WEU and NATO, permit a comprehensive European approach to crisis management:
 - the Amsterdam Treaty incorporates the Petersberg tasks; establishes that the guideline competence of the European Council shall include matters with defence implications and shall obtain in respect of WEU for matters for which the Union avails itself of WEU; and provides for closer institutional relations between EU and WEU, which provides the EU with access to an operational capability, notably in the context of Petersberg tasks, and supports the EU in framing the defence aspects of its common foreign and security policy.
 - the building of a European Security and Defence Identity within NATO, confirmed by the decision taken at Madrid, allows for this capability to include the possibility of having recourse to the assets and capabilities of the Atlantic Alliance. The WEU continues to strengthen its operational links with NATO.
 - the WEU continues to take further measures to strengthen its operational capacities both in the context of the first and second indents and for the conduct of autonomous operations.
2. These arrangements are an application of the concept of mutually reinforcing, interlocking institutions. Their effectiveness, however, depends on an improved coordination of the consultation and decision-making processes of the respective Organisations. Whereas the modalities for WEU/NATO cooperation in WEU-led operations having recourse to NATO assets and capabilities are currently under discussion in WEU and NATO, experts of the European Union and WEU, taking into account the modifications in the EU/WEU relationship agreed in Amsterdam, jointly elaborated the annexed Flow Chart as an illustrative example of the flow of the decision-making processes in EU and WEU and their interfaces in crisis situations in which the EU avails itself of WEU in order to elaborate and implement decisions and actions of the Union having defence implications, notably on Petersberg tasks. There was general agreement that it would be useful to amalgamate this Flow Chart, in a second stage of work, with the Flow Charts being elaborated in WEU and NATO on their cooperation in WEU-led operations having recourse to NATO assets.

SECTION B

The discussion of the Flow Chart led to the following conclusions.

General

1. In view of the specific features of each crisis situation and of the need to facilitate very rapid action, it appears difficult to set up a standard procedure for interlinking the decision-making processes of both Organisations.
2. The Flow Chart annexed to this text contains a model for EU/WEU interaction in crisis management under Article 17.3. While keeping its character as an illustrative example, the Flow Chart should serve as a guideline for establishing the interfaces between the EU and WEU in a specific crisis situation.
3. The EU has a range of policies and instruments for dealing with the various aspects of managing a crisis. Throughout a crisis management operation under article 17.3 the EU will maintain the responsibility for the overall policy framework. This overall responsibility, which will be further reinforced by the Amsterdam Treaty, should be reflected, as appropriate, in the arrangements for enhanced cooperation between the two Organisations in crisis situations.
4. EU/WEU cooperation in crisis management under Art. 17.3 requires the exchange of classified information which in turn requires the relevant security requirements of both organisations to be met. The security arrangements concluded between the Secretaries Generals of the two organisations will greatly facilitate the cooperation between EU and WEU under Article 17.3.
5. Setting out the respective roles for EU and WEU in civilian-military tasks was considered important.

Phase 1: Emergence of a crisis situation and evaluation of the crisis:

6. Before or on the emergence of a crisis situation, the EU and the WEU Council may examine the various aspects of the situation in their own right and in the light of their respective competences. In view of the broader scope of means of action available to the EU it is likely that the more comprehensive assessment of the situation and, if needed, the development of a comprehensive approach for addressing the emerging crisis will take place in the EU. In this process the EU will rely on WEU to make its politico-military expertise and its military instruments available for the monitoring and assessment of the situation as well as for the development of the military elements of a comprehensive European approach to the crisis.

7. The WEU Council may also take the initiative to seize the Council of the EU with a crisis situation and to provide the EU with assessments and options for action as far as its own area of responsibility is concerned.
8. The participation of WEU countries in the preparation, planning and conduct of WEU operations is governed by the relevant WEU documents.
9. In setting up the CFSP Policy Planning and Early Warning Unit linkages with WEU's Planning Cell and Situation Centre should be provided for, in addition to the existing points of contact between the Secretariats in order to facilitate the cooperation of both organisations, in particular in the early phase of a crisis situation.
10. Once the EU and WEU Councils have been seized with a crisis situation, appropriate mechanisms for WEU/EU contacts should be activated in order to facilitate a joint assessment of the situation. In most cases it will be normal and valuable for WEU to bring to such joint assessments its own military assessment of the situation taking into account in particular the feasibility of an operation in terms of assets and costs. The EU will provide its overall assessment of a crisis. These mechanisms could include joint meetings at working group or, if appropriate, at a higher level or the setting up of an ad hoc group composed of representatives of both Organisations. Ad hoc meetings could be convened on the initiative of the Presidencies. Each Presidency would be responsible for proposing the working group to be responsible for this process. Subject to further institutional dispositions within the two institutions, the most suitable groups at present would appear to be the Politico-Military Group in WEU and the relevant regional groups and/or the Security Working Group in the EU.

Phase 2: Decision on action and development of operational plan

11. Responding to an EU request, where applicable, WEU Council forwards to the EU its conclusions concerning the feasibility of and the possible options for an operation. The Political Committee and Coreper prepare the EU Council's decision. At this stage joint meetings with the WEU Permanent Council could be particularly useful. The European Council may be seized and decide to establish guidelines in order to ensure a coherent approach of both EU and WEU in addressing the crisis. The competent bodies of both organisations will act consistently with the guidelines established. The EU General Affairs Council adopts the decision, and the WEU Council, taking into account the relevant military considerations, then adopts the necessary decisions.

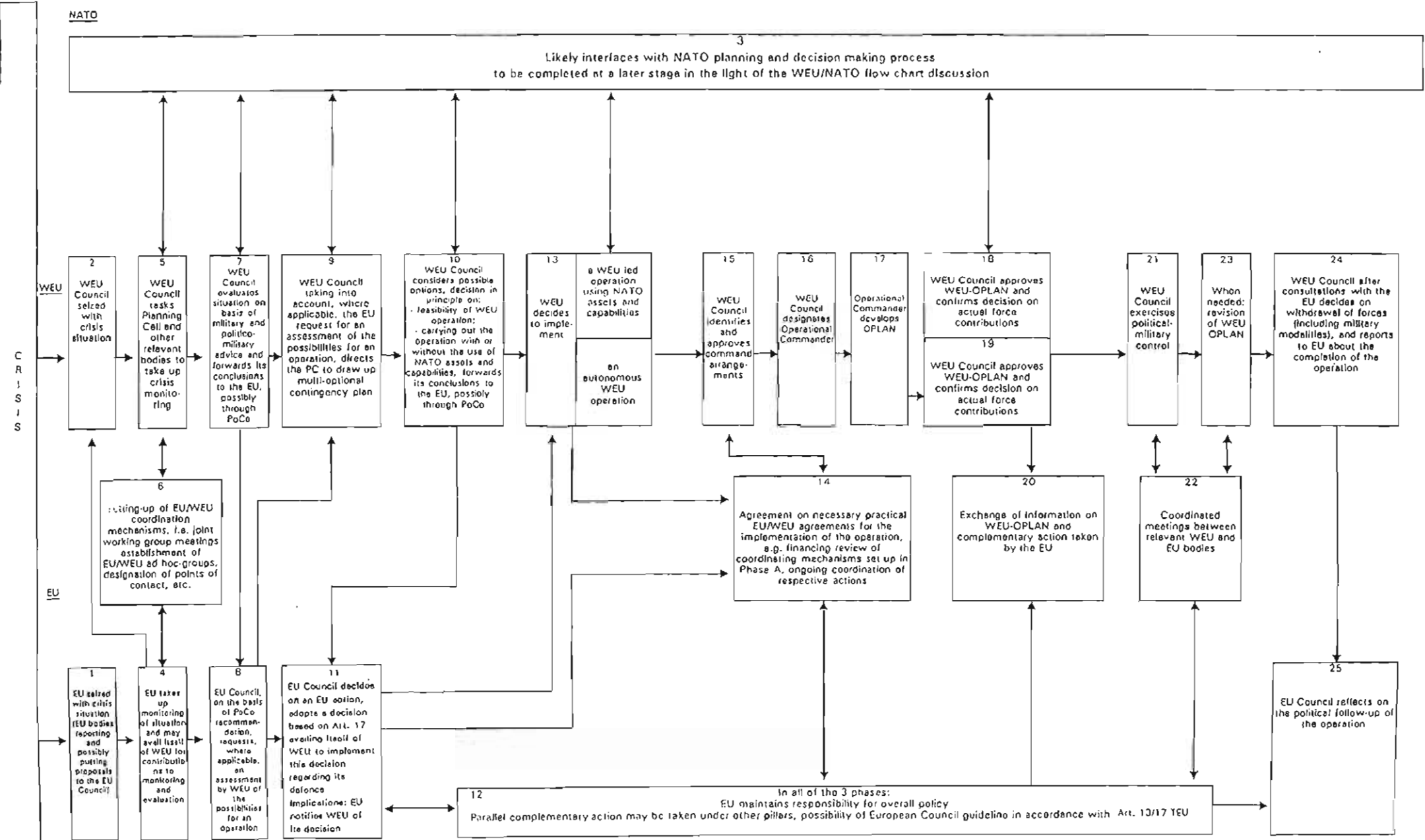
12. On the degree of precision of the Article 17.3 decision, the wording of the decision must be precise as to objectives, without going so far as to define the modalities for implementing the WEU military operation. The highest degree of precision will be sought through prior preparation and contacts between the EU and WEU and will subsequently facilitate the dialogue between them on the conditions for conducting and completing the operation. A precise description of the objectives of the Article 17.3 decision will also facilitate the process of winding up the operation.
13. On the duration of the operation it was agreed that the EU decision may include a review clause and possibly a target for the termination of the operation with due regard to the military and operational assessment provided by WEU and to the need for maintaining a pragmatic and flexible approach in WEU's action.
14. Further practical arrangements for the cooperation of both organisations under Article 17.3 may be agreed in general terms or case by case. Arrangements for a specific operation may be agreed before or after the Article 17.3 decision. Joint working practices set up during the first phase may need to be adapted in the second phase.
15. Both organisations must be quite clear as to the designated "points of contact" between them. The existing arrangements [relations between the Presidencies, the Secretariats and the European Commission] will be highly relevant and should be made full use of in a crisis. In addition, ad hoc points of contact for each particular case could be usefully designated to allow for the possibility of a wide variety of interventions based on Article 17.3, with due regard for each Organisation's rules on external representation and its internal decision-making-process. Such contacts could include the WEU Secretariat, the WEU Planning Cell, the CFSP Policy Planning and Early Warning Unit, and, depending on the nature of the operation, the European Commission. These arrangements will ensure that these interlocutors are authorised to act as the interface between the EU and WEU.

Phase 3: Execution, monitoring and termination of the operation

16. The need for a comprehensive exchange of information and for detailed consultation between the EU and WEU from beginning to end of the execution phase was highlighted. The modalities for these exchanges must be laid down in practical arrangements agreed by the two Organisations as already set out for Phase 2. They could in particular provide for a level of coordination both in Brussels (if necessary in the ad hoc group, for example) and on the ground. Depending on the character of the operation a headquarters adapted to the contribution and presence of both organisations may be called for, in particular in the case of humanitarian or non-military operations. In other cases consideration may be given to the integration of a representative of the European Union into the Force Headquarters, for example for purposes of liaison and/or to fulfil specific tasks. For the success of the operation it is crucial, however, that responsibilities are clearly identified and that the unity of command is preserved. In particular the need for the Operation Commander to have a single chain of command leading up to the WEU Permanent Council must be respected.
17. Any major change in the overall political context covered by the Article 17.3 decision would normally call for a further decision by the EU Council as well as for further decisions pertaining to WEU.
18. The institutional (EU/WEU) framework of an operation carried out in implementation of an EU decision based on Article 17.3 cannot be maintained for any longer than the EU regards such an action as necessary and avails itself of WEU for that purpose; the execution of the military operation should not be maintained for any longer than WEU considers it militarily feasible.

Deliberations on the termination of the operation, either as part of a pre-set plan or in response to new circumstances, may be launched at the initiative of either institution and should be accompanied by EU/WEU consultations (including joint meetings as necessary) leading to a shared view of the merits and conditions of termination.

While it is for the EU Council to decide to put an end to the implementation of an Article 17.3 action, it is the responsibility of the WEU to decide the exit strategy of the related military operation and its implementation, following the EU Council.



WEU COUNCIL DECISION OF 12 SEPTEMBER 1997 ON

HARMONIZATION OF THE SEQUENCE OF THE PRESIDENCIES
OF WESTERN EUROPEAN UNION AND THE EUROPEAN UNION

THE COUNCIL

Recalling the WEU Ministerial Declaration of 22 July 1997, in particular the decision to include into the range of measures that can be taken now consistent with the Protocol to Article 17 of the Treaty of Amsterdam the issue of harmonization as much as possible of the sequence of the Presidencies of WEU and the EU.

Taking note of the proposal of the German Presidency contained in document C (97) 177.

Decides:

1. Where the Presidency of the EU is held by a High Contracting Party to the modified Brussels Treaty, that Party shall also assume the Presidency of the WEU.
2. In all other cases the Presidency in the WEU shall be assumed by a High Contracting Party to the modified Brussels Treaty following the present sequence of the Presidencies in the WEU (as set out in the attached table). In following this sequence, WEU Presidencies held by virtue of (1) above will not be taken into account.
3. The new sequence of Presidencies shall be applied as of 1 January 1999.

Sequence of EU and WEU Presidencies in application
of the WEU Council decision

1998-2003

	Original sequence of WEU Presidencies	Sequence of Presidencies in the EU	New sequence of Presidencies in the WEU
I / 1998	Greece	United Kingdom	Greece
II / 1998	Italy	Austria	Italy
I / 1999	Luxembourg	Germany	Germany
II / 1999	Netherlands	Finland	Luxembourg
I / 2000	Portugal	Portugal	Portugal
II / 2000	Spain	France	France
I / 2001	United Kingdom	Sweden	Netherlands
II / 2001	Belgium	Belgium	Belgium
I / 2002	France	Spain	Spain
II / 2002	Germany	Denmark	Portugal
I / 2003	Greece	Greece	Greece
II / 2003	Italy		

**COOPERATION BETWEEN THE SECRETARIAT-GENERAL OF WEU AND
THE GENERAL SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION**

1. Exchange of information

Exchanges of information shall take place in relation to developments in the CFSP in particular to areas where WEU could be invited to elaborate and implement decisions of the Union which have defence implications, where complementary or similar activities are being carried out by the Union and by WEU and to other relevant activities of the WEU, including the development of planning for implementing measures in areas where the Union might call for such action.

The designated contact points within the two secretariats will continue to facilitate on a day to day basis mutual information between the two institutions.

Periodic meetings at senior working level will be held at least once per quarter. Each Secretariat will circulate in its respective organisation a short and comprehensive report.

2. Exchange of written material

Written material, including classified material, covers both documents and COREU/WEUCOM messages. Practical arrangements for a systematic exchange on subjects of general interest to the two organisations have been set up.

2.1 Material to be exchanged

The exchange of written material covers both relevant documents and COREU/WEUCOM messages. Without prejudice to special situations not covered by the Groups set out below and where special arrangements will have to be established, the systematic exchange of written material takes place according to the lists in 2.1.1 and 2.1.2.

2.1.1 WEU Secretariat

The WEU Secretariat will receive systematic communication of the written material (for CFSP points) of the following groups/bodies:

EU Bodies :

- European Council;
- Council;
- Committee of Permanent Representatives (where relevant to WEU activities);
- Political Committee.

Working Groups :

- Security;
- Global Disarmament and Arms Control;
- Non-proliferation (CBW and nuclear);
- Conventional Arms Exports;
- United Nations;
- OSCE;
- Western Balkans;
- Central Europe;
- Eastern Europe and Central Asia;
- Middle East/Gulf;
- Mashrek/Maghreb, including ad hoc Middle East Peace Process;
- Africa;
- Asia, Oceania;
- Consular Affairs;
- CFSP Counsellors.

Political dialogue :

- meetings with third countries with which WEU also holds regular meetings.

2.1.2 EU Council Secretariat

The EU Council Secretariat will receive systematic communication of the written material which is related to the activities of the following WEU groups/bodies:

- Council (Ministerial and Permanent);
- Special Working Group;
- Council Working Group;
- Politico Military Group;
- Mediterranean Group;
- Space Group;
- Any working Group established by the Council with regard to EU Council decisions under Article 17 of the EU Treaty;
- Any Working Group dealing with humanitarian operations and rescue tasks;
- Defence Representative Group (where relevant to EU activities).

(For cooperation in the field of armaments, see arrangements under F).

2.2. Procedural and practical arrangements

The exchange of written material is currently taking place by hand between the designated points of contact. Discussions have begun between the competent officials of the two Secretariats on the technical aspects of an exchange of written material, including options for electronic transmissions. The possibility of electronic transmission will be pursued, taking due account of costs and security considerations.

Representatives of the two Secretariats will have access to information distributed or discussed at meetings or part of meetings which they attend.

2.3. Updating and extension

The two Secretariats will keep under review the list of EU and WEU groups/bodies on which written information can be exchanged and will, when necessary, introduce in the decisional process of their respective organisations joint/coordinated proposals for the updating and extension of this list.

3. Cross-participation in WEU and EU Council meetings

Cross-participation applies to meetings at working group level, as well as with regard to relevant points in meetings at ambassadorial level and at ministerial level. The types of meetings of interest to the EU Council Secretariat and WEU Secretariat correspond broadly to those identified in the previous section on exchange of written material.

Cross-participation also requires information of the Secretariat and assent of the Presidency of the organisation concerned at the corresponding level. It will be primarily for the two Secretariats and two Presidencies to ensure on a case by case basis that the provisions concerning cross-participation work effectively. It has been agreed that the following groups/bodies in the respective organisations will be open for cross participation of the two Secretariats.

3.1. WEU Secretariat

Without prejudice to participation in other working groups when matters directly related to WEU work are being considered, the WEU Secretariat may participate, on the basis of the approach set out in paragraph 3 above, in meetings or part of meetings of the following Union's groups/bodies, which were deemed as particularly relevant for cross participation:

EU bodies :

- Council;
- Committee of Permanent Representatives (CFSP points relevant to WEU activities);
- Political Committee

Working Groups :

- Security;
- Global Disarmament and Arms Control;
- Non-proliferation (CBW and nuclear);
- Conventional arms exports;
- United Nations;
- OSCE;
- Western Balkans;
- All other regional Working Groups, as listed in para 2.1.1 above (where relevant to WEU activities);
- Consular Affairs;
- CFSP Counsellors.

The EU will make full use of the possibilities for attendance by senior WEU HQ representatives at similarly relevant parts of EU meetings held below Council level in the CFSP framework. The modalities should allow for the possibility of speaking as necessary on the basis of reciprocity.

3.2 EU Council Secretariat

Without prejudice to participation in other working groups when matters directly related to EU work are being considered, the EU Council Secretariat may participate, on the basis of the approach set out in paragraph 3 above, in meetings or part of meetings of the following WEU groups/bodies, which were deemed as particularly relevant for cross participation:

- Council (Ministerial and Permanent);
- Special Working Group;
- Council Working Group;
- Politico Military Group;
- Mediterranean Group;
- Space Group
- Any working Group established by the Council with regard to EU Council decisions under Article 17 of the EU Treaty;
- Any Working Group dealing with humanitarian operations and rescue tasks;
- Defence Representatives Group (where relevant to EU activities).

(For participation in the field of armaments, see arrangements under F).

4) Seating arrangements

Representatives of the EU Council Secretariat and of the WEU Secretariat in the meetings of the other organisation will be seated in the delegation of the Presidency in office of their organisation.

Such representatives may be invited, and may offer, to contribute to discussion through their Presidency's delegation.

5) Attendance at meetings

Attendance by, respectively the Secretary General of WEU and the Secretary General of the Council of the EU/High Representative for CFSP to meetings of the Councils at Ministerial level, for points of relevance to EU/WEU cooperation under the terms of the Treaty, will be encouraged.

6) Synchronisation of dates and venues of meetings

The two organisations, at the level of the Presidency and the Secretariats, will whenever possible consult each other before finalising plans for meetings at ministerial level or meetings of relevant working groups with a view to establishing the greatest possible synchronization of dates and venues of meetings.

The recently established practice of regular meetings between the Presidencies and the two Secretariats, as well as meetings between the incoming Presidencies of each organisation are helpful to fulfil this goal.

The EU and WEU Presidencies will foster as much as possible the synchronisation of dates and the respective Secretariats will assist the Presidencies in this task.

In addition, the EU and WEU Presidencies are aiming to increase the frequency of coordination meetings, which could in principle be held on a monthly basis, between the Presidencies and the respective Secretariats in order to keep under review coordinated WEU-EU meetings, briefings, cross-participation and the exchange of documents among other issues.

7) Exchange and secondment of personnel

Exchanges of staff on short traineeship schemes will continue to take place regularly, particularly in areas of interaction between the two organisations.

The two Secretariats will clarify and report to their respective organisations on issues related to fully operational exchanges of personnel (financial aspects, legal aspects, etc) with a view to starting implementation of such exchanges as soon as possible.

8) Security aspects

The two Secretariats will pursue the further enhancements to arrangements mentioned above which are possible in the light of the exchange of correspondence between the WEU Secretary General and the Secretary General of the Council of the European Union dated 15 April 1999 (see Annex 5).

9) Other issues

The EU and WEU will consider inviting representatives of the WEU and EU Secretariats respectively to any seminars and other ad hoc events they may hold.

COOPERATION BETWEEN WEU AND THE EUROPEAN COMMISSION

The modalities set out below are designed to ensure cooperation between WEU and the European Commission reflecting the latter's role in the CFSP as defined in the Treaty on European Union. They may also be used, as appropriate, for exchanges and interaction between the Commission and WEU in cases where Community actions and WEU activities are complementary.

1. Regular contacts

Without prejudice to high level contacts between the Commission on the one hand and the Presidency and the Secretariat-General of WEU on the other, regular bilateral meetings shall be held in order to promote effective exchanges of information and to ensure appropriate consultations. To this effect, the designated Points of Contacts in the Commission and in the WEU Secretariat will continue to ensure exchanges of information and facilitate appropriate consultations. Periodic meetings at senior working level will be held to review the possibilities and requirements for additional coordination arrangements.

2. Exchange of information

Exchanges of information shall take place in relation to developments in the CFSP in particular to areas where WEU could be invited to elaborate and implement decisions of the Union which have defence implications, where complementary or similar activities are being carried out by the Union and by the WEU and to other relevant activities of the WEU, including the development of planning for implementing measures in areas where the Union might call for such action.

The points of contact of the Commission and of WEU Secretariat will continue to facilitate on a day to day basis mutual information.

3. Exchange of written material

The exchange of written material, including classified material, will cover documents and WEUCOM messages.

The WEU Secretariat will forward to the Commission written material in accordance with the Commission's responsibilities under the Treaty on European Union, in particular with regard to the following WEU bodies/groups:

- Council (Ministerial and Permanent);
- Special Working Group;
- Council Working Group;
- Politico-Military Group;
- Space Group;
- Mediterranean Group;
- Any Working Group established by the Council with regard to requests of the EU under Article 17 of the Treaty on European Union;
- Any Working Group dealing with humanitarian operations and rescue tasks.
- Defence Representatives Group (where relevant to EU activities).

The Commission will forward to the WEU Secretariat relevant written material, in particular in cases where WEU is acting in response to EU decisions under Article 17. In addition, the Commission will forward to WEU Secretariat communications and proposals to the Council, decisions, programmes, studies and reports on matters identified as of interest for WEU Secretariat.

The exchange of written material takes place between the designated Points of Contact in DGIA and the WEU Secretariat.

The WEU Secretariat-General and the Commission will keep this exchange of written material under review and propose updatings or extensions when necessary. The possibility of exchanging documents electronically will be pursued, taking due account of costs and security considerations.

4. Participation in meetings

The WEU takes note that Commission representatives will be included in the EU Presidency delegation, whenever WEU is dealing with matters relevant to the Commission's responsibilities under the Treaty on European Union. The following list of groups/bodies has been identified as particularly relevant for cross participation:

- Council (Ministerial and Permanent);
- Special Working Group;
- Council Working Group;
- Politico-Military Group;
- Space Group;
- Mediterranean Group;
- Defence Representatives Group (where relevant to EU activities).
- Any Working Group established by the Council with regard to requests of the EU under Article 17 of the Treaty on European Union;
- Any Working Group dealing with humanitarian operations and rescue tasks.

Such representatives may be invited, and may offer, to contribute to discussion through their Presidency's delegation.

WEU representatives may be invited by the Commission and may offer to contribute to the discussion in the following indicative list of interservice Commission Groups.

- Ex-Yugoslavia;
- Armament Policy;
- Anti-Personnel Landmines;
- Any Group established with regard to a request under Article 17 of the Treaty on European Union.

5. Security aspects

The WEU Secretariat-General and the European Commission will pursue the further enhancements to arrangements in this document which are possible in the light of the exchange of correspondence between the Secretary General of WEU and the Secretary General of the European Commission dated (see Annex 6).

6. Financial aspects

The WEU Presidency and Secretariat-General and the European Commission will aim at establishing a WEU-Commission model financial arrangement with a view to facilitating the practical and speedy implementation of EU decisions and actions implying WEU activities under Article 17 and financed on the European Communities general budget.

7. Exchanges of staff

The WEU Secretariat-General and the European Commission will pursue the possibilities for short-term visits and exchanges of staff. The WEU Presidency and Secretariat-General and the European Commission will pursue the full range of possibilities for ad hoc visits and exchanges.

8. Cooperation in the humanitarian field

WEU, with the close involvement of the Military Staff, and the European Commission will enhance their cooperation with a view to obtaining the speedy elaboration and implementation by WEU of EU decisions concerning humanitarian tasks under Art. 17 of TEU.

9. Other issues

The WEU Secretariat-General and European Commission are invited to identify possible additional areas of closer contacts particularly bearing in mind relevant developments in the armaments and space field. The Commission and WEU Secretariat will in principle invite respective representatives to seminars and ad hoc events they may hold.

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These modalities will be kept under review and can be changed according to future developments and experience.

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**EXCHANGE OF CORRESPONDENCE
ON IMPROVED SECURITY ARRANGEMENTS
BETWEEN THE SECRETARY GENERAL OF THE COUNCIL OF THE EU
AND THE SECRETARY GENERAL OF WEU**

Brussels, 15 April 1999

Mr. José Cutileiro
Secretary General of the
Western European Union
Rue de la Régence 4
1000 Brussels

Sir,

You are aware that the cooperation between the Western European Union and the European Union instituted by virtue of the Maastricht and Amsterdam Treaties and related Declarations on Western European Union of 10 December 1991 and 22 July 1997 requires the exchange of sensitive and/or special information between the Secretariat-General of WEU and the General Secretariat of the EU Council known as classified information and material.

Adequate security arrangements are therefore needed to ensure that the security classifications and provisions of the two organizations are respected in the handling of classified information and material.

It is then appropriate that we agree security rules for the exchange of the aforesaid classified information and material and that we undertake to ensure their application within our respective organizations.

On this occasion I wish to recall and draw your attention to the following:

- (a) Practical arrangements for the exchange of written material between the Secretariat-General of Western European Union and the General Secretariat of the Council of the European Union have been established (Council document 11625/96) and are currently being reviewed and updated.
- (b) The Council of the European Union has taken a decision on the official forwarding of documents to the Western European Union (Council document 7026/96).
- (c) Council Decision of 27 April 1998 establishes the procedures whereby officials and employees of the General Secretariat of the Council may be allowed access to classified information held by the Council.
- (d) Decision No. 24/95 of the Secretary General of the Council sets forth the measures for the protection of classified information applicable to the General Secretariat of the Council.
- (e) I am familiar with the rules, measures and procedures set forth in the WEU Security Regulations (RS 100) the purpose of which is to safeguard and protect WEU classified information.
- (f) I note that the Western European Union has concluded security agreements with WEU nations and with the North Atlantic Treaty Organization.

In the light of the above, I hereby:

- agree to the security rules for the exchange of classified information and material annexed to this letter;
- undertake to ensure their application within the Council of the European Union;
- agree to keep the implementation of these security arrangements under review.

I suggest that, if the above arrangements are acceptable to the Secretariat-General of the Western European Union, you confirm that agreement by a note addressed to me.

Yours faithfully,

Jürgen TRUMPF

Enclosure

Brussels, 15 April 1999

Mr Jürgen Trumpf
The Secretary General of the
Council of the European Union
175 Rue de la Loi
1048 Brussels

Sir,

I acknowledge receipt of your note dated 15 April 1999 stating, among other things, that:

- the cooperation between the Western European Union and the European Union instituted by virtue of the Maastricht and Amsterdam Treaties and related Declarations on Western European Union of 10 December 1991 and 22 July 1997 requires the exchange of sensitive and/or special information between the Secretariat General of Western European Union and the General Secretariat of the Council of the European Union known as classified information and material;
- adequate security arrangements are needed to ensure that the security classifications and provisions of the two organizations are respected in the handling of classified information and material;
- it is appropriate that we agree security rules for the exchange of the aforesaid classified information and material and that we undertake to ensure their application within our respective organizations.

I fully share the above considerations.

For my part I would recall and reconfirm the following:

- (a) Practical arrangements for the exchange of written material between the Secretariat General of the Western European Union and the General Secretariat of the Council of the European Union have been established (CM(96) 22) and are currently being reviewed and updated.
- (b) The Western European Union Council has taken a decision on the official forwarding of Western European Union documents to the European Union (CM(96) 24 revised).
- (c) Western European Union security regulations are set out in RS100.
- (d) Western European Union has concluded security agreements with WEU nations and with the North Atlantic Treaty Organization.
- (e) I am familiar with the rules, measures and procedures set forth in the Decision of the Council of the European Union of 27 April 1998 (relating to the procedures whereby officials and employees of the General Secretariat of the Council may be allowed access to classified information held by the Council) and in the Decision No 24/95 of the Secretary General of the Council on measures for the protection of classified information applicable to the General Secretariat of the Council, the purpose of which is to safeguard and protect EU classified information.

In the light of the above, I hereby:

- agree to the security rules for the exchange of classified information and material annexed to this letter;
- undertake to ensure their application within the Western European Union;
- agree to keep the implementation of the present security arrangements under review.

I confirm with the present note that the above arrangements are acceptable to the Secretariat General of the Western European Union.

Yours faithfully

José Cutileiro

Enclosure

**SECURITY RULES GOVERNING THE EXCHANGE OF CLASSIFIED
INFORMATION AND MATERIAL BETWEEN THE WEU SECRETARIAT-GENERAL AND
THE EU COUNCIL GENERAL SECRETARIAT**

1. The EU Council General Secretariat and the WEU Secretariat-General, hereinafter referred to as "the Parties", shall:
 - a) protect and safeguard the classified information and material provided by the other Party, in accordance with the measures for the protection of classified information and material in force in the originating Party;
 - b) maintain the security classification established by the other Party with respect to information and material originating from that Party and safeguard such classified information and material accordingly;
 - c) not use such classified information and material for purposes other than those established by the originator and those for which the classified information and material is exchanged;
 - d) not disclose such classified information and material to third parties without the consent of the originator.
2. The Secretaries-General of the Parties:
 - a) shall ensure that the relevant provisions are applied by the Parties;
 - b) acting in the name of the respective Councils and under their authority, are responsible for security arrangements for the protection of classified information and material exchanged.
3. The Parties shall ensure that all persons under their Authority who, in the conduct of their official duties, require or may have access to classified information and material have been investigated, appropriately security cleared and thoroughly briefed on their security responsibilities before they are granted access to such classified information and material.

4. The Parties shall provide mutual assistance with regard to security matters of common interest. The Parties shall conduct reciprocal inspections on the compliance with and effectiveness of the measures and procedures set up for the safeguard and protection of the exchanged classified information and material.
5. Each Party shall take all necessary measures so that legal actions may be taken by the **Member State(s)** concerned against persons compromising exchanged classified information and material, placing the other Party at risk.
6. Each Party can interrupt the exchange of classified information and material in giving the other Party written notice thereof. Discussions should be held immediately with a view to taking the measures needed to reestablish the exchange of classified information. Notwithstanding the termination of this exchange, all classified information material exchanged shall continue to be protected in accordance with the security provisions of the originating Party.

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**ELEMENTS FOR A LETTER
ON IMPROVED SECURITY ARRANGEMENTS
BETWEEN THE SECRETARY GENERAL OF THE EUROPEAN COMMISSION
AND THE WEU SECRETARY GENERAL**

- The cooperation between WEU and the EU instituted by virtue of the Maastricht and Amsterdam Treaties and related WEU Declarations of 10 December 1991 and 22 July 1997 requires the exchange of sensitive and/or special information between the Secretariat-General of WEU and European Commission known as classified information and material.
- Recalls that practical arrangements for the exchange of written material between the Secretariat General of WEU and the European Commission have been established (CM (96) 23) and are currently being reviewed and updated.
- Adequate security arrangements are required to ensure that the security classifications and provisions of the two organizations are respected in the handling of classified information and material.
- Recalls that the WEU security regulations are set out in RS100 and that WEU has concluded security agreements with WEU nations and with NATO.
- Declares that he is familiar with the rules, measures and procedures set forth in the European Commission decisions adopted on 25 February (relating to the procedures whereby officials and employees of the European Commission may be allowed access to classified information held by the Commission) and C (94) 3282 of 30 November 1994 on (full title).
- Agrees to the security rules for the exchange of classified information and material annexed to this letter and undertakes to ensure their application within WEU.
- Notes that adequate security arrangements have been applied within Unit I.A of Directorate-General I.A to enable the receipt and retention of WEU classified information and material.
- States his readiness to assist in the establishment of similar security arrangements within other Commission services.
- Agrees to keep the implementation of these security arrangements under review.

**ELEMENTS FOR A LETTER
ON IMPROVED SECURITY ARRANGEMENTS
FROM THE SECRETARY GENERAL OF EUROPEAN COMMISSION
TO THE WEU SECRETARY GENERAL**

- The cooperation between WEU and the EU instituted by virtue of the Maastricht and Amsterdam Treaties and related WEU Declarations of 10 December 1991 and 22 July 1997 requires the exchange of sensitive and/or special information between the Secretariat General of WEU and the European Commission known as classified information and material.
- Recalls that practical arrangements for the exchange of written material between the WEU and the European Commission have been established (EU Council document 11625/96).
- Adequate security arrangements are required to ensure that the security classifications and provisions of WEU and European Commission are respected in the handling of classified information and material.
- Declares that he is familiar with the rules, measures and procedures set forth in the WEU Security Regulations (RS 100) whose purpose is to safeguard and protect WEU classified information and notes that WEU has concluded security agreements with WEU nations and with NATO.
- Agrees to the security rules for the exchange of classified information and material annexed to this letter and undertakes to ensure their application within the European Commission.
- Declares that security arrangements, in accordance with the rules at annex, have been applied within Unit I.A of Directorate-General I.A so as to be able to receive and retain WEU classified information and material.
- Agrees to keep the implementation of these security arrangements under review, including the need to apply these security arrangements to other Commission services.

**SECURITY RULES GOVERNING THE EXCHANGE OF CLASSIFIED
INFORMATION AND MATERIAL BETWEEN THE WEU SECRETARIAT-GENERAL AND
THE EUROPEAN COMMISSION**

1. The WEU Secretariat-General and the European Commission, hereinafter referred to as "the Parties", shall:
 - a) protect and safeguard the classified information and material provided by the other Party, in accordance with the measures for the protection of classified information and material in force in the originating Party;
 - b) maintain the security classification established by the other Party with respect to information and material originating from that Party and safeguard such classified information and material accordingly;
 - c) not use such classified information and material for purposes other than those established by the originator and those for which the classified information and material is exchanged;
 - d) not disclose such classified information and material to third parties without the consent of the originator.
2. The Secretaries-General of the Parties:
 - a) shall ensure that the relevant provisions are applied by the Parties;
 - b) acting in the name of the WEU Council and the European Commission and under their authority, are responsible for security arrangements for the protection of classified information and material exchanged.
3. The Parties shall ensure that all persons under their Authority who, in the conduct of their official duties, require or may have access to classified information and material have been investigated, appropriately security cleared and thoroughly briefed on their security responsibilities before they are granted access to such classified information and material.
4. The Parties shall provide mutual assistance with regard to security matters of common interest. The Parties shall conduct reciprocal inspections on the compliance with and effectiveness of the measures and procedures set up for the safeguard and protection of the exchanged classified information and material.

5. Each Party shall take all necessary measures so that legal actions may be taken by the Member State(s) concerned against persons compromising exchanged classified information and material, placing the other Party at risk.
6. Each Party can interrupt the exchange of classified information and material in giving the other Party written notice thereof. Discussions should be held immediately with a view of taking the measures needed to reestablish the exchange of classified information. Notwithstanding the termination of this exchange, all classified information material exchanged shall continue to be protected in accordance with the security provisions of the originating Party.

STATEMENTS TO BE INSERTED IN THE COUNCIL MINUTES

- **Ad paragraph II. F) of the arrangements for enhanced cooperation :**
"F) Cooperation in the field of armaments, as appropriate"

Statement by the Council

The Council notes that several Council Working Groups are taking forward work on related issues, notably the Council Working Group on Conventional Arms Exports (COARM), in particular regarding the strengthening of the EU's Code of Conduct on Arms Exports.

- **Ad Annex 3, point 4 and Annex 4, point 4 to the arrangements for enhanced cooperation**

Statement by the Council and the Commission

The delegation of the Presidency of the EU Council in WEU meetings will include representatives of the Secretary General of the Council and representatives of the European Commission.

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7367/99

AMD 1

LIMITE

PESC	80
COSEC	16

AMENDMENT TO FORWARDING NOTE

from : Secretariat

to : Delegations

prev. docs. 7033/99 PESC 70 COSEC 15
7368/99 PESC 81 COSEC 17

Subject : Draft arrangements for enhanced cooperation between the European Union and the Western European Union under the Protocol on Article 17

The Commission has asked on 19 April 1999 that the following amendments be made in the text contained in document 7367/99:

Annex B, Section H, paragraph 2, should read:

"The President of the European Commission and the Secretary General of the WEU have exchanged correspondence on the security rules applicable for the handling of the classified information exchanged (see Annex 6). This exchange provides for the unimpeded flow between the European Commission and the Secretariat-General of the WEU of information required for the proper functioning of EU/WEU relations under the Treaty".

Title of Annex 6 to Annex B should read:

"Exchange of correspondence on security arrangements between the President of the European Commission and the WEU Secretary General".

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