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**Interinstitutional Files:**

**2025/0172 (COD)**

**2025/0176 (COD)**

**2025/0177 (COD)**

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**LIMITE**

**SIMPL 137**

**ANTICI 141**

**INDEF 118**

**MAP 121**

**CSC 395**

**ENV 704**

**COMPET 749**

**ENT 140**

**MI 611**

**CHIMIE 78**

**CODEC 1141**

**EDA 6**

**EDA**

**'I' ITEM NOTE**

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**From:** General Secretariat of the Council

**To:** Permanent Representatives Committee

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**Subject:** Omnibus V

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the acceleration of permit-granting for defence readiness projects

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1907/2006, (EC) No 1272/2008, (EU) No 528/2012, (EU) 2019/1021 and (EU) 2021/697 as regards defence readiness and facilitating defence investments and conditions for defence industry

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement

- Confirmation of the final compromise texts with a view to agreement

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## I. INTRODUCTION

1. The Commission presented its fifth Omnibus package focusing on defence readiness on 17 June 2025. It comprises proposals for two regulations<sup>1</sup> and one directive<sup>2</sup> that aim to accelerate permit-granting for defence readiness projects, facilitate defence investments and conditions for the defence industry, and to simplify intra-EU transfers of defence equipment and security and defence procurement.
2. The draft Regulation on the acceleration of permit-granting is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure). The draft Directive on facilitating defence investments and conditions for defence industry is based on Article 114 TFEU, Article 182(4), Article 183, Article 188(2), and Article 192(1) TFEU (ordinary legislative procedure). The draft Directive on simplifying intra-EU transfers of defence-related products and the simplification of security and defence procurement is based on Article 53(1), Article 62, and Article 114 TFEU (ordinary legislative procedure).
3. The European Economic and Social Committee adopted its opinion on the draft Regulation on the acceleration of permit-granting on 18 September 2025.
4. At its meeting on 27 November 2025, the Permanent Representatives Committee (Coreper) granted the Presidency a mandate to enter into negotiations with the European Parliament.<sup>3</sup> In the European Parliament, the three files are treated separately and have been referred to different joint committees. The joint committee decisions to enter into interinstitutional negotiations were confirmed in plenary on 21 January 2026.

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<sup>1</sup> Proposal for a Regulation of the European Parliament and of the Council on the acceleration of permit-granting for defence readiness projects, ST 10518/1/25 REV1;  
Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 1907/2006, (EC) No 1272/2008, (EU) No 528/2012, (EU) 2019/1021 and (EU) 2021/697 as regards defence readiness and facilitating defence investments and conditions for defence industry, ST 10526/1/25 REV1.

<sup>2</sup> Proposal for a Directive of the European Parliament and of the Council amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement, ST 10527/1/25 REV 1.

<sup>3</sup> ST 16096/25, ST 16097/25, ST 16093/25.

## **II. NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT**

5. Interinstitutional negotiations were formally launched on 26 January with kick-off trilogues for the files on permit-granting and on intra-EU transfers and defence procurement, and with an exchange of letters for the defence readiness file. Technical meetings were held between 30 January and 9 June, while further rounds of political trilogues took place on 23 and 24 March, 18 and 19 May, and 10 June 2026.
6. On 19 May, co-legislators reached provisional agreements on compromise texts for the draft Regulation on accelerating permit-granting and for the draft Directive on facilitating defence investments and conditions for defence industry, as set out in ST 10453/26 and ST 10454/26, respectively. On 10 June, co-legislators reached a provisional agreement on a compromise text for the draft Directive on simplifying intra-EU transfers of defence-related products and the simplification of security and defence procurement, as set out in ST 10455/26 + ADD 1.

## **III. MAIN ELEMENTS OF THE FINAL COMPROMISE TEXT**

### ***i) Permit-granting – 2025/0172(COD)***

7. The final compromise text confirms that Member States remain responsible for determining the projects that qualify as defence readiness projects.
8. Member States are given flexibility to organise the single point of contact in line with their national systems. They can notably decide whether the single point of contact should have decision-making powers or only a coordinating role.
9. The duration of the permit-granting process has been set at 42 working days, which can be extended at maximum twice by up to 60 working days. The total duration of the permit-granting process cannot exceed 102 working days.
10. The different steps in the permit-granting process are clarified along the lines of the Council mandate, including by introducing a “completeness check” of permit-granting applications and by streamlining the possibility to extend the initial duration.
11. The principle of tacit approval is retained in cases where the single point of contact does not inform the project promoter of the outcome of the permit-granting procedure. As a derogation from this principle, Member States may provide in national law that tacit approval may not

apply in certain cases where a specific project raises a grave risk to human health or national security. Such national law must be adopted within 12 months after the entry into force of the Regulation.

12. An article on monitoring and reporting has been added to the Regulation, without prejudice to the protection of sensitive information and ensuring that administrative burden for Member States is kept at a minimum.

*ii) Defence Readiness – 2025/0176(COD)*

13. Regarding the part on “**chemicals**”, the final compromise text strengthens the prerogative of Member States to establish exemptions from certain EU legal requirements for chemicals in the interest of defence. At the same time, the agreed recitals also confirm that this defence interest must be balanced with the high level of health and environmental protection enshrined in EU law.

14. Regarding the amendments to the **European Defence Fund (EDF)** Regulation, the final compromise text maintains the overall objective of the omnibus to facilitate and simplify the EDF procedures. Specific attention is given to small and medium enterprises (SMEs), including through an increase of the “SME bonus”. Contribution to excellence, as well as quality and efficiency, are kept as mandatory award criteria, while a new optional award criterion related to the needs of Member States exposed to the risk of conventional military threat is added. On the issue of access rights to the results of development actions co-financed by Member States, the final compromise text imposes an obligation on recipients to enter into negotiations with co-financing national authorities, with a view to granting such access rights under fair and reasonable conditions to be agreed in their contractual relationship.

*iii) Intra-EU transfers of defence equipment and defence procurement – 2025/0177(COD)*

15. Regarding **transfers**, the final compromise text retains the proposal for a general transfer licence (GTL) for projects funded under EU defence industrial programmes and introduces two additional GTLs. The first covers transfers between certified recipients and certified suppliers. Member States remain in control of the definition of the scope of this new GTL, although the compromise text specifies that it should cover at least the defence-related products covered under the existing GTL for transfers to certified recipients. Article 9 of the Intra-EU Transfers Directive was amended, tailoring the certification procedure to the needs of certifying suppliers and enabling close monitoring of the reliability of certified

undertakings. The second additional GTL covers transfers taking place in the framework of intra-EU industrial partnerships. The provisional agreement defines the concept of “structured intra-EU industrial partnership” along the lines of the Coreper mandate.

16. The final compromise text does not introduce any mandatory exemptions from prior authorisation. Two optional exemptions are added compared to the Coreper mandate, notably for cases where the recipient and the supplier are certified undertakings, and where the transfer aims at providing aid and assistance pursuant to Article 42(7) of the Treaty on European Union.
17. All new Commission empowerments have been removed from the proposal. As in the Coreper mandate, only the extension of the existing Commission empowerment to add cases to the list of optional exemptions from prior authorisation is kept. The final compromise text does not include the Coordination Group on Intra-EU Transfers proposed in the Coreper mandate. A review clause is included, imposing an obligation on the Commission to review the implementation of the Intra-EU Transfers Directive by 1 January 2031.
18. Regarding **defence procurement**, the provisional agreement further aligns the Commission proposal with the general public procurement rules wherever appropriate, while taking into account the specificities of the defence market. The text now ensures that European public bodies such as the European Defence Agency (EDA) can function as central purchasing bodies; allows for ad hoc dynamic purchasing systems; introduces the possibility of occasional joint procurement; and includes a *de minimis* rule for contract modifications.
19. The thresholds in Article 8 the Directive have been increased to EUR 2 million for supply and service contracts and to EUR 10 million for works. Regarding contracts awarded in lots, the values in Article 9 have been increased to EUR 360.000 for service and supply contracts and EUR 1.8 million for works. With these increases, the thresholds in Article 8 and the values in Article 9 retain the same ratio as in the current Directive.
20. The proposed new cases justifying the use of the negotiated procedure without prior publication have been removed from the text. As a result, the text does not feature any eligibility criteria for national defence procurement.
21. Statistical obligations are kept but suspended until 31 December 2030. A review clause is added, according to which the Commission should review the implementation of the Defence Procurement Directive by 1 January 2031.

22. A **joint statement** by the European Parliament and the Council was drafted with regard to the final compromise text for this proposal, as set out in ST 10455/26 ADD 1. In the draft statement, co-legislators reaffirm their shared commitment to strengthening the European Defence Industrial and Technological Base; acknowledge that diverging views exist on the issues of eligibility criteria in national defence procurement and harmonisation in the transfers framework; and look ahead to future initiatives.

#### IV. CONCLUSIONS

23. In light of the above, the Permanent Representatives Committee is invited to:
- a) confirm the final compromise texts as set out in ST 10453/26, ST 10454/26, ST 10455/26, as well as the joint declaration set out in ST 10455/26 ADD 1, with a view to reaching an agreement at first reading with the European Parliament;
  - b) authorise the Chair of the Permanent Representatives Committee to send letters to inform the Chairs of the European Parliament's SEDE, ITRE, IMCO and ENVI Committees that, should the European Parliament adopt its position at first reading on the texts of the proposals in the exact form as set out in ST 10453/26, ST 10454/26, ST 10455/26, as well as the joint declaration set out in ST 10455/26 ADD 1, and subject to revision of those texts by the lawyer-linguists of both institutions, the Council will approve the European Parliament's position and the acts will be adopted in the wording which corresponds to the European Parliament's position.