Council of the European Union
General Secretariat

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Interinstitutional files:
2025/0555 (COD)

Brussels, 19 November 2025

WK 15799/2025 INIT

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF) - European Competitiveness Fund
Subject:	Member States comments on the Proposal for a Regulation 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] (doc. 11770/1/25 REV 1, Chapter VII, section 2) - comments from AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, NL, PL, PT, RO, SE, SI, HU, LT

Proposal for a Regulation establishing the European Competitiveness Fund (doc. 11770/1/25 REV 1) Deadline: ***24 October 2025***
From: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, NL, PL, PT, RO, SE, SI, HU, LT **Updated: 06/11/2025 13:51**

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Guidelines to be followed

Please kindly provide your contributions in the table below.

Drafting suggestions: you may use '**track changes**'* or formatting (for example **bold-underline** for additions and ~~strike-through~~ for deletions, **where necessary, in a different colour**). *Track changes can only be connected once the cursor is placed in editable areas (Drafting or Comments columns).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted.**

New provisions may only be added in any of the **'existing cells'.**

Name of document: please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments on … .docx**

Thank you for your cooperation!

Commission proposal	Drafting Suggestions and Comments
	AT (Comments): **General remarks:** • In line with other relevant EU legislation (e.g. EDIP), AT advocates for the inclusion of a reference in the recitals that clarifies that this regulation will not affect the specific nature of the security and defence policies of certain Member States. • AT supports the simplification and streamlining of EU funding, but sees a need for targeted amendments to ensure a clear, robust and long-term framework for defence research & development, innovation and technological superiority, with MS involved in the decision making process. **Request:** Insert a separate subsection (objectives and definitions – possibly in the context of Articles 3 and 10) that sets out the mission, eligibility rules, security requirements, and dedicated budgetary

Commission proposal	Drafting Suggestions and Comments
	treatment of the defence window, equivalent to the stand-alone EDF regulation in force today. • The work programme process (Art. 15) should explicitly recognise the specialised drafting needs for Defence R&D, ensuring multi-annual planning is supported by the dedicated expert body. • Horizon Europe draft regulation, Article 7(3) and Pillar III envisage "a 'DARPA' approach dedicated to supporting defence and dual-use start-ups" but do not reference export control, classification or information-security rules. **Request:** Add explicit cross-references to export-control regulations and Member State security clearances for all dual-use or defence projects funded under Horizon Europe or the ECF. • **Member State defense authorities require a decisive role in setting the priorities for the R&D, innovation and technological superiority component of the ECF**, supported by a governance body specifically dedicated to this task. To address this governance gap and ensure the operational efficiency and strategic continuity of Defence R&D funding, the following structural amendments to the ECF Regulation are suggested: • **Amendment of Article 83** (Committee Procedure): The current structure (Art. 83(1)(e)) lists the "*Defence Industry Committee*." This committee covers the entire breadth of objectives in Art. 3(2)(d)(2) (from R&D to procurement and scale-up). We propose to introduce a specialised sub-configuration focused on the research and development stage by modifying Article 83(1)(e) (Composition/Mandate) and specify that the existing Defence Industry Committee should operate with a specialised sub configuration for defence research and development. The addition to Art. 83(6) should read as following: • "The Committee in point (e) of paragraph 1 shall convene in a dedicated Defence Research and Development Configuration for

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Commission proposal	Drafting Suggestions and Comments
	matters concerning Article 46 (Collaborative Defence Research & Development, Innovation and Technological Superiority) and the relevant collaborative research and innovation activities under Regulation (EU) [XXX] [Horizon Europe Framework programme for Research and Innovation] referred to in Article 44(2). • AT is in favour of strengthening the role of the EDA to effectively take into account its expertise on capability development within the EU. AT therefore supports the adaptation of Article 83(8) accordingly. • **AT reserves the right to submit further comments on Chapter 7, Section 2 at a later stage, including in writing.** LU (Comments): **General Comment:** Supporting small and medium-sized enterprises is a top priority for Luxembourg. Within the framework of the proposed European Competitiveness Fund (in particular Chapter VII, Section 2), Luxembourg strongly advocates for ensuring that support for SMEs is both substantial and effective. Financial measures to support the competitiveness of the EDTIB must generate concrete benefits for SMEs and facilitate their integration into European defence supply chains. The war in Ukraine has underscored the vital role SMEs play in driving innovation and developing new technologies. Their flexibility and responsiveness often allow them to adapt more rapidly to the evolving nature of modern warfare than larger organisations. For Luxembourg, it is essential that the Competitiveness Fund reflects this strategic value and places SME support at the heart of its design. PT (Comments):

Commission proposal	Drafting Suggestions and Comments
	Portugal acknowledges the Presidency's effort to structure a coherent and robust text for the architecture of the European Competitiveness Fund (ECF) regarding Chapter VII and the support for the Defence Industrial Policy. Portugal considers that the integration of the Defence Industry dimension within the ECF must ensure the legal and operational continuity of the European Defence Fund (EDF), while simultaneously guaranteeing: • regulatory and financial predictability; • European strategic autonomy; and, • an apropriate balance between industrial, technological, and security objectives. It is crucial to ensure that the EDF → ECF transition does not impact the Member States' decision-making capacity on sensitive matters, nor undermine the existing collegiate governance of the EDF Programme Committee, whose rationale should be preserved within the new framework.
Proposal for a	
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	PL (Comments): GENERAL COMMENT: PL is in favour of adapting the ECF text to the EDIP Regulation as the basis for further discussion.

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Commission proposal	Drafting Suggestions and Comments
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]	
	CY (Drafting Suggestions): Associated countries The Fund shall be open to the participation of members of the European Free Trade Association which are members of the EEA, in accordance with the conditions laid down in the Agreement on the European Economic Area (associated countries). CY (Comments): In line with EDF regulation – To be inserted at article 2
Article 3	
Objectives	
2. Under the general objectives set out in paragraph 1, the ECF shall in particular pursue the following specific objectives:	

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Commission proposal	Drafting Suggestions and Comments
(d) For support to 'Resilience and Security, Defence Industry and Space' policy, respectively the specific objectives of:	
(2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes.	CZ (Drafting Suggestions): (2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness**, resilience** and ability of the European Defence Technological and Industrial Base (EDTIB), including support to **cross-border cooperation between legal entities throughout the Union, in particular** start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes**, while contributing to the open strategic autonomy of the UnionZ**. CZ (Comments): Addition of the word '**resilience**' in line with the final compromise of EDIP Regulation. Addition of the '**cross-border cooperation'** in line with the EDF Regulation and the main objectives of the collaborative EU R&D efforts. Addition of the '**contributing to the strategic autonomy of the Union'** in line with the ambitions of the EU.

Commission proposal	Drafting Suggestions and Comments
	DE (Drafting Suggestions): (2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ~~ability~~ **the adjustement** ~~-~~of the European Defence Technological and Industrial Base (EDTIB) **to structural changes**, including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; ~~Adjustment of industry to structural changes.~~ DE (Comments): The last part of this paragraph does not really fit and was therefore deleted and inserted at the enumeration at the beginning. It is clear that the sentence: "…defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the EDTIB…" is taken from EDIP but the word "ability" only makes sense when the whole EDIP sentence would have been taken here, therefore we propose to replace "ability" by "the adjustment to structural changes" EE (Comments): Due to the importance of multi-Member-State defence sector projects, we believe that investments into EDPCI's should be continued in a framework similar to the one under the EDIP Regulation and the possibility to support the EDPCIs from EU budget programmes should be continued also in 2028-

Commission proposal	Drafting Suggestions and Comments
	2034. We highlight that the European Defence Readiness Roadmap 2030 has been approved which outlines the following: the European Drone Defence Initiative, the Eastern Flank Watch, the European Air Shield and the Defence Space Shield. The European Defence Readiness Roadmap 2030 should be treated as an important basis for the implementation of the ECF Defence and Space window. FR (Drafting Suggestions): For support to EU defence industry, the specific objectives of promoting defence industrial readiness of the Union and its Member States **and European preference to reduce dependencies** through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem **and ensuring the Union's strategic autonomy through ambitious eligibility criteria for the development of such capacities;** Collaborative research and development of defence products and technologies, including disruptive technologies for defence ; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement ~~**and for the development of European defence projects of common interest**~~ ; Adjustment of industry to structural changes. FR (Comments): Ce paragraphe devrait mentionner la priorité politique de l'autonomie stratégique de l'Union, combinée à des critères d'éligibilité ambitieux. Suppression de la référence aux EDPCI, trop spécifique pour un article de portée générale.

Commission proposal	Drafting Suggestions and Comments
	Suggestion de langage sur la réduction des dépendances. HR (Drafting Suggestions): For support to EU defence industry the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. **The pursue of the abovementioned objectives shall take into account the cooperation of Member States conducted within the context of PESCO, EDA initiatives and the relevant activities carried out by NATO, notably the NATO Defence Planning Process.** IE (Drafting Suggestions): For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence **and dual-use** products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in

Commission proposal	Drafting Suggestions and Comments
	defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes." IE (Comments): IE Suggested text Amendment: Consideration should be given to inserting the words "and dual-use" Such an addition of "dual use" would build on previous references in the text including paragraph 40 of the recital and article 3(1)(a). This suggested addition, along with explicit mention of dual use in related articles such as Article 46, would more clearly provide for dual-use projects, or suppliers, in the defence pillar. IT (Drafting Suggestions): (2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), ~~including support~~ **with particular attention/emphasis to** to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. IT (Comments):

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Commission proposal	Drafting Suggestions and Comments
	This amendment contributes to emphasize start-up and SMEs' prominent role. We note the use of the terms *"collaborative … development of defence products"* and *"**cooperation** … for the development of EDPCI"*, while Article 45 (EDPCI) states that *"European Defence Projects of Common Interest shall consist of **collaborative** industrial projects …"*. The precise meaning and distinction between *collaboration* and *cooperation* should be clarified to ensure a consistent interpretation and application throughout the regulation. NL (Drafting Suggestions): For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), ~~including~~ **in particular** support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem **and Europeanization and integration of defence supply chains in the EU**; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. PL (Drafting Suggestions): (2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States

Commission proposal	Drafting Suggestions and Comments
	through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB) **accordingly throughout the Union**, including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes PL (Comments): Requested addition regards to the prefered non-discriminating distribution of the support. PT (Comments): Clarification is needed: - is there any correlation between Horizon Europe and EDF on collaborative R&D, from a dual-use perspective, or is just purely defence e.g war radars, weapons? PT believes that most of the disruptive tech comes from civil engagement, and when we enter on tech is a very different ground. RO (Drafting Suggestions): For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence

Commission proposal	Drafting Suggestions and Comments
	ecosystem; Collaborative research and development of defence products and technologies, including **incremental and** disruptive technologies for defence; RO (Comments): **Article 3(2), Article 44, and Article 46** – where the provisions initially referred to support for disruptive innovation, the text has been revised to also include *incremental innovation*, as it provides added value in terms of improving the competitiveness of SMEs and supporting the gradual technological adaptation of the European defence industry to enhance industrial resilience. See comment on art 44 on incremental inovation SE (Drafting Suggestions): (2) For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence **and dual use** products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. SE (Comments):

Commission proposal	Drafting Suggestions and Comments
	Dual use is added due to the importance for the defence industry of a of a civil-military ecosystem (few startups can survive adressing only the defence market, and most emerging tech is dual use) HU (Drafting Suggestions): (2) For support to EU defence industry, **in line with the respective competences conferred by the Treaties,** ~~-~~ the specific objectives of promoting defence industrial readiness of the Union and its Member States through the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem; Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. HU (Comments): The aim is to enhance consistency with the relevant EUCO conclusions, and to this end, the agreed language (adopted by EUCO 6/25) should be incorporated. LT (Drafting Suggestions): For support to EU defence industry. the specific objectives of promoting defence industrial readiness of the Union and its Member States through **increasing overall defence readiness,** the strengthening of the competitiveness, responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB), including support to start-ups, scale-ups and SMEs, fostering an innovative EU defence ecosystem;

Commission proposal	Drafting Suggestions and Comments
	Collaborative research and development of defence products and technologies, including disruptive technologies for defence; Cooperation throughout the life-cycle of defence equipment, in particular in defence procurement and for the development of European defence projects of common interest; Adjustment of industry to structural changes. LT (Comments): Alined with EDIP
	AT (Drafting Suggestions): Art 3 Z2 (d) (4)For support to civil industrial security, the specific objectives of strengthening the competitiveness, **innovation capability** and responsiveness of the European civil security industry, in the application areas of security, resilience of critical and dual-use infrastructures, technologies including critical energy infrastructure, and solutions for the control of goods and persons at borders, the protection of borders, maritime security, customs security and civil preparedness against security threats, as well as reinforcing the capabilities of the relevant end-users in the civil security sector.(4) AT (Comments): Only the capability to innovate allows for sustainable competitiveness and quick responsiveness of the civil security industry. Whether this innovation will ultimately be funded within a genuine civil security research programme in FP10 or in a joint action between the EFC and FP10, a reference to **innovation capability** should in any case be inserted into this paragraph. CY

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): *It* shall *be implemented taking* into account *the objectives of the Strategic Compass for* Security *and Defence and shall be consistent with the defence capability priorities commonly agreed by Member States within the framework of the common foreign and security policy (CFSP), in particular within the context of the Capability Development Plan (CDP), and with the collaborative opportunities identified in the Coordinated Annual Review on Defence*. It shall be *consistent with Member States' cooperation within the framework* of the *Permanent Structured Cooperation, EDA initiatives and projects.* EE (Drafting Suggestions): Art 3(2)(d)(4): For support to civil industrial security, the specific objectives of strengthening the competitiveness and responsiveness of the European civil security industry, in the application areas of security, resilience of critical and dual-use infrastructures, technologies **and capabilities for the protection and monitoring of** ~~including~~ critical energy infrastructure, and solutions for the control of goods and persons at borders, the protection of borders, maritime security, customs security and civil preparedness against security threats, as well as reinforcing the capabilities of the relevant end-users in the civil security sector. EE (Comments): Estonia supports that the ECF invests into the protection and monitoring of the critical undersea infrastructure. We believe that the specific capabilities to that end should also be eligible for the support. Currently specific capabilities such as multifunctional vessels are not covered. We believe that these capabilities are important since the critical undersea infrastructure is vulnerably exposed and is a backbone of the resilience of the EU Member States.

Commission proposal	Drafting Suggestions and Comments
	EL (Drafting Suggestions): ***The program planning shall take*** **into account** ***the objectives of the Strategic Compass for*** Security ***and Defence, be consistent with the defence capability priorities commonly agreed by Member States within the framework of the common foreign and security policy (CFSP), in particular within the context of the Capability Development Plan (CDP), and*** **be** ***consistent with Member States' cooperation within the framework*** **of the** ***Permanent Structured Cooperation, EDA initiatives and projects.*** EL (Comments): Alignment with the Strategic Compass for Security, EDIS so as to be consistent with the defence capability priorities commonly agreed by EU Member States within the framework of the common foreign and security policy (CFSP), in particular within the context of the Capability Development Plan (CDP). Also, in align with PESCO initiatives and projects.
CHAPTER VII	FR (Comments): **La France soutient l'inscription de lignes directrices d'investissement pour le secteur de la défense dans le règlement qui ne peuvent être renvoyées à la procédure budgétaire annuelle ou aux programmes de travail. Ces lignes directrices devraient être décrites dans une annexe du présent règlement.**

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Commission proposal	Drafting Suggestions and Comments
SUPPORT FOR RESILIENCE AND SECURITY, DEFENCE INDUSTRY AND SPACE	CZ (Comments): The Czech Republic is of an opinion, that there should be multiple programme committees, which will be dedicated to a specific set of actions (e.g. for the EDF-like activities, EDIP-like activities etc). We also insist that the principle of 'double comitology' be maintained. Therefore, we support adoption through implementing acts. FR (Comments): **La France rappelle que la prévisibilité des financements de défense est nécessaire pour mener ces investissements stratégiques et de long terme. Il est indispensable que la section II du chapitre VII dispose d'une enveloppe budgétaire prévisible sur la durée du CFP.** **A ce titre, la France demande des précisions quant à la répartition des montants prévisionnels proposés par la Commission entre les différentes sections du chapitre 7 du FEC ainsi qu'au sein d'Horizon Europe.** **La nomenclature budgétaire envisagée pour les activités de défense est insuffisamment granulaire et devrait, a minima, être détaillée par thématiques du Chapitre 7 et types d'action de la section 2. La flexibilité au sein des volets ne doit pas s'opposer à la redevabilité budgétaire.**
Article 40	

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Commission proposal	Drafting Suggestions and Comments
Subject matter	
1. Actions supported under this Section shall contribute to the general objectives set out in Article 3(1) and the specific objectives set out in Article 3(2), point (d).	EE (Comments): Estonia supports the European Competitiveness Fund (ECF)'s goal of increasing the competitiveness of the European Union and reducing strategic dependence. It is important to us that the defense sector (including industry) is considered one of the highest priority focus areas when implementing the fund.
2. Support for actions under this section shall be financed from the budget set out in Article 4(2), point (e), and any additional contributions assigned in accordance with Article 5.	DE (Drafting Suggestions): Support for actions under this section shall be financed from the ~~budget~~ **amount** set out in Article 4(2), point (e), and any additional contributions assigned in accordance with Article 5. DE (Comments): The notion “budget” refers to a decision of the Budget Authority. Please use the notion “amount” instead. EE (Comments): For Estonia, it’s important that the ECF provides funding for the project to strengthen the border protection of the Eastern Flank countries bordering the Russian Federation and Belarus (the so-called Eastern Border Strengthening Project).

Commission proposal	Drafting Suggestions and Comments
	It's paramount that the Eastern Border Strengthening Project is listed in the regulation as a priority project of common interest in the European Defence Area and the regulation will ensure a specific amount for its financing. FR (Comments): La France demande à la Commission de préciser l'enveloppe allouée aux enjeux de défense dans le FEC. Comment ont été estimés les 6 Md€ indicatifs provenant d'*InvestEU* ? La Commission peut-elle préciser quelle flexibilité sera disponible pour ce volet en cas de besoin survenant durant la période de programmation ?
Article 41	FR (Comments): En l'absence de détails concernant les missions, la gouvernance et le lien avec les autres comités établis dans la proposition FEC de la Commission, les autorités françaises demandent la suppression de l'article 41.
Space and defence synergies	
1. A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results. The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States	CZ (Drafting Suggestions): 1. A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results. The members of the Advisory Board referred to in paragraph 1

Commission proposal	Drafting Suggestions and Comments
	shall be appointed by Member States**, <u>the EDA and other relevant institutions.</u>** CZ (Comments): It still remains unclear what the added value of the Space and Defence Advisory Board will be. Therefore, CZ proposed to appoint members also by the EU institutions, including but limited to the European Defence Agency and the High Representative. DE (Drafting Suggestions): 1. A Space and Defence Advisory Board is set up and ~~may~~ **shall** advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results. ~~The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States~~ **All Member States shall be represented in this Advisory Board.** DE (Comments): Defence, especially Defence Capabilities are a prerogative of the Member States. They are setting the scope for the content in which competitiveness policy can be effective. Thus, only Member States can evaluate and advice on space and defence Synergies. ES (Drafting Suggestions): 1. A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities, **<u>including industrial and dual use technological matters</u>**, as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools

Commission proposal	Drafting Suggestions and Comments
	to increase efficiency of investments and effectiveness of results. The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States ES (Comments): The governance structure is not clear and the relation between different bodies should be clarified. Member States are represented at the Council in different formats and the need to create new structures is not well understood. The creation of the Space and Defence Advisory Board is justified under Regulation (EU) 2021/697 by the need to coordinate and maximise the efficiency of investments at the intersection of the space and defence domains, in order to better exploit 'the industrial potential of innovation, research and technological development at each stage of the industrial cycle,' which inherently involves dual-use technologies. This wording prevents the Board's governance from being limited to purely defence or space matters, by explicitly including its connection to dual use. FR (Drafting Suggestions): ~~1. A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results. The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States.~~ IE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	A Space and Defence Advisory Board is set up and may advise~~advice~~ the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results. The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States IE (Comments): IE suggest minor drafting change IT (Comments): Composition, chair and procedures to deliver opinions or advice are unknown. Additional clarification would be advisable. NL (Comments): Can the Commission clarify the role and function of the Advisory Board? The Member States should remain in the driver's seat as to who is appointed to this Board. RO (Drafting Suggestions): A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness

Commission proposal	Drafting Suggestions and Comments
	of results. The members of the Advisory Board ~~referred to in paragraph 1~~ shall be appointed by **each** Member States~~.~~ RO (Comments): There is only 1 paragraph. The members of the Space and Defense Advisory Board should be geographically balanced, as well as ensure thematic representativeness. SI (Drafting Suggestions): A Space and Defence Advisory Board is set up and may advice the Commission on the coordination and complementarity between space and defence activities as laid down Article 3(2)(d), sub-points (1) and (2) and related financial tools to increase efficiency of investments and effectiveness of results, **while taking into account the economic, strategic and operational risks arising from such activities and results**. The members of the Advisory Board referred to in paragraph 1 shall be appointed by Member States
SECTION 2	

SUPPORT FOR DEFENCE INDUSTRY POLICY	BE (Comments): The proposed actions that can be supported through the defence industry section of the ECF do indeed appear to cover the entire life cycle; no actions are missing. At this point, we regret but understand that the COM cannot give more clarity on how this 125,2 billion would be distributed among the various domains within this policy window (Resilience, Security, Defence Industry and Space). It is therefore not yet clear how the money will be distributed between envelopes (e.g., how much to resilience or defence) and, even less so, within the same envelope (e.g., how much to R&D and how much to industrial upscaling). The fact that all these programmes are being pooled into one large pot may allow for more flexibility and necessary shifts in line with the most urgent needs. This flexibility is necessary, but should not be at the expense of certain programmes. We would like to have more information on how this balance will be struck and guaranteed. IT (Comments): At present, the defence chapter (Articles 44-48) covers all the stages of the capacitive process. However, it is not yet clear whether each of these areas will have its own Work Programme (e.g. 1 WP for R&D, 1 WP for Common Procurement/Maintenance, 1 WP for infrastructure strengthening actions) or whether the Commission will create an *ad hoc* regulation for each strand (e.g. "EDF 2.0", "EDIP 2.0", etc.). The first option is more consistent with the view held so far regarding greater integration of the various windows of the capacity-building cycle. LT (Comments): This Proposal seeks to strengthen the European Union's role as a global producer and supplier of defence products. Nevertheless, the control of exports of defence-related items remains a national competence of the

Commission proposal	Drafting Suggestions and Comments
	Member States. Therefore it is essential that the Proposal includes the appropriate safeguards to ensure that the refusal of a single Member State to issue an export licence does not hinder or block the implementation of the entire project.
	FR (Comments): Les définitions qui s'appliquent spécifiquement à la section 2 du chapitre VII devraient faire l'objet d'un article spécifique. PT (Comments): *Articles 44 and 45 – Specific Activities to support defence industry policy* Portugal supports the establishment of instruments promoting European Defence Projects of Common Interest (EDPICs), provided that they: • retain their voluntary and non-binding nature; • are aligned with the capability priorities agreed in the Common Security and Defence Policy (CSDP) and in the EU Capability Development Plan (CDP); • respect Member States' sovereignty in defining operational requirements. To avoid regulatory overlaps and institutional duplication, Portugal recommends that EDPCI under the FEC be limited to supporting projects already identified or established within the EDIP framework, namely through Structures for European Armament Programmes (SEAP).

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Commission proposal	Drafting Suggestions and Comments
	Portugal proposes that EDPICs be eligible for combined funding (ECF + national + EIB), under eligibility criteria and risk-sharing mechanisms, while avoiding overlaps with PESCO, EDIP, and SAFE.
Article 44	FI (Comments): How is EUDIS intended to be implemented? As part of the RDI window or as a separate programme?

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Commission proposal	Drafting Suggestions and Comments
Specific activities to support defence industry policy	BG (Comments): We think that all the measures focused on the EDTIB should guarantee balanced financial distrubution within the EU. The eligibility criteria for participation in the actions should reflect the technological differences in MS industrial capacities. We support the maximum simplification of the administrative procedures for startups and SME's. NL (Comments): In general, the Netherlands supports the proposed activities to strengthen the European defence industry. They are consistent with the work already ongoing under the European Defence Fund (EDF) and the European Defence Industry Programme (EDIP). RO (Comments): We recommend ensuring the available funds can be accessed by entities with a strategic role in the defence industry, even if they are considered undertakings in difficulty.
1. Support for defence industry policy shall be implemented in particular through the following components:	AT (Comments): • Given that Article 44 in relation with Article 45 envisages the possibility of up to 100% financing, what are eligible costs; furthermore in concrete terms who would be considered the owner(s) of EDCPI? DE

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): 1. Support for defence industry policy shall be implemented in particular through the following ~~components~~ **actions** DE (Comments): DE suggests to talk about actions instead of components ~~We have to talk about actions!~~ FR (Comments): La France souhaite une session spécificique dédiée de la Commission sur ces activités ou à défaut une fiche détaillant ces instruments.
(a) Support to the deployment of European Defence Projects of Common Interest as referred to in Article 45 of this Regulation.	DE (Comments): The support to deployment of EDPCI has been introduced in EDIP and is not yet a success-proven type of support. Moreover, it has not been fully defined in terms of scope of activities and definition of eligible costs. Therefore, we do not support placing EDPCIs so prominently in the list of activities and would rather make their inclusion subject to first experiences in EDIP. EE (Comments): Estonia supports this article as it stands. SE (Drafting Suggestions): ~~a~~e) Support to the deployment of European Defence Projects of Common Interest as referred to in Article 45 of this Regulation.

Commission proposal	Drafting Suggestions and Comments
	SE (Comments): Please change the order to highlight prioritization.
(b) Support to Defence R&D, Innovation and Technological Superiority as referred to in Article 46;	
(c) Support to Defence Industrial Responsiveness, Industrial Scale-Up, and Resilience, as referred to in Article 47;	EE (Comments): Estonia belives that scaling up of the defence industry companies is important; therefore we support on keeping it eligible under the fund. LT (Drafting Suggestions): (c) Support to **Defence Readiness**, Defence Industrial Responsiveness, Industrial Scale-Up, and Resilience, as referred to in Article 47; LT (Comments): Aligned with EDIP
(d) Support to cooperation in Defence Procurement, Maintenance and Availability as referred to in Article 48;	DE (Drafting Suggestions): Support to cooperation in Defence Procurement, ~~Maintenance and Availability~~ as referred to in Article 48; DE (Comments):

Commission proposal	Drafting Suggestions and Comments
	Maintenance and availability are classic military tasks, not primarily defence industry ones. Therefore, we have legal concerns regarding the scope of the legal basis vis-á-vis these tasks.
(e) Military Logistics Enablement and Support as referred to in Article 49;	DE (Drafting Suggestions): ~~(e) Military Logistics Enablement and Support as referred to in Article 49;~~ DE (Comments): This is not linked to defence industry support. EE (Comments): Estonia supports this outlining as we consider it an important thematic and it should be kept in the text. IE (Comments): We are open to discussions on the use of this funding.
2. Support to new entrants, innovative start-ups, SMEs and scale-ups will be tailormade across the activities listed in the first paragraph to ensure speed, flexibility and agility. It will take the form of a dedicated programme EU Defence Innovation Scheme (EUDIS), that will include innovative and scalable activities, including in support to disruptive technologies and to single entities, such as: matchmaking events and business coaching for innovators, agile funding mechanisms, challenges, hackathons, support to innovative procurement, iterative upgrade procurement models for rapidly evolving	BG (Comments): We support the focus on start-ups, SMEs and scale-ups and disagree with the inclusion of midcaps and small mid-caps in the provisions of this article. DE (Drafting Suggestions): Support to new entrants, innovative start-ups, SMEs and scale-ups. ~~will be tailormade across the activities listed in the first paragraph to ensure~~ ~~speed, flexibility and agility~~

Commission proposal	Drafting Suggestions and Comments
systems and any other actions for faster innovation cycles and technology integration, validation and experimentation.	DE (Comments): The procedures for the support to new entrants should be fully compatible with the ECF framework. Adaptations should be formulated in concrete terms. What does the expression "dedicated programme" mean, concerning EUDIS? What is intended by the wording "agile funding mechanisms"? Fast maturation ("overcome the valley of death") is relevant and a critical challenge, especially for new entrants, to bring innovativ technologies in stage of low or medium Technology Readyness Level (TRL) to a mature and high TRL to be qualified for application or integration into defence products. FR (Comments): **La France demande des précisions sur les modalités de mise en œuvre des différentes activités couvertes par EUDIS. Des complémentarités sont-elles prévues entre EUDIS et des activités transversales du chapitre 3 du FEC ?** LU (Comments): Luxembourg views very positively the continuation of the EUDIS instrument launched under the European Defence Fund. A question remains: what financial envelope will be foreseen ? NL (Drafting Suggestions): 2. Support to new entrants, innovative start-ups, SMEs and scale-ups will be tailormade across the activities listed in the first paragraph to ensure speed, flexibility and agility. It will take the form of a dedicated programme EU Defence Innovation Scheme (EUDIS), that will include innovative and

Commission proposal	Drafting Suggestions and Comments
	scalable activities, including in support to disruptive technologies and to single entities, such as: matchmaking events and business coaching for innovators, agile funding mechanisms, challenges, hackathons, support to innovative procurement, iterative upgrade procurement models for rapidly evolving systems and any other actions for faster **and short** innovation cycles and technology integration, validation and experimentation. **Furthemore, we propose the creation of regional acceleration hubs**. NL (Comments): These acceleration hubs should be formed in synergy around the NATO DIANA accelerration hubs, to bring innovative players together. PL (Drafting Suggestions): Support to new entrants, innovative start-ups, SMEs, **small mid-caps**, and scale-ups will be tailor-made across the activities listed in the first paragraph to ensure speed, flexibility, and agility. It will take the form of a dedicated programme, the EU Defence Innovation Scheme (EUDIS), comprising innovative and scalable measures, including support for disruptive technologies and for single entities (including SMEs and **small mid-caps**), such as: matchmaking events and business coaching for innovators, agile funding mechanisms, challenges, hackathons, support for innovative procurement, iterative upgrade procurement models for rapidly evolving systems, and any other actions enabling faster innovation cycles and technology integration, validation, and experimentation. PL (Comments): PL proposes adding the term “small mid-caps” to the text in order to standardize the wording in correspondence with the COMMISSION RECOMMENDATION on the definition of small mid-cap enterprises

Commission proposal	Drafting Suggestions and Comments
	(C/2025/3500). This proposal stems from the need to expand and at the same time harmonize the group of entrepreneurs covered by the given provision. Including the term "small mid-caps" in the text will allow for a precise indication of the scope of the regulation's addressees, thereby increasing the document's clarity and eliminating potential interpretative ambiguities. RO (Drafting Suggestions): Support to new entrants, innovative start-ups, SMEs and scale-ups will be tailormade across the activities listed in the first paragraph to ensure speed, flexibility and agility. It will take the form of a dedicated programme EU Defence Innovation Scheme (EUDIS), that will include innovative and scalable activities, including in support to **incremental and** disruptive technologies and to single entities, such as: matchmaking events and business coaching for innovators, agile funding mechanisms, challenges, hackathons, support to innovative procurement, iterative upgrade procurement models for rapidly evolving systems and any other actions for faster innovation cycles and technology integration, validation and experimentation. RO (Comments): We underline the added value that could result from also including incremental innovation within the scheme — particularly in enhancing SME competitiveness, enabling the gradual technological adaptation of the European defense industry, fostering the dual-use conversion of civil technologies, and strengthening industrial resilience. The incremental innovation should also be mentioned in art 46. EUDIS could include flexible instruments and dedicated funding lines to support incremental innovation, covering: • the modernization and optimization of existing technologies, including through iterative processes and testing under operational conditions;

Commission proposal	Drafting Suggestions and Comments
	• the gradual integration of innovations into supply chains, facilitating companies' alignment with EU and NATO standards; • partnerships between innovative start-ups and established enterprises to accelerate the uptake of new solutions. This balanced approach would help ensure a coherent and inclusive defense innovation ecosystem, capable of combining the dynamism of disruptive innovation with the stability and continuity offered by incremental progress. SE (Comments): Is it the activities themselves that are innovative or are the activities designed to support and drive innovation?
3. Support provided through the activities referred to in paragraphs 1 and 2, may be provided in any form, including through collaborative research as well as innovation activity support to single entities and financial instruments.	BE (Comments): What kind of innovation activity support to single entities is envisaged here? Most current research actions usually are collaborative. DE (Comments): In the present proposal, eligibility conditions only apply to grants and do not apply to other forms of support (e.g. contracts for procurement). Eligibility should at least have a common set of basic requirements (see also amendment and comments to article 51). Where are the terms "collaborative research" and "innovation activity support" defined? IE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	3. Support provided through the activities referred to in paragraphs 1 and 2, may be provided in any form, including through collaborative research as well as innovation activity support to single entities and financial instruments The fund shall give particular attention to strengthening the participation of SMEs in industrial and technological supply chains. Support measures shall address specific challenges faced by SMEs, but not are limited to, including access to finance, certification, skills and integration into cross border supply chains. IE (Comments): IE A mechanism dedicated to SMEs such as the fund to accelerate defence supply chains (FAST) under the EDIP could be included. PT (Comments): Clarification is needed: - "support in any form", leaves this very open (e.g. direct beneficiaries?) Please clarify further, (eg., does this involve co-financing instruments?) - In addtion, this also looks like the "EIC" for defence. Is there a chance of a dual-use project can be supported by the EIC and by ECF? RO (Comments): Please define the concept of *single entities* for greater clarity — specifically whether it also includes linked and partner enterprises and/or control relationships established through natural or legal persons — as well as to clarify the intended limits on the level of support that such entities may receive, if the case
	IE

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): 4. In order to ensure that the international obligations of the Union and its Member States are respected, the following actions shall not be eligible for support: (a) actions related to defence products the use, development or production of which is prohibited by applicable international law; (b) actions related to lethal autonomous systems that operate outside a responsible chain of human command and control or that cannot be used in compliance with international humanitarian law; (ba) actions related to cluster munitions. (bb) actions related to anti-personnel mines IE (Comments): Ireland considers it necessary to include eligibility criteria, as has been the case for previous instruments and programmes. This language is based on EDIP agreed lanugage (chapeau, (a), (b), and (ba)). Subpara (bb) is included for consistency – anti-personnel landmines are explicitly included as 'controversial weapons' under Union Law (eg Delegated Regulation 2022/1288) and are categorised in the same way as cluster munitions HU (Drafting Suggestions): 4. Support provided through the activities referred to in paragraphs 1 and 2 shall have a Union-wide and geographically balanced coverage, taking into account the specificities of all types of regions in the Union, including the less developed regions, transition regions and the Union outermost regions. HU (Comments):

Commission proposal	Drafting Suggestions and Comments
	we recommend that the ECF's resource allocation mechanism with regard to defence research, development, and innovation be designed in line with the principles laid down in Article 174 TFEU. In our view, it is necessary to reduce regional development disparities within the EU and thereby increase the contribution of Central and Eastern European Member States to defence innovation.

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Commission proposal	Drafting Suggestions and Comments
Article 45	DE (Comments): EDPCI are not success-proven yet. Considering the commitment of focussing on EU added value, we would like to postpone the discussion on EDPCI to a later moment, when the first experiences with added-value and the feasibility of the implementation as proposed in the EDIP can be analysed. FI (Comments): In the EDPCI article, it would be good to emphasize SMEs and mid-caps, as well as the opening up of supply chains. EDA should also be mentioned. The formulations agreed upon in the general EDIP view would serve as a good basis. SE (Drafting Suggestions): Article ~~45~~49 LT (Comments): We would like to note, that the Proposal lacks sufficient detail regarding the role of lead nations in the European Defence Projects of Common Interest and the distribution of funding among all project partners. There is a risk that major defence industry leaders may limit the ability of smaller Member States and enterprises to benefit from the instrument.

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European Defence Projects of Common Interest	BE (Comments): Now that a provisional agreement has been struck, alignment with EDIP should be ensured. CZ (Comments): **The Czech Republic strongly recommends to use wording of the final compromise of the EDIP Regulation. For that reason, CZ has provided only a few comments and expects a feedback on this topic.** **There is also a clear discrepancy between how limited the EDPCI is described in the ECF and how it is described in the EDIP.** ES (Comments): General comment: align as far as possible with the text just agreed in EDIP. FR (Comments): **La France questionne la Commission sur le spectre des actions finançable au titre des EDPCI (R&D, soutien à la production, acquisitions conjointes…), et, le cas échéant, l'articulation avec les articles 46, 47 et 48.** **La France demande des précisions sur la nature des coûts éligibles, qui, à l'inverse de la proposition de règlement EDIP** [financement du « déploiement des EDPCI »]**, ne sont pas précisés** [alors même que le taux de financement des coûts éligibles peut atteindre 100%]. HR

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Commission proposal	Drafting Suggestions and Comments
	(Comments): This article must reflect the leading role of Member States in calibrating and establishing EDPCI projects, in accordance with the wording already established in EDIP. The Commission, upon conducting detailed consultations with all MS in an inclusive and transparent manner, can propose implementing acts containing a list of identified potential EDPCI projects. In this context, Member States shall coordinate to prepare project proposals for possible EDPCIs in an inclusive way, with the support of EDA when necessary. Very important to note - the adoption of the mentioned implementing acts must be conferred exclusively to the Council, not the Commission, acting on QMV. In addition, the Commissions proposal for the Council implementing act(s) should also be modifiable by the Council, if it so decides acting on QMV. IT (Comments): EDPCIs are the first item among the various defence initiatives funded under the ECF. However, it is unclear whether they will become the main framework for defence projects under ECF (meaning that funding for research, development and prototyping will be allocated to projects undertaken in this format), or whether stand-alone programmes will be maintained and EDPCIs will simply draw from R&D funding when necessary. This could be relevant for industrial participation, as EDPCIs are essentially "Member State-led" and only Member States can submit applications. In terms of co-financing, it is needed to clarify the discrepancy between the financing rate offered for EDPCIs (up to 100% according to Art. 52.1) and development actions (up to 50% according to Art. 52.3), despite the fact that EDPCIs themselves also include development initiatives (Art. 45.4 (b)). NL

Commission proposal	Drafting Suggestions and Comments
	(Comments): • For us, the European Defence Projects of Common Interest are a key instrument to strengthen our collective defence readiness. It is therefore essential that they are designed in a way that truly delivers on our military needs. • At the moment, the article on EDPCIs is being negotiated within the EDIP. We agree that the current text is an improvement and should be reflected in the European Competitiveness Fund. We appreciate the copying of the EDIP compromise text into this article, with an addition in the second paragraph. • In addition, we believe that the role of Member States and the EDA should be further strengthened compared to the EDIP text. Therefore, we propose it should be the Member States who propose and adopt the EDPCIs. Thereby making use of existing structures such as the EDA, and established instruments like the Capability Development Priorities and the Coordinated Annual Review on Defence. PL (Comments): The article should be based on the provisions included in the Council mandate of the EDIP Regulation, which were the result of long and complex negotiations. Regarding governance, we propose returning to the selection of projects through a Council Implementing Act. We also call for the inclusion of provisions ensuring the complementarity of projects with NATO processes. Furthermore, we propose introducing a provision that would secure a specific part of the budget for the expansion of projects aimed at protecting the eastern border (e.g. Eastern Flank Watch). The Competitiveness Fund lacks the context of the security/geopolitical situation, which is inherently linked to supporting the defense industry. For the European industry to be globally

Commission proposal	Drafting Suggestions and Comments
	competitive, it is essential first and foremost to ensure the security of the borders. The provisions are proposed below. SE (Comments): Should be aligned with EDIP where relevant. Still unclear how EDPCI is intended to work. Establishing an EDPCI must not disrupt the market.
1. European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities and systems of common interest and/or use, including those securing access to all operational domains, namely land, maritime, air, space and cyber.	BE (Comments): The text mentions the implementation of projects of common interest but does not refer to SMEs as potential partners. It would be useful to include a reference to SMEs in this section of the proposal, otherwise these projects will only benefit large contractors. CZ (Drafting Suggestions): 1. European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities **critical for the security and defence interest of the Union,** and ~~systems of common interest and/or use,~~ including those securing access to all operational domains, namely land, maritime, air, space and cyber. CZ (Comments): In line with the final compromise of the EDIP Regulation. DE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military **interoperable** capabilities and systems of common interest and/or use, including those securing access to all operational domains, namely land, maritime, air, space and cyber. DE (Comments): The interoperability of material is essential for an effective collaboration on industrial supply and military operation. EE (Drafting Suggestions): European Defence Projects of Common Interest shall consist of collaborative industrial **and capability** projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while **addressing the capability caps and** contributing to the development of Member States' military capabilities and systems of common interest and/or use, including those securing access to all operational domains, namely land, maritime, air, space and cyber. EE (Comments): We believe that European Projects of Common Interest should address collective capability caps of the Member States. That no Member State can address alone and which requires cross-border cooperation between Member States. In particular, it's necessary that to strengthen the Eastern Flank, because those Member States are particularly vulnerable due to the existing capability caps. We believe that eligible actions should include necessary deterrent elements on land for the participating countries, the production capabilities of the defense industry, the ammunition necessary for border protection, the

Commission proposal	Drafting Suggestions and Comments
	infrastructure of multi-layered air defense, firing devices and ammunition, the capabilities necessary for monitoring and protecting the sea border and critical underwater infrastructure, including multifunctional vessels, and the capabilities necessary for drone countermeasures. ES (Drafting Suggestions): European Defence Projects of Common Interest (EDPCIs) shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities ~~and systems of common interest and/or use,~~ **critical for the security and defence interests of the Union**, including those securing access to all operational domains, namely land, maritime, air, space and cyber. ES (Comments): It should be the agreed EDIP definition for EDPCI. HR (Drafting Suggestions): European Defence Projects of Common Interest (EDPCIs) shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities **critical for the security and defence interests of the Union, and** including those securing access to all operational domains, namely land, maritime, air, space and cyber. IE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	1. European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities and systems of common interest and/or use, including those securing access to all operational domains, namely land, maritime, air, space and cyber. Actions involving the production, acquistion, storage, use or transfer of cluster munitions and anti personnel land-mines and autonomous weapon systems shall not be eligible. This prohibition shall apply in accordance with the obligations under the conventions of cluster munitions and the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction. IE (Comments): IE Proposed text to be more clear regarding cluster munitions and also anti personnel land mines LU (Drafting Suggestions): 1. European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities and systems of common interest and/or use, including those securing access to all operational domains, ~~namely~~ **notably** land, maritime, air, space and cyber. NL (Drafting Suggestions): 1. European Defence Projects of Common Interest shall consist of collaborative **cross-border** industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to

Commission proposal	Drafting Suggestions and Comments
	the development of Member States' military capabilities and systems of common interest and/or use, including those securing access to all operational domains, namely land, maritime, air, space and cyber. RO (Comments): We underline the importance of ensuring that defence technologies developed under these initiatives are **interoperable with NATO standards**. This should be secured through corresponding requirements and the establishment of joint research and development teams. LT (Drafting Suggestions): European Defence Projects of Common Interest shall consist of collaborative industrial projects aimed at reinforcing the competitiveness of the EDTIB throughout the Union while contributing to the development of Member States' military capabilities **~~and systems of common interest and/or use~~ critical for the security and defence interests of the Union**, **and** including those securing access to all operational domains, namely land, maritime, air, space and cyber. LT (Comments): Language aligned with EDIP, as ECF will ensure continuity of EDPCI.
2. The Commission may identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3.	AT (Comments): AT would like furter clarifications on the role played Defence Industry Committee – and in this regard specify the role the MS play when identifying EDPCIs ?

Commission proposal	Drafting Suggestions and Comments
	Central control is exercised by means of 'ECF committees'. What rights of participation do EU Member States have in terms of prioritisation and programme design? What powers does the European Commission have in ECF committees (leadership vs. decision-making power and agenda sovereignty)? BE (Comments): EDIP alignment: COM proposal (after consulting MS), but Council implementing act. BG (Comments): We support enhanced role of the Council of the EU and the MS in the management of the ECF, including in the identification and the management of the EDPCI. The EDIP final text on EDPCI should be reflected in the ECF. Taking in consideration the current geopolitical situation we believe that the EU Eastern flank and the MS exposed to higher risk of materialisation of conventional military threats should be proiritised in the ECF and in the EDPCI. CZ (Drafting Suggestions): ~~The Commission may identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3.~~ **The Council, acting upon a proposal of the Commission, may adopt implementing acts identifying EDPCIs.** DE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	The Commission ~~may~~ **shall, based on a proposal by one or several MS,** identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3. DE (Comments): It must be reflected clearly in this regulation~~,~~ that EDPCI have to be proposed and decided on by the Member States. EE (Comments): Estonia supports the proposal as it stands. We support European Commission involvement in the projects selection process. ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21i. para 4: ***The Council, acting upon a proposal of the Commission, may adopt implementing acts identifying EDPCIs.*** The content of this article suggests that only the Commission identifies European Defence Projects of Common Interest, giving the Commission a power that exceeds its competences. FR (Drafting Suggestions): ~~The Council, acting upon a proposal of the Commission, may adopt implementing acts identifying EDPCIs.~~ HR (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	~~The Commission may identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3.~~ **The Council, acting upon a proposal of the Commission, may adopt implementing acts identifying EDPCIs.** **Member States shall coordinate to prepare project proposals for possible EDPCIs in an inclusive way, with the support of EDA when necessary.** HR (Comments): In line with the first comment on EDPCI's. IE (Drafting Suggestions): **Member States and the** Commission may identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3. IE (Comments): IE Text Amendment: MS should have a central role in the identification of projects. IT (Drafting Suggestions): 2. ~~The Commission may identify European Defence Projects of Common Interest in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3~~.

Commission proposal	Drafting Suggestions and Comments
	2. **The Council, acting upon a proposal of the Commission, may adopt implementing acts identifying EDPCIs.** IT (Comments): Consistency with EDIP. NL (Drafting Suggestions): The ~~Commission~~ **Council** may identify **and adopt** European Defence Projects of Common Interest ~~in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3~~ **based upon the CDP and CARD instruments. The Commission may support EDPCI for funding in the workprogramme** PL (Drafting Suggestions): „**The Council** may identify European Defence Projects of Common Interest, in accordance with the examination procedure referred to in Article 83, paragraph 3." PL (Comments): Suggestion referring to the comment above. RO (Comments): It is essential to establish clear and balanced rules on intellectual property rights over the assets generated within the projects, while facilitating

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Commission proposal	Drafting Suggestions and Comments
	appropriate sharing or licensing arrangements when results contribute to collective defence capabilities. SI (Comments): Please specify what majortiy rule applies under the examination procedure in situations when the configuration of the committee does not support the European Defence Projects of Common Interest, identified by the European Commission? LT (Drafting Suggestions): The ~~**Commission**~~ **Council, acting upon a proposal of the Commission** may **adopt implementing acts identifying** ~~**identify**~~ European Defence Projects of Common Interest ~~**in an implementing act, adopted in accordance with the examination procedure referred to in Article 83, paragraph 3.**~~ LT (Comments): Language aligned with EDIP. It is important that the list of EDPCI projects be proposed and approved by the Member States rather than by the Commission, as the EDPCI is not solely about industrial projects but also concerns capability development, which falls within the competence of the Member States.
	CZ (Drafting Suggestions): **Member States shall coordinate to prepare project proposals for possible EDPCIs in an inclusive way, with the support of EDA when necessary.** FR (Drafting Suggestions): NEW

Commission proposal	Drafting Suggestions and Comments
	Member States shall coordinate to prepare project proposals for possible EDPCIs in an inclusive way, with the support of EDA when necessary.
3. The Commission shall, when identifying projects referred to in paragraph 2:	DE (Comments): We would like to ask the COM how exactly the process of identifying projects is conducted. How does the COM intend to collect the views of the Member States? ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21i. para 6. The most appropriate course of action would be to use another wording that stresses the need to consult Member States, the advisory board, etc. FR (Drafting Suggestions): ~~The Commission shall, when identifying projects referred to in paragraph 2:~~ **Before proposing the implementing acts as referred to in paragraph 2, the Commission shall verify the compliance of the project proposals referred to in paragraph 2 with all the criteria listed in paragraph 4 and:** HR (Drafting Suggestions): **Before proposing the implementing acts as referred to in paragraph 2,** the Commission shall **verify the compliance of the project proposals with all the criteria listed in paragraph 4 and:** IE (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	Member States and the Comission shall, when identifying projects referred to in paragraph 2: IE (Comments): IE Text Amendment: MS should have a central role in the identification of projects. IT (Drafting Suggestions): 3. **Before proposing the implementing acts as referred to in paragraph 2, the** ~~The~~ Commission shall~~, when identifying projects referred to in paragraph 2~~: IT (Comments): Consistency with EDIP. NL (Drafting Suggestions): ~~The Commission shall, when identifying projects referred to in paragraph 2:~~ **The Council shall propose and adopt the implementing acts referred to in paragraph 3,** **acting by qualified majority. Before proposing and adopting implementing act, the Council will consult with European Commission, High Representative and European Defence Agency and take into account their views. The Council may amend the proposals referred to in paragraph 3 acting by qualified majority** NL (Comments): We believe that the Member States should be in the driver's seat.

Commission proposal	Drafting Suggestions and Comments
	PL (Drafting Suggestions): **The Council** shall, when identifying projects referred to in paragraph 2: PL (Comments): Suggestion referring to the comment above. LT (Drafting Suggestions): **Before proposing the implementing acts as referred to in paragraph 2,** the Commission shall, ~~**when identifying projects referred to in paragraph 2**~~: LT (Comments): Language aligned with EDIP.
	NL (Drafting Suggestions): **3a. Actions supporting the deployment of European Defence Projects of Common Interest shall consist of activities related to the common procurement of defence products and the required defence industrial capacity building, including development and industrial reinforcement.**
(a) duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence;	AT (Comments): These provisions (45.3(a) und 45.3(c) do not provide a sufficient level of MS participation. BG (Comments):

Commission proposal	Drafting Suggestions and Comments
	Bulgaria considers that Member states should have a leading role in the EDPCI identification process and we would like to see an appropriate text in this regard. There could be more detailed provisions in Article 56 about the functions and the role of DIAB. DE (Drafting Suggestions): duly consider the guidance provided ~~in the context of the Defence Industrial Advisory Board, as referred to in Article 56~~, **by the Programme Committee. Proposals on EDPCIs should ensure** in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence DE (Comments): There should be a Programme Committee, not an Advisory Boards responsible for identifying and deciding on EDPCIs. EL (Drafting Suggestions): (a) duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably ~~of the Capability Development Plan~~ **in the framework of the European Defence Agency's work strands, including the Capability Development Plan** and the objectives of the Strategic Compass for security and defence; EL (Comments): Inclussive reference to the full spectrum of EDA's work.

Commission proposal	Drafting Suggestions and Comments
	FR (Drafting Suggestions): ~~duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence;~~ **invite the High Representative and the EDA to provide their expertise with a view to ensuring consistency with the priorities and objectives referred to in paragraph 2(b), in particular the defence capability priorities commonly agreed by Member States within the framework of CFSP, notably as jointly expressed in the context of the CDP, to complement the information provided by Member States regarding project proposals; and** FR (Comments): **La France rappelle que, bien qu'ils soient présentés comme des projets de nature industrielle, les EDPCI disposent d'une forte composante capacitaire. Or, seuls les Etats membres disposent de prérogatives en matière de définition du besoin capacitaire. A ce titre, la France pourra souligner à cet effet que l'Agence européenne de défense (AED) doit rester le forum privilégié des États membres pour l'identification et la hiérarchisation des besoins en capacités au niveau européen. Une meilleure coordination avec les outils de la PSDC, notamment la Revue annuelle coordonnée de défense (CARD), devrait également être recherchée.** **La France proposera donc de mentionner le steering board de l'AED plutôt que le *Defence industrial advisory board*, que la France suggère de ne pas créer)**

Commission proposal	Drafting Suggestions and Comments
	HR (Drafting Suggestions): ~~(a) duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence;~~ **(a) consult Member States in an inclusive manner and take into account their views and project proposals for possible EDPCIs;** HR (Comments): The role, composition and overall functioning of the Defence Industrial Advisory Board is not adequately explained in the text provided, so we suggest the reference to it be struck out. IE (Comments): IE General Comment: The role and nature and composition of the Defence advisory board needs to be more clearly defined before referencing in the article. IT (Drafting Suggestions): ~~(a) duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence;~~

Commission proposal	Drafting Suggestions and Comments
	IT (Comments): Consistency with EDIP. NL (Drafting Suggestions): ~~(a) duly consider the guidance provided in the context of the Defence Industrial Advisory Board, as referred to in Article 56, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence;~~ NL (Comments): NL does not support the set up of a Defence Industrial Board. As discussused in the EDIP negotiations this will be deleted. LT (Drafting Suggestions): duly consider the guidance provided **~~in the context of the Defence Industrial Advisory Board, as referred to in Article 56~~ by the Member States and the EDA**, in particular the contribution of the project to the capability priorities identified in the context of the CFSP, notably of the Capability Development Plan, and the objectives of the Strategic Compass for security and defence, **as well as taking into account relevant activities carried out by NATO, such as the NATO Defence Planning Process.** LT (Comments): Language aligned with EDIP.

Commission proposal	Drafting Suggestions and Comments
(b) identify overall financing needs and potential impacts for the Union budget;	EE (Comments): Estonia supports maintaining the possibility of redirecting the ECF budget amounts if priorities change during the implementation of the fund. HR (Drafting Suggestions): ~~(b) identify overall financing needs and potential impacts for the Union budget;~~ **(b) invite the High Representative and the EDA to provide their expertise with a view to ensuring consistency with the priorities and objectives referred to in paragraph 2(b), in particular the defence capability priorities commonly agreed by Member States within the framework of CFSP, notably as jointly expressed in the context of the CDP, to complement the information provided by Member States regarding project proposals; and**
(c) take into account any views of Member States.	CZ (Drafting Suggestions): ~~take into account any views of Member States~~. **Consult Member States in an inclusive manner and take into account their views and project proposals for possible EDPCIs.** DE (Drafting Suggestions): ~~take into account any views of Member States.~~ DE (Comments):

Commission proposal	Drafting Suggestions and Comments
	Could be deleted if there is a strong role of the MS adopted in para (a). ES (Drafting Suggestions): (c) take into account any views of Member States, **<u>including on industry related matters</u>**. ES (Comments): Could the Commission clarify in which fora it intends to consult Member States, and how it plans to accommodate their diverse points of view? Further clarification on this aspect would be welcome. FR (Drafting Suggestions): ~~take into account any views of Member States.~~ **<u>consult Member States in an inclusive manner and take into account their views and project proposals for possible EDPCIs;</u>** FR (Comments): La France demande quelles garanties existent pour que l'avis des Etats membres soit pris en compte ? HR (Drafting Suggestions): ~~(c) take into account any views of Member States.~~ **<u>(c) verify that all Member States and associated countries, as well as Ukraine, were informed of the emergence of a project and were given a genuine opportunity to participate.</u>**

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Commission proposal	Drafting Suggestions and Comments
	IT (Drafting Suggestions): (c) ~~take into account any views of Member States.~~ **consult Member States in an inclusive manner and take into account their views and project proposals for possible EDPCIs.** IT (Comments): Consistency with EDIP. LU (Drafting Suggestions): (c) take into account **and build on** any views of Member States. PL (Drafting Suggestions): ~~(c) take into account any views of Member States.~~ PL (Comments): In accordance with the Council mandate of the EDIP Regulation (Art. 15) LT (Drafting Suggestions): **consult Member States in an inclusive manner and** take into account ~~**any**~~ **their** views **and project proposals for possible EDPCIs** ~~**of Member States**~~ LT (Comments): Language aligned with EDIP.

Commission proposal	Drafting Suggestions and Comments
	ES (Drafting Suggestions): **(d) consider the results of the Coordinated Annual Review on Defence as the preferred tool for identifying collaborative projects.** FR (Drafting Suggestions): NEW **verify that all Member States and associated countries, as well as where relevant Ukraine, were informed of the emergence of a project and were given the opportunity to participate.** PL (Drafting Suggestions): **c) include projects whose items may be dual-use (i.e. for civil-military purposes)** PL (Comments): The defence industry, including the medical area, is combined with the use of specialized products to protect the health and life of soldiers. These may be medicines, medical devices or other equipment related to the provision of health care services. The above-mentioned resources can be used to protect the health needs of the civilian community, and can be used not only in the case of military threats
4. European Defence Projects of Common Interest shall meet the following general criteria:	ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21i. para 2.

Commission proposal	Drafting Suggestions and Comments
	FR (Drafting Suggestions): European Defence Projects of Common Interest shall meet **all** the following ~~general~~ criteria: IT (Comments): At the national level, it is appropriate to add a criterion of excellence, as an alternative to the geographical one. This aspect is already recognized in Article 53(1). RO (Comments): RO supports the active involvement of Member States in proposing and assessing projects based on transparent and objective EU-level criteria.
	FR (Drafting Suggestions): NEW **they significantly strengthen the competitiveness, efficiency and innovation capacity of the EDTIB, in particular by contributing to the establishment of new or the broadening of existing cross-border cooperation, including with SMEs and mid-caps, by creating positive spill-over effects on the internal market, and by aiming to gradually reduce strategic dependencies, including by means of supply diversification and scaling up capacities;**
(a) the project involves at least four Member States;	BE (Drafting Suggestions): (a) the project involves at least ~~four~~ **three** Member States; BE (Comments):

Commission proposal	Drafting Suggestions and Comments
	Reduce it to a minimum of 3 Member States CZ (Comments): Regarding the EDIP Regulation, the final compromise also includes associated countries and Ukraine. FR (Drafting Suggestions): the project involves at least four Member States **and all Member States and associated countries, as well as Ukraine, are given a genuine opportunity to participate in a project;** HR (Comments): How will the ECF ensure fair access and geographical balance in the selection of European Defence Projects of Common Interest, given that smaller Member States have limited defence industrial capacity and cross-border consortia experience? Article 45 requires that each European Defence Project of Common Interest involves at least four Member States and be "significant in size or scope." This threshold may disadvantage smaller or less industrially advanced Member States, as they often lack sufficient defence industry partners or resources to join such large-scale projects. Without specific provisions for geographical balance or capacity-building support, most funding could flow to larger defence-producing countries, reducing the overall balance and inclusiveness of Union support. IE (Comments): IE General Query Is this consistent with other structures? IT

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): (a) the project involves at least ~~four~~ **two** Member States; IT (Comments): It is proposed to reduce to 2 countries in order to ensure real functionality. In fact, the minimum limit of 4 countries could be excessively restrictive, with the risk of blocking future projects. LU (Comments): Luxembourg would like to support keeping the minimum number of Member States involved at **four.** NL (Drafting Suggestions): (a) the project involves at least four Member States **and all Member States and associated countries are given a genuine opportunity to participate in a project;** PL (Drafting Suggestions): the project involves at least **three** Member States; PL (Comments): A higher level of flexibility needs to be achieved, in order to operate efficientely and on time. RO (Drafting Suggestions): (a) the project involves at least ~~four~~ **three** Member States

Commission proposal	Drafting Suggestions and Comments
	RO (Comments): For greater flexibility, the minimum number of participating MS should be reduced from four to three, maintaining the current approach, while allowing a proportional increase in EU co-financing for projects with more partners — as this would lower competitive risks and broaden technological access. **Also, the possibility of including NATO Allies in these projects should be considered.** LT (Drafting Suggestions): the project involves at least four Member States **and all Member States and associated countries, as well as Ukraine, are given genuine opportunity to participate in a project;** LT (Comments): Language aligned with EDIP
	CZ (Drafting Suggestions): **b) <u>they significantly strengthen the competitiveness, efficiency and innovation capacity of the EDTIB, in particular by contributing to the establishment of new or the broadening of existing cross-border cooperation, including with SMEs and mid-caps, by creating positive spill-over effects on the internal market, by significantly contributing to market integration and reduction of market fragmentation, by improving the interoperability and interchangeability of defence products, and by</u>**

Commission proposal	Drafting Suggestions and Comments
	aiming to reduce strategic dependencies, including by means of supply diversification, and scaling up capacities;
(b) the project aims at developing capabilities, including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use;	BE (Comments): EDIP alignment: this criterium doesn't exist in EDIP. What is the ratio behind this criterium? CY (Drafting Suggestions): *they contribute to the development of defence capabilities critical for the security and defence interests of the Union and are consistent with the objectives of the Strategic Compass for Security and Defence, with the defence capability priorities commonly agreed by Member States within the framework of the CFSP, in particular in the context of the CDP, and with the collaborative opportunities identified in the context of the Coordinated Annual Review on Defence; they take into account Member States' cooperation in the framework of the Permanent Structured Cooperation and EDA initiatives and projects;* CZ (Drafting Suggestions): (b) the project aims at developing **defence** capabilities **critical for the security and defence interests of the Union**, including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use; EE (Drafting Suggestions): (b) the project aims at developing capabilities **and addressing the capability caps**, including those securing access to strategic domains and contested

Commission proposal	Drafting Suggestions and Comments
	spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use; EE (Comments): Estonia believes that in addition to developing capabilities, the existing capability caps should be equally addressed. FR (Drafting Suggestions): the project **contributes to the** ~~aims at developing~~ **development of defence** capabilities **critical for the security and defence interests of the Union and are consistent with defence capability priorities commonly agreed by Member States within the framework of the CFSP, in particular in the context of the CDP, and with the objectives of the Strategic Compass for security and defence and other relevant documents identifying Union priorities in the area of CFSP; where appropriate, they also are consistent with the collaborative opportunities identified in the context of the Coordinated Annual Review on Defence and the projects agreed in the framework of the Permanent Structured Cooperation, and pursue coherence of output with respective NATO processes such as the NATO Defence Planning Process where such pursuit serves the Union's security and defence interests;** ~~including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use;~~ HR (Drafting Suggestions): (b) the project aims at developing capabilities, including those securing access to strategic domains and contested spaces, strategic enablers**.** ~~and, as appropriate, systems acting as European defence infrastructure of common interest and use;~~

Commission proposal	Drafting Suggestions and Comments
	HR (Comments): HR remains sceptical towards integrating the wording related to '*'systems acting as European defence infrastructure of common interest and use''*. More clarifications are needed on the meaning and definition of such infrastructure before instering in the text. IT (Drafting Suggestions): (b) the project aims ~~at developing~~ **at reinforcing the competitiveness of the EDTIB while contributing to the development of MS' military** capabilities, including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use; IT (Comments): During the EDIP negotiations, the CLS opinion emphasized that capability development should not be regarded as a primary objective. A further clarification from CLS on this interpretation would be advisable. The project aims to strengthen the competitiveness of the EDTIB across the Union, as stated in paragraph 1 of this Article. In this context, subparagraph (b) – as amended - may therefore be considered redundant. NL (Drafting Suggestions): ~~(b) the project aims at developing capabilities, including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use~~;

Commission proposal	Drafting Suggestions and Comments
	they shall significantly strengthen the competitiveness, efficiency and innovation capacity of the European defence technological and industrial base (EDTIB), for instance by contributing to the establishment of new cross-border cooperations including with SMEs and mid-caps, and by creating positive spill-over effects on the internal market, also aiming at reducing strategic dependencies and scaling up capacities; LT (Drafting Suggestions): the project aims at developing **defence** capabilities **critical for the security and defence interests of the Union and are consistent with the defence capability priorities commonly agreed by Member States within the framework of the CFSP, in particular in the context of the CDP and they take into account the relevant activities carried out by NATO, such as the NATO defence planning process**, ~~**including those securing access to strategic domains and contested spaces, strategic enablers, and, as appropriate, systems acting as European defence infrastructure of common interest and use**~~ LT (Comments): Language aligned with EDIP
(c) the benefits of the project extend to a wider part of the Union and ensures a broad geographical participation	BE (Comments): Support calls of other Member States that encourage SME participation in EDPCI. FR (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	(c) the benefits of the project extend to a wider part of the Union ~~**and ensures a broad geographical participation**~~ FR (Comments): La France demande la suppression de cette mention qui semble intégrer des critères géographiques, **conformément à la rédaction EDIP**. IE (Comments): IE General Comment: What is the definition of broad geographical participation? Is this subjective? NL (Drafting Suggestions): ~~(c) the benefits of the project extend to a wider part of the Union and ensures a broad geographical participation~~ **(b) they are consistent with defence capability priorities commonly agreed by Member States within the framework of the CFSP, in particular in the context of the CDP, and with the objectives of the Strategic Compass for security and defence and other relevant documents identifying Union priorities in the area of CFSP; where appropriate, they also are consistent with the collaborative opportunities identified in the context of the Coordinated Annual Review on Defence and the projects agreed in the framework of the Permanent Structured Cooperation, and pursue coherence of output with respective NATO processes such as the NATO Defence Planning Process where such pursuit serves the Union's security and defence interests;** PL (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	(c) the benefits of the project extend to a wider part of the Union and ensures a broad **and balanced** geographical participation PL (Comments): the most equal participation of MS should be ensured, with particular inclusion of the countries of CEE constituting the eastern flank RO (Comments): RO welcomes the principle that project benefits should be widely shared across the EU and ensure broad geographical participation, but it should be clarified what is the criteria in assensing the broad georgrafical participation (number of states, companies from different states, etc). SE (Comments): What does "wider part of the Union and ensures a broad geographical participation" mean? Could be clarified.
(d) the projects shall be particularly significant in size or scope and aim at mitigating a considerable level of technological or financial risk;	EE (Drafting Suggestions): the projects shall be particularly significant in size or scope **that no Member State can address alone.** ~~and aim at mitigating a considerable level of technological or financial risk~~ EE (Comments): Estonia supports the proposal with the proposed addition and prefers to odd out the mitigating aim on technological or financial risk. We believe that the focus should be kept on the proejcts that require multiple Member States cooperation and on the projects that address specific capability caps.

Commission proposal	Drafting Suggestions and Comments
	FR (Drafting Suggestions): the projects shall be particularly significant in size or scope ~~and~~ **or** aim at mitigating a considerable level of technological or financial risk IE (Comments): IE General Comment: Parameters around what constitutes significant size and scope will be required if this is an eligibility criteria IT (Comments): It is recommended to narrow the current phrasing in order to define the scope of the Commission's mandate. LU (Comments): How does the Commission intend to verify or assess these risks? NL (Drafting Suggestions): (~~d) the projects shall be particularly significant in size or scope and aim at mitigating a considerable level of technological or financial risk;~~ PL (Drafting Suggestions): d) the projects shall be particularly significant in size or scope and aim at mitigating ~~a considerable level of technological or financial risk~~ **a critical capability shortfalls as defined by the CDP and other respective EU and NATO documents**; PL

Commission proposal	Drafting Suggestions and Comments
	(Comments): The scope should be rather the goal of the projects, less the level of their risk. PT (Comments): The classification 'particularly significant in size or scope' requires clarification. Are IPCEI considered under this category? RO (Comments): Further clarification is needed regarding the expected scale and objectives of such projects, as well as on how "significant in size and scope" is defined.
(e) the potential overall benefits of the project outweigh its costs, including in the longer term.	EL (Drafting Suggestions): the potential overall benefits of the project outweigh its costs, including in the longer term, **based on a business and financial plan provided by the proposing entities for the first ten (10) years of the implementation of the Project.** IE (Comments): IE General Query: What does this mean? Will there be a predefined mechanism for assessing costs v benefits? NL (Drafting Suggestions): ~~(e) the potential overall benefits of the project outweigh its costs, including in the longer term.~~ PL

Commission proposal	Drafting Suggestions and Comments
	(Comments): We request an explanation of the added value of the proposed provision.
	EE (Drafting Suggestions): **NEW (f):**The preference is given to the Member States most at risk on the Eastern Flank.
5. A European Defence Project of Common Interest shall involve at least four Member States. The European Commission shall be able, where relevant, to participate in the project.	BE (Drafting Suggestions): 5. A European Defence Project of Common Interest shall involve at least ~~four~~ **three** Member States. The European Commission shall be able, where relevant, to participate in the project. BE (Comments): Reduce it to a minimum of 3 Member States. CZ (Drafting Suggestions): ~~5. A European Defence Project of Common Interest shall involve at least four Member States. The European Commission shall be able, where relevant, to participate in the project.~~ CZ (Comments): Redundant, already covered on the previous page. DE (Drafting Suggestions):

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Commission proposal	Drafting Suggestions and Comments
	A European Defence Project of Common Interest shall involve at least four Member States. The **European Defence Agency** ~~European Commission~~ shall be able, where relevant, to participate in the project. DE (Comments): The role of the Commission is to be focused on market issues and not on project management. EE (Drafting Suggestions): A European Defence Project of Common Interest shall involve at least four Member States. **The preference is given to the Member States most at risk on the Eastern Flank.**The European Commission shall be able, where relevant, to participate in the project. EE (Comments): Estonia believes that the EDPCI's should be prioritised on the Eastern Flank, because the Union is militarily most vulnerable in that geographical region. Due to the importance of multi-Member-State defence sector projects, we believe that investments into EDPCI's should be continued in a framework similar to the one under the EDIP Regulation and the possibility to support the EDPCIs from EU budget programmes should be continued also in 2028-2034. EL (Comments): May we should consider for SEAPs to participate in order to accelerate participation and cooperations framework, since the SEAP will have already a cooperation framework (e.g. an MoU already in place).

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Commission proposal	Drafting Suggestions and Comments
	FR (Drafting Suggestions): A European Defence Project of Common Interest shall involve at least four Member States. **Participating Member States may unanimously decide to involve the European Commission, the High Representative and the EDA as observers to an EDPCI.** FR (Comments): **La participation de la Commission à ces projets devrait être soumise à la validation unanime des Etats membres - comme au sein du règlement EDIP.** IE (Comments): It would need to be stated clearly why the commission would participate in a project and what the nature of the participation would be. IT (Drafting Suggestions): A European Defence Project of Common Interest shall involve at least ~~four~~ **two** Member States. The European Commission shall be able, where relevant, to participate in the project. IT (Comments): Same as article 45, para. 4 (a) LU (Comments):

Commission proposal	Drafting Suggestions and Comments
	Further details would be appreciated: In what form would the participation take place? How would intellectual property and capability ownership be addressed? NL (Drafting Suggestions): A European Defence Project of Common Interest shall involve at least four Member States. ~~The European Commission shall be able, where relevant, to participate in the project.~~ **All Member States and associated countries shall have the opportunity to join an EDPCI after its establishment, subject to the approval of all Member States participating in the EDPCI.** NL (Comments): What type of role does the Commission see for itself? PL (Comments): **shall involve at least three Member States. Too intrusive requirement of too much and too diversified consortium may cause non-operability and delays of implementation of the project.** RO (Comments): Clarification is needed regarding the nature, scope and limits of the COMs involvement, in order to ensure that its role remains supportive and facilitative and for guidance, without affecting Member States' leadership, decision-making autonomy or the intergovernmental character of the initiative. SE

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): A European Defence Project of Common Interest shall involve at least ~~four~~ two Member States. The European Commission shall be able, where relevant, to participate in the project. SE (Comments): Please align with SAFE regulation
	CY (Drafting Suggestions): *Only Member States, as well as SEAPs consisting of Member States or Member States and associated countries shall be eligible for funding under EDPCI activities.* FR (Drafting Suggestions): NEW **In the implementing acts referred to in paragraph 2, the Council shall:** **(a) Set out the objectives and characteristics of the EDPCI in relation to the criteria set out in paragraph 2;** (b) **Establish the list of Member States participating in the EDPCI at the date of the adoption of the implementing act;** **Estimate the overall financial size of the EDPCI.**
6. A European Defence Project of Common Interest shall be considered to contribute to the defence capabilities critical for the security and defence interests of the Union and its Member States and therefore to be in the public interest. They may be established in the framework of Structures for European Armament Programmes established in accordance with Regulation (EU) [XXX] [European Defence Industry Programme].	CZ (Drafting Suggestions): 6. A European Defence Project of Common Interest shall be considered to contribute to the defence capabilities critical for the security and defence interests of the Union and its Member States and therefore to be in the public interest. They may be established in the framework of Structures for European

Commission proposal	Drafting Suggestions and Comments
	Armament Programmes ~~established in accordance with Regulation (EU) [XXX] [European Defence Industry Programme].~~ CZ (Comments): We need to clearly define what a SEAP is, because the EDIP Regulation will not be in force for the duration of the MFF 2028-2034. EL (Drafting Suggestions): 6. A European Defence Project of Common Interest shall be considered to contribute to the defence capabilities critical for the security and defence interests of the Union and its Member States and therefore to be in the public interest. They may be established in the framework of Structures for European Armament Programmes established in accordance with Regulation (EU) [XXX] [European Defence Industry Programme]. **They may also be facilitated by relevant PESCO and/or EDA projects respectively.** EL (Comments): PESCO and EDA projects may facilitate in the process of the implementation of EDPCIs, notably in different stages of the development of a particular capability. ES (Drafting Suggestions): 6. A European Defence Project of Common Interest, **as well as its specific activities,** ~~shall be considered to contribute to the defence capabilities critical for the security and defence interests of the Union and its Member States and therefore to be in the public interest. They~~ may be established in the framework of Structures for European Armament Programmes established in accordance with Regulation (EU) [XXX] [European Defence Industry Programme].

Commission proposal	Drafting Suggestions and Comments
	ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21i. para 13. NL (Drafting Suggestions): A European Defence Project of Common Interest shall be considered to contribute to the defence capabilities critical for the security and defence interests of the Union and its Member States and therefore to be in the public interest. They may be established in the framework of Structures for European Armament Programmes established in accordance with Regulation (EU) [XXX] [European Defence Industry Programme]. **And correspond to the CDP en NDPP**. NL (Comments): The establishment of a SEAP should be in line with the EDIP articles. Delete *or* use alternative text RO (Drafting Suggestions): A European Defence Project of Common Interest shall be considered to contribute to the **critical** defence capabilities ~~critical~~ for the security and defence interests of the Union and its Member States and therefore to be in the public interest. … RO (Comments):

Commission proposal	Drafting Suggestions and Comments
	Clarification is needed on how coherence and complementarity between the EU's and Member States' security and defense interests will be ensured, notably through consultation mechanisms and alignment with national capability priorities, while fully respecting Member States' primary responsibility for defense. It should also be clarified whether projects must necessarily address both Union and national objectives, or whether they may include elements responding primarily to specific Member State needs, provided that these contribute, even indirectly, to the overall strengthening of the Union's collective security and defense.
	CY (Drafting Suggestions): *All Member States shall have the opportunity to join an EDPCI after its establishment, subject to the approval of all Member States participating in the EDPCI.* FR (Drafting Suggestions): NEW **The Council shall adopt the implementing acts referred to in paragraph 2 acting by qualified majority. The Council may amend the proposals referred to in paragraph 2 acting by qualified majority.Upon a proposal from the Commission, the Council, acting by qualified majority, may amend the implementing acts referred to in paragraph 2, including by removing EDPCIs from the list or by reflecting changes of the elements set out in paragraph 3a.**
7. Member States may, without prejudice to Articles 107 and 108 TFEU, apply support schemes and provide for administrative support to European Defence Projects of Common Interest.	FR (Comments):

Commission proposal	Drafting Suggestions and Comments
	La Commission peut elle préciser et donner des exemples de « support schemes » et « administrative support » ? Il n'y a pas de dispositions équivalentes pour le règlement actuel FEDEF, EDIRPA ou EDIP. LU (Comments): Further details on the "admnistrative support" would be appreciated RO (Comments): ECF funding for critical defence capabilities should be exempted from stringent state aid rules, possibly with annual reporting if managed indirectly or if there is a national budget contribution. This argument is related also to the potential character of an imperative reason of overriding public interest. Current state aid regulations hinder strategic projects, particularly in countries with emerging defense sectors. A controlled exemption would facilitate investments.
	FR (Drafting Suggestions): NEW **The participating Member States shall ensure that criteria equivalent to those set out in Article 51 are applied in the contracts relating to the EDPCI activities supported by Union funding. For the common procurement of defence products supported by Union funding under EDPCIs, Article 48 shall also apply.** NEW **Member States participating in an EDPCI shall ensure that the EDPCI activities, including those not supported by Union funding, comply with the**

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	objectives set out in paragraph 2(d) (2) of Article 3 and do not affect compliance of the EDPCI with the criteria set out in paragraph 4 of this Article. NEW **An EDPCI, as well as its specific activities, may be established in the framework of a SEAP.** NEW **Only Member States, associated countries, as well as SEAPs consisting of Member States or Member States and associated countries shall be eligible for funding under EDPCI activities.**
8. The deployment of European Defence Projects of Common Interest may be considered an imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC and of overriding public interest within the meaning of Article 4(7) of Directive 2000/60. Therefore, the planning, construction and operation of related production facilities may be considered of overriding public interest, provided that the remaining other conditions set out in these provisions are fulfilled.	DE (Drafting Suggestions): The deployment of European Defence Projects of Common Interest may be considered an imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC and of overriding public interest within the meaning of Article 4(7) of Directive 2000/60. Therefore, the planning, construction and operation of related production facilities may be considered of overriding public interest, provided that the remaining other conditions set out in these provisions are fulfilled. DE (Comments): Has to be further evaluated. Scrutiny reserve on this para! EE (Comments): Estonia supports proposal as it stands.

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	ES (Drafting Suggestions): 8. ~~The deployment of~~ **The planning, construction and operation of production facilities related to** European Defence Projects of Common Interest may be considered an imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC and of overriding public interest within the meaning of Article 4(7) of Directive 2000/60, **in the interests of defence within the meaning of Article 2(3) of Regulation (EC) 1907/2006, and in the interests of public health and safety within the meaning of Article 9(1), point (a), of Directive 2009/147/EC,** ~~Therefore, the planning, construction and operation of related production facilities may be considered of overriding public interest,~~ **provided that the remaining other conditions set out in these provisions are fulfilled.** ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21i. para 17. FR (Drafting Suggestions): ~~The deployment of European Defence Projects of Common Interest may be considered an imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC and of overriding public interest within the meaning of Article 4(7) of Directive 2000/60. Therefore~~, **~~t~~The** planning, construction and operation of ~~related~~ production facilities **related to an EDPCI** may be considered **an imperative reason** of overriding public interest **within the meaning of Article 6(4) and Article 16(1), point (c), of Council Directive 92/43/EEC and Article 4(7) of Directive 2000/60 of the European Parliament and of the Council, in the interests of defence within the meaning of Article 2(3) of Regulation (EC) 1907/2006 of the European Parliament and of the Council[33], and in the interests of public health and safety within the**

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	meaning of Article 9(1), point (a), of Directive 2009/147/EC of the European Parliament and of the Council,, provided that the remaining other conditions set out in these provisions are fulfilled IE (Comments): IE General Query: Is this not a national competency? NL (Drafting Suggestions): including strikthrough and in red below The deployment of European Defence Projects of Common Interest may be considered an imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC and of overriding public interest within the meaning of Article 4(7) of Directive 2000/60. Therefore, the planning, construction and operation of related production facilities may be considered of overriding public interest, provided that ~~the remaining other~~ conditions set out in these provisions are fulfilled **proportionately to considerations of defense readiness by 2030.** NL (Comments): Delete para 8 entirelly *or* alternatively the text is only acceptable if changes and suggestion in bold and underlined are added.
	FR (Drafting Suggestions): NEW **Member States participating in an EDPCI shall submit to the Commission, on an annual basis, a joint report on the implementation of the EDPCI activities, including on compliance with the objectives set out**

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	in paragraphe 2(d) (2) of Article 3 as well as the criteria set out in paragraph 4 of this Article.
9. The Union shall support any activity necessary for the development, industrialisation, procurement or deployment of a European Defence Project of Common Interest notably through any of the activities supported under this Section.	DE (Drafting Suggestions): ~~9. The Union shall support any activity necessary for the development, industrialisation, procurement or deployment of a European Defence Project of Common Interest notably through any of the activities supported under this Section.~~ DE (Comments): Considering the uncertainty about EU-added value, there is no basis to justify the possibility to fund all types of activities with a high funding rate in a wide scope of actions FR (Drafting Suggestions): ~~The Union shall support any activity necessary for the development, industrialisation, procurement or deployment of a European Defence Project of Common Interest notably through any of the activities supported under this Section.~~ **To be eligible for Union funding, the deployment of an EDPCI shall cover one or more activities related to:** **(a) the common procurement of defence products;** **(b) accelerating the adjustment to structural changes of the production capacity of defence products as well as related supporting activities;** **(c) the industrial development of new defence products or the upgrading of existing ones;** **(d) the development and procurement of necessary infrastructure.** FR

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	(Comments): Cette proposition vise à se conformer à la rédaction du règlement EDIP. NL (Drafting Suggestions): ~~9. The Union shall support any activity necessary for the development, industrialisation, procurement or deployment of a European Defence Project of Common Interest notably through any of the activities supported under this Section~~.
	EL (Drafting Suggestions): Add new paragraph: **10. Participation of third countries in the European Defence Projects of Common Interest, as well as the participation of entities established in non-associated third countries or controlled by non-associated third-country entities in the implementation of such projects, shall only be possible where full compliance with the eligibility conditions of Articles 50 and 51 is ensured.** EL (Comments): A reference to the respective criteria of Art. 50-51 should be included to prevent indirect access of non eligible third countries and/or third country entities to actions promoting the defence readiness of the Union and its Member States, notably the European Defence Projects of Common Interest. FR (Drafting Suggestions): NEW

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	All Member States and associated countries shall have the opportunity to join an EDPCI after its establishment, subject to the approval of all Member States participating in the EDPCI. PT (Comments): *Articles 46 to 49 – Collaborative R&D, Industrial Scale-Up, Logistics, and Joint Acquisitions* Portugal welcomes the development of a "Defence Industrial Scale-Up and Resilience Facility" aimed at: • reinforcing the production and maintenance capacity for critical systems; • supporting European industrial supply chains; and • fostering cooperation between SMEs and major system integrators. Nevertheless, Portugal holds that: • any joint acquisition mechanism must uphold the principle of national flexibility, avoiding centralized obligations; • logistics and maintenance activities should promote interoperability and standardization without creating additional administrative burdens; • the dual-use nature of technologies must be explicitly acknowledged in the text.

Article 46	AT (Comments): To solidify the importance of specialised R&D governance separate from general industrial policy, a dedicated section reinforcing the governance for Art. 46 (Collaborative Defence R&D) activities is needed. **Request:** Introduce an article confirming the R&D committee's necessity for the guidance and expert input for the development of the defence research programme. New Article 46(x) (Governance of Defence R&D): ***"The Commission shall ensure that the planning, strategic direction, and evaluation criteria for the Collaborative Defence Research & Development, Innovation and Technological Superiority activities (Art. 46) are steered by the Defence Research and Development Configuration to ensure alignment with EU and national capability priorities and to integrate the necessary technical and security expertise of the Member States."*** FI (Comments): A good and broad scope of application. The list could also include the validation of defence products. This would support the deployment of innovations into operational use. LU (Comments): It remains difficult to understand how all activities currently covered by the European Defence Fund and outlined in article 46 can be condensed into a single article. The concept still appears too abstract; further clarification from the Commission is needed regarding its practical implementation. For instance, will the activities outlined in a) to e) be implemented via individual work programmes or one single work programme? Which Programme Committee will be in charge of defining and monitoring activities listed from a) to e)? Additionally, how will SMEs be taken into account within this new framework – transversally or specifically?

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Collaborative Defence Research & Development, Innovation and Technological Superiority	BG (Comments): We stress that the ECF should ensure continuity of the European Defence Fund (EDF) activities. We see as a priority to provide maximum access of the SMEs and startups to the European value chains in the defense sector, so they can develop innovations and actively participate in research and development projects. ECF activities should not lead to a concentration of funds in a limited number of Member States or undertakings. It is necessary to maintain a balance and ensure the possibility of equal participation of all EU countries. CZ (Comments): **Article 46 should be inspired by eligible actions as described in the EDF Regulation, Article 10(3).** **The provisions of the paragraph are too vague. It remains unclear what the implementation of the Article 46 will look like.** EE (Comments): Estonia supports that the European Competitiveness Fund continues to finance defence research and development, the creation and expansion of defence industry production capabilities, and cooperation between Member States in promoting joint procurement ES (Comments): The entire EDF Regulation appears to have been summarised in a single article. Important details seem to be missing, such as the bonus system, its alignment with other defence tools and initiatives (e.g. PESCO, DCP, etc.), as well as clarity on which activities will be eligible. FR

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	(Comments): **Les autorités françaises questionnent la Commission européenne sur l'articulation entre les actions de soutien à la recherche et développement présentées dans cet article et le volet « compétitivité » du Pilier 2 d'Horizon Europe. Quelles seront les différences et synergies entre ces deux instruments ?** NL (Comments): • The Netherlands welcomes the focus on defence and defence-industrial R&D financing under the ECF, which largely builds on existing EU defence programmes. • We also note the ambiguous language around the concept of an "EDF 2.0" and call on the Commission to provide more clarity on this point. Two questions: o Under point (a), could the Commission clarify what is meant by "jointly agreed capability priorities"? Does this refer to the Priority Capability Areas – which we would welcome – or, for instance, to flagship projects? o Under point (e), the Netherlands supports the integration of spin-in calls under the ECF, as this can facilitate the transition of civilian research into defence programmes. However, we would appreciate more clarity on how synergies will be ensured between the next EDF and Horizon Europe, where dual-use research will likely be addressed. PT

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	(Comments): General comment: we are talking about collaborative and disruptive tech, but many of the technologies used in defence came from civil side products or services. If purely defence tech is envisioned, then only weapon systems and military assets (jets, ships cars) are considered. It is crucial that the investment journey from R&D to deployment is ensured in a coherent and sreamlined way.
1. Activities supporting Defence R&D, Innovation and Technological Superiority may cover, in particular:	AT (Drafting Suggestions): Activities supporting Defence R&D, Innovation and Technological Superiority **shall be exclusively financed from the financial envelope foreseen under Art. 4(2)(e) of this Regulation and** may cover, in particular: AT (Comments): Defence research should be covered by the respective financial envelope foreseen within the European Competitiveness Fund. Financing from Horizon Europe must be reserved for civil or, as proposed for the future MFF, dual-use research activities. This distinction is of utmost importance for AT.
(a) collaborative research actions for defence, from basic to applied research, focusing on jointly agreed capability priorities;	CZ (Comments): It needs to be specified what "*collaborative research actions*" mean, e.g. according to the EDF Regulation, Article 10(3).

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	DE (Comments): Where are these capability priorities defined? CDP and/or input form MS? FR (Comments): La France demande à ce que les priorités soient précisées dans le règlement. IT (Drafting Suggestions): (a) collaborative research actions for defence, from basic to applied research, ~~focusing on jointly agreed capability priorities;~~ **which can achieve significant effects in the area of defence** ; IT (Comments): Consistency with main objective and EDF regulation. SE (Drafting Suggestions): collaborative research actions for defence **and dual use**, from basic to applied research, focusing on jointly agreed capability priorities; SE (Comments): Dual use is suggested due to the importance for a of a civil-military R&D ecosystem

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(b) collaborative development actions for new defence products and technologies, including at least system prototyping, testing, qualification, or certification;	CZ (Drafting Suggestions): (b) collaborative development actions for new defence products**, <u>tangible or intangible components</u>** and technologies, including at least **<u>design, the definition of the technical specifications on which such a design has been developed</u>,** system prototyping, testing, qualification, or certification; CZ (Comments): Addition in line with the EDF Regulation. DE (Drafting Suggestions): collaborative development actions for new defence products and technologies, including ~~at least~~ **<u>but not limited to</u>** system prototyping, testing, qualification, or certification; DE (Comments): There should be no unnecessary limitation. FR (Drafting Suggestions): (b) collaborative development actions for new defence products, **tangible or intangible component** and technologies, including at least system prototyping, testing, qualification, or certification; FR (Comments):

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	Il s'agit de la reprise de la formulation du Fonds européen de défense aux points (e)(f)(g)(h) de l'article 10(3) – qui traitent l'ensemble des actions présentées dans l'article (46)(1)(b) du Fonds européen de compétitivité. RO (Drafting Suggestions): (b) collaborative development actions for new **or improved** defence products and technologies, including at least system prototyping, testing, qualification, or certification; SE (Drafting Suggestions): (b) collaborative development **and innovation** actions for new defence products and technologies, including at least system prototyping, testing, qualification, or certification;
(c) actions to support disruptive technologies for defence;	CZ (Drafting Suggestions): (c) actions to support disruptive technologies for defence **and dual-use technologies, which can achieve significant effects in the area of defence**; DE (Drafting Suggestions): ~~actions to support disruptive technologies for defence;~~ DE (Comments): If there should be special actions needed to support disruptive technologies, the actions must be defined here EL (Drafting Suggestions):

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	actions to support disruptive technologies for defence, **and the rapid adoption thereof;** NL (Drafting Suggestions): (c) **Non-thematic (research)** actions to support disruptive technologies for defence. RO (Drafting Suggestions): (c) actions to support **incremental and** disruptive technologies for defence; RO (Comments): See comment in article 44
(d) actions to support faster innovation cycles and technology integration, including continuous research and development and technological challenges;	DE (Comments): What is “continuous research and development”? ES (Drafting Suggestions): (d) actions to support faster innovation cycles and technology integration **for defence**, including continuous research and development and technological challenges **for defence**; ES (Comments):

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	This should be restricted to the defence domain. FR (Drafting Suggestions): ~~actions to support faster innovation cycles and technology integration, including continuous research and development and technological challenges;~~ **“activities that aim to create, underpin and improve knowledge, products and technologies, including disruptive technologies for defence, which can achieve significant effects in the area of defence”** FR (Comments): **Il s’agit de la reprise de l’article 10(3)(a) du Fonds européen de défense.** NL (Drafting Suggestions): (d) **Non-thematic (research)** actions to support faster innovation cycles and technology integration, including continuous research and development and technological challenges. SE (Drafting Suggestions): (d) actions to support faster innovation cycles and technology integration, including continuous research and development and technological challenges **and actions to increase civil-military synergies**;
	CZ (Drafting Suggestions): **da) actions to supports the development of technologies or assets increasing efficiency across the life cycle of defence products and technologies**.

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(e) spin-in actions to adapt civilian technologies for defence.	NL (Comments): We would appreciate more clarity on how synergies will be ensured between the next EDF and Horizon Europe, where dual-use research will likely be addressed, and which entity will ensure synergy (the Board?). PT (Comments): Does this refer to dual-use tech? SI (Drafting Suggestions): spin-in actions to adapt civilian technologies for defence and **spin-out calls to enable defence-originated results to transition into civil funding.** SI (Comments): The European Commission should think about the mutual cross-fertilisation that can ensure the civil and defence R&D and technological and innovation superiority, by establishing spin-out calls to enable defence-originated results (dual-use) to transition into civil funding.
	FR (Drafting Suggestions): NEW **2. Such collaboration shall be consistent with defence capability priorities commonly agreed by Member States within the framework of the Common Foreign and Security Policy (CFSP) and in particular in the context of the CDP**

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Article 47	AT (Comments): Generally, AT is opposed to the explicit naming of partner countries in the regulation text (i.a. Articles 47, 48.5 und 48.6). Any references should be formulated in general terms, referring to third countries having a security and defence partnership with the EU or otherwise aligned with the Union's security and defence policy objectives. FI (Comments): A fairly comprehensive list of production-related measures. It's great that components have also been given attention. It's also good that participation in the Military Sales Mechanism's defence product catalogue would be voluntary.

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Defence industrial Responsiveness, Scale-Up, and Resilience	EE (Comments): Estonia supports that the European Competitveness Fund provides financial support for growth to entrepreneurs at every stage of their development. The fund's support for increasing the production volumes of defense industry entrepreneurs is particularly important for Estonia. FR (Comments): La France demande le lien entre les modes d'action décrits au point 1 et d'autres initiatives en place ou envisagées par ailleurs comme la facilité Scale-Up et le développement de compétences. De la même manière, sur les activités soutenues, quelles sont les articulations avec la section sur la résilience ? NL (Comments): The Netherlands welcomes that the scaling up of production capacity and security of supply are also included under the ECF defence window. The proposed actions largely correspond to those in Article 13 of EDIP. Question: Could the Commission clarify whether this article will be adjusted in line with the outcome of the EDIP negotiations? Regarding paragraph 1(b), we find it important to maintain "cross-border industrial partnerships" as an explicit objective. This aligns with our position to strengthen cross-border supply chains within the European defence industry. On paragraph 2, the provisions on the EU Military Sales Mechanism have changed compared to EDIP. Since this chapter will be updated after the EDIP

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	trilogue, it would be useful to compare this article with the final EDIP compromise text. We also note that the chapeau now states that the Commission will "support" certain activities, while in EDIP this mainly referred to financial support – we would appreciate clarification on this change.
	LT (Drafting Suggestions): **(g) the market uptake, capacity building and skills development for Activities related to the enhancement of the Responsiveness, Industrial Scale-Up, and Resilience. This includes support for reskilling and upskilling, development of curricula, attraction of foreign talent and matching of skills with the labour market in the Defence industrial Responsiveness, Scale-Up, and Resilience sector.** LT (Comments): Taking into account Article 21 of the Preamble, we propose to add that the ECF should also include support for innovative mechanisms and pilot measures for upskilling and reskilling, development of curricula, attraction of foreign talent and matching of skills with the labour market in the Defence industrial Responsiveness, Scale-Up, and Resilience sector. We suggest to amend by additional paragraph.
1. Activities related to the enhancement of the Responsiveness, Industrial Scale-Up, and Resilience: to enhance responsiveness and resilience of the European Defence Technological and Industrial Base, enabling it to develop, produce, and sustain critical defence production capacity/capabilities at the necessary scale and speed, including through supporting the industrial scale-up of innovative companies and by supporting skills development; may cover in particular:	DE (Drafting Suggestions): ~~Activities related to the enhancement of the Responsiveness, Industrial Scale-Up, and Resilience: T to enhance responsiveness and resilience of the European Defence Technological and Industrial Base, enabling it to develop, produce, and sustain critical defence production capacity/capabilities at the necessary scale and speed, including through supporting the industrial scale-~~

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	~~up of innovative companies and by supporting skills development;~~ **Activities related to the enhancement of the Responsiveness, Industrial Scale-Up, and Resilience** may cover in particular: DE (Comments): Should either be moved to a definition part or be adressed in a specific para in this article. Partly already covered. The original proposed sentence is unreadable. FR (Comments): La France demande le lien entre les modes d'action décrits et d'autres initiatives en place ou envisagées par ailleurs comme la facilité Scale-Up et le développement de compétences. De la même manière, sur les activités soutenues, quelles sont les articulations avec la section sur la résilience ? RO (Drafting Suggestions): Activities related to the enhancement of the Responsiveness, Industrial Scale-Up, and Resilience: to enhance responsiveness and resilience of the European Defence Technological and Industrial Base, enabling it to develop, produce, and sustain critical defence production capacity/capabilities at the necessary scale and speed, including through supporting the industrial scale-up of ~~innovative~~ companies and by supporting skills development; may cover in particular: RO (Comments): Please clarify the rationale for including skills development only under Article 47 and not also under Article 46, given the need to develop various

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	competencies for military-sector innovation and/or the adaptation of existing capabilities/products. Please clarify the definition of "innovative companies" in this context. The GBER definition (Art. 2(80)) is quite restrictive and may exclude companies important for defense. The scope should be broader to ensure all relevant enterprises developing critical defense products can benefit. LT (Drafting Suggestions): **1.** .Activities related to the enhancement of the Responsiveness, **Readiness**, Industrial Scale-Up, and Resilience: **to increase defence readiness**, to enhance responsiveness and resilience of the European Defence Technological and Industrial Base, enabling it to develop, produce, and sustain critical defence production capacity/capabilities at the necessary scale and speed, including through supporting the industrial scale-up of innovative companies and by supporting skills development; may cover in particular: LT (Comments): In line with EDIP and SAFE
(a) the optimisation, expansion, modernisation, upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials are intended or used wholly for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input;	CZ (Drafting Suggestions): (a) the optimisation, expansion, modernisation, **including automation,** upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials are intended or used wholly for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input;

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	DE (Drafting Suggestions): (a) the optimisation, expansion, modernisation, upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials are ~~intended or~~ used ~~wholly~~ for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input; DE (Comments): If we want realistically foster industrial ramp-up along the supply chain, we have to take into account~~,~~ that most products on the level of components and raw materials are dual-use. EL (Drafting Suggestions): the optimisation, expansion, modernisation, upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials, **some of which may be characterised as strategic or critical under the CRM Act,** are intended or used wholly for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input; ES (Comments): The text should reflect what has been agreed at EDIP. Art. 13 para 1a. FR

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	(Drafting Suggestions): the optimisation, expansion, modernisation, **including automation** upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials are intended or used wholly for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input; RO (Drafting Suggestions): the optimisation, expansion, modernisation, upgrading or repurposing of existing, or the establishment of new, production capacities insofar as those components and raw materials are intended or used ~~wholly~~ for the production of defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input; RO (Comments): The phrase "raw materials are intended or used wholly for the production of defence products" could be interpreted that the raw materials must be exclusively dedicated to manufacturing defence products, without any use in civilian or commercial sectors. If a raw material, such as steel or aluminum, is used both for defence components and civilian products (e.g., automotive parts), it is not considered "used wholly" for defence production, and thus would not fall under this meaning. We propose to eliminate de word wholly.
(b) the establishment of cross-border industrial partnerships, including through public private partnerships or other forms of industrial cooperation, in	BE (Drafting Suggestions):

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a joint industrial effort, such as cross-border joint ventures including activities that aim to coordinate the sourcing or reservation and stockpiling of defence products, components and corresponding raw materials insofar as those components and raw materials are intended or used wholly for the production of defence products, as well as to coordinate production capacities and production plans;	**b)** the establishment of cross-border industrial partnerships, including through public-private partnerships or other forms of industrial cooperation, in a joint industrial effort, such as cross-border joint ventures including activities that aim to coordinate the sourcing or reservation and stockpiling of defence products, components and corresponding raw materials insofar as those components and raw materials are intended or used wholly for the production of defence products, as well as to coordinate production capacities and production plans; **this effort should also include the contribution of higher education institutions in the development of strategic skills and research capacities.** BE (Comments): The defense sector need skills. Higher education institutions and research institutes have a role to play to train people in areas such as defence medicine, advanced technologies, and dual-use R&D but also human sciences, thereby reinforcing the European knowledge base and supporting the long-term resilience of the defence ecosystem. CY (Drafting Suggestions): …industrial cooperation ***including SMEs*** CZ (Drafting Suggestions): (b) the establishment of cross-border industrial partnerships, including through public private partnerships or other forms of industrial cooperation **including SMEs and small mid-caps**, in a joint industrial effort, such as cross-border joint ventures including activities that aim to coordinate the sourcing or reservation and stockpiling of defence products, components and corresponding raw materials insofar as those components and raw materials

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	are intended or used wholly for the production of defence products, as well as to coordinate production capacities and production plans; DE (Comments): Where is the definition of a cross-border industrial partnership? EL (Drafting Suggestions): the establishment of cross-border industrial partnerships, including through public private partnerships or other forms of industrial cooperation, in a joint industrial effort, **including startups, scaleups, SME's, midcaps and corporate**, such as cross-border joint ventures including activities that aim to coordinate the sourcing or reservation and stockpiling of defence products, components and corresponding raw materials, **some of which may be characterised as strategic or critical under the CRM Act**, insofar as those components and raw materials are intended or used wholly for the production of defence products, as well as to coordinate production capacities and production plans; ES (Comments): The text should reflect what has been agreed at EDIP. Art. 13 para 1b. FR (Drafting Suggestions): the establishment of cross-border industrial partnerships, including through public private partnerships or other forms of industrial cooperation, **including SMEs and small mid-caps,** in a joint industrial effort, such as cross-border joint ventures including activities that aim to coordinate the sourcing or reservation and stockpiling of defence products, components and corresponding raw materials insofar as those components and raw materials

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	are intended or used wholly for the production of defence products, as well as to coordinate production capacities and production plans; PT (Comments): A careful approach to partnerships is needed, as partnerships in Defence might have a significant impact on the budget allocated to this policy window and affect the availability to the other areas. Clarification is required on how open these partnerships will be, and if they follow industry interests, MS interests or EU common interests.
(c) the building-up and making available of reserved surge manufacturing capacities (ever warm facilities) of defence products, their components and corresponding raw materials, insofar as those components and raw materials are intended or used wholly for the production of defence products, in accordance with ordered or planned production volumes;	ES (Comments): The text should reflect what has been agreed at EDIP. Art. 13 para 1c. RO (Drafting Suggestions): the building-up and making available of reserved surge manufacturing capacities (ever warm facilities) of defence products, their components and corresponding raw materials, insofar as those components and raw materials are intended or used ~~wholly~~ for the production of defence products, in accordance with ordered or planned production volumes RO (Comments): Idem for the world wholly
(d) fostering industrialisation and commercialisation of defence products that have been developed in the framework of actions funded by the Union or other cooperative activities conducted with support by at least two Member	LU (Comments):

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States including through the establishment of cross-border industrial partnerships, public private partnerships or other forms of industrial cooperation, ramping-up of initial production as well as licensing production, where appropriate;	We would like to better understand where the "*support by at least **two** Member States*" comes from and what this encompasses. RO (Drafting Suggestions): (d) fostering the industrialisation and commercialisation of defence products developed within the framework of actions funded by the Union or other cooperative activities supported by at least two Member States, including through the establishment of cross-border industrial partnerships, public-private partnerships, or other forms of industrial cooperation; supporting the ramp-up of initial production, licensing production where appropriate; **facilitating technology transfer to ensure the long-term sustainability and competitiveness of the defence industry.** RO (Comments): The current wording seems to focus primarily on initial production ramp-up and licensing. It would be helpful to clarify or broaden the scope to explicitly include ongoing production, continuous innovation, and long-term sustainability of defence products to better reflect the full industrial lifecycle.
(e) the testing, including the necessary infrastructure, and, as appropriate, reconditioning certification of defence products with a view to addressing their obsolescence and making them useable by end users;	EE (Comments): *Inter alia* we support the article as it stands.
(f) reducing industrial strategic dependencies, in particular the replacement of components subject to restrictions by a non-associated third country or third country entity or the development of the ability to substitute or remove such components.	CZ (Drafting Suggestions): (f) reducing industrial strategic dependencies, in particular the replacement of components subject to restrictions by a non-associated third

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	country or **non-associated** third country entity or the development of the ability to substitute or remove such components. EL (Drafting Suggestions): (f) reducing industrial strategic dependencies, in particular the replacement of components **and/or inputs** subject to restrictions by a non-associated third country or third country entity or the development of the ability to substitute or remove such components, **in line with the Union's and its MS security and defence interests.** EL (Comments): Greece supports strengthening the EDTIB's autonomy through mandatory replacement of critical dependencies from non-associated third countries. ES (Comments): We especially welcome this paragraph, as it provides a solid basis and goes in the right direction. PT (Comments): What mechanisms will the Commission implement to ensure that only MS and certified companies are involved in the entire value-chain of these products? SE (Drafting Suggestions): reducing **harmful** industrial strategic dependencies, in particular the replacement of components subject to restrictions by a non-associated third

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	country or third country entity or the development of the ability to substitute or remove such components. SE (Comments): A market-based policy and open, rules-based trade benefit EU member states, it is therefore important to safe-guard openness and collaboration with associated countries. LT (Drafting Suggestions): (f) reducing industrial strategic dependencies~~, in particular the replacement of components subject to restrictions by a non-associated third country or third country entity or the development of the ability to substitute or remove such components.~~
	EE (Drafting Suggestions): (g) development of the resilience of critical energy infrastructure necessary for energy security EE (Comments): For the development of critical infrastructure resilience that is inter alia highly important for the resilience of defence forces and activities, it is highly important to enable supporting the activities necessary to improve or upgrade the resilience of critical energy infrastructure (with specific focus on the eastern border areas, considering the geopolitical situation in Europe).
2. To ensure the availability of defence products in time and in volume thereby fostering the competitiveness of the EDTIB [as well as, where relevant, of the Ukrainian DTIB], the Commission shall support the following set of measures (EU Military Sales Mechanism – EU MSM):	DE (Comments):

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	The terminology of EU MSM is misleading and, in view of the general goal of simplification of regulations, the overall presence of this paragraph should depend on the final version of the EDIP-. ES (Comments): The text should reflect what has been agreed at EDIP. Art. 21e. FR (Drafting Suggestions): To **strengthen the competitiveness of the EDTIB [as well as, where relevant, of the Ukrainian DTIB], in particular by increasing the ability of the EDTIB to** ensure the availability of defence products in time and in volume ~~thereby fostering the competitiveness of the EDTIB [as well as, where relevant, of the Ukrainian DTIB],~~ the Commission shall support the following set of measures (EU Military Sales Mechanism – EU MSM): FR (Comments): La France s'interroge sur la proposition de *EU Military Sales Mechanism* et les actions mises en place dans le cadre d'EDIP [prévoyant un mécanisme très proche du même nom] : quelle coordination est prévue à ce sujet ? Comment assurer une efficacité pérenne des dispositifs si les programmes de travail remettent annuellement en cause les financements ? **La proposition d'amendement vise à se conformer à la rédaction prévue par EDIP.** HU (Drafting Suggestions):

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	To ensure the availability of defence products in time and in volume thereby fostering the competitiveness of the EDTIB [~~as well as, where relevant, of the Ukrainian DTIB~~], the Commission shall support the following set of measures (EU Military Sales Mechanism – EU MSM): HU (Comments): We note that the draft text repeatedly refers to the possible participation of a specific non-associated third country. In our view, such explicit references are not appropriate in a Union legislative instrument. We cannot support the inclusion of any non-associated third country in the Programme. We consider it most appropriate to prioritise the strengthening of defence capabilities within the Union, in line with the Programme's overall objective of reinforcing the European Defence Technological and Industrial Base (EDTIB). We therefore suggest removing all country-specific mentions and addressing any potential involvement of third countries exclusively through the general association provisions under Article 50, ensuring full legal, security and reciprocity conditions with Union standards. LT (Comments): Strong support for distinguihsing Ukraine in the text.
(a) the establishment, management and maintenance of defence industrial readiness pools of defence products;	DE (Comments): Needs to be further legally evaluated. Scrutiny reservation on this para! EL (Drafting Suggestions):

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	the establishment, management and maintenance of defence industrial readiness pools of defence products **and critical raw materials** EL (Comments): Critiacal Raw Materials is added as it is highly related to EU indusrty independence. There is a NATO initiative for CRM High Visibility Project in stockpiling, where 9 EU Member states expressed interest to participate.
	IT (Drafting Suggestions): **(a bis) support *for the establishment and functioning of* Structures for European Armament Programme, *including* for the purpose of managing and maintaining**; IT (Comments): It is our understanding that SEAPs will continue to be established under the EDIP Regulation. In this context, provisions to support their establishment and functioning should be duly maintained.
(b) the establishment and maintenance of a single, centralised, catalogue of defence products developed by the EDTIB; **[**and the Ukrainian DTIB**]**;	CZ (Comments): It needs to be specified what the catalogue will look like. The final compromise of the EDIP Regulation has a dedicated Article 21f. DE (Drafting Suggestions): ~~the establishment and maintenance of a single, centralised, catalogue of defence products developed by the EDTIB; [and the Ukrainian DTIB];~~ DE

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	(Comments): In a dynamic market environment, especially with quick innovation cycles, it is practically not possible to cover all defence products. Furthermore, there is no application for such a catalogue/ there is no need for that. IE (Comments): IE General Query is this new? HU (Drafting Suggestions): (b) the establishment and maintenance of a single, centralised, catalogue of defence products developed by the EDTIB; ~~[and the Ukrainian DTIB]~~; LT (Comments): Strong support for distinguihsing Ukraine in the text.
(c) the strengthening of administrative capacities related to public procurement of defence products.	BE (Drafting Suggestions): the strengthening of ~~administrative capacities~~ **measures contributing to the facilitation of procedures for the common** ~~related to public~~ procurement of defence products. BE (Comments): EDIP alignment: CZ (Drafting Suggestions):

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	(c) the strengthening of administrative capacities related to public procurement of defence products **and measures contributing to the facilitation of procedures for the common procurement of defence products**. DE (Drafting Suggestions): ~~the strengthening of administrative capacities related to public procurement of defence products.~~ DE (Comments): Strengthening of administrative bodies is the responsibility of the MS and is not covered by the legal basis of that regulation. Besides, a European added value with a connection to common procurement is not mentioned here. FR (Comments): La France demande des précisions sur le « renforcement des capacités administratives » mentionné au paragraphe 2.c. La Commission peut-elle fournir une estimation ? **Les autorités françaises formuleront des propositions d'amendement pour cette disposition.**
3. A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), shall only be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and shall offer Member States, associated countries **[**and Ukraine**]** an immediate and preferential purchase or use/lease option to the defence products part of the pool.	BE (Drafting Suggestions): 3. A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), ~~shall only~~**can** be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and shall offer Member States, associated

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	countries [and Ukraine] an immediate and preferential purchase or use/lease option to the defence products part of the pool. BE (Comments): EDIP alignment: SEAP is an option, but should not be mandatory. CY (Comments): The reference to associated countries should be in line with the EDF regulation. CZ (Comments): It needs to be specified what the DIRP will look like. The final compromise of the the EDIP Regulation has a dedicated Article 21g, which specifies the requrements on the DIRP. EL (Drafting Suggestions): A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), shall only be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and shall offer Member States **of EU, EEA and EFTA**, [and Ukraine] an immediate and preferential purchase or use/lease option to the defence products part of the pool. EL (Comments): Associated countries shall not contravene the defence and security interests of EU and its Member States. ES

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	(Drafting Suggestions): A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), ~~shall only~~ **may** be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and ~~shall~~ **may** offer Member States, associated countries **[**and Ukraine**]** an immediate and preferential purchase or use/lease option to the defence products part of the pool. ES (Comments): We would prefer an more flexible wording. FR (Drafting Suggestions): 3. Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), ~~shall only be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and~~ shall offer Member States, associated countries **[**and Ukraine**]** an immediate and preferential purchase or use/lease option to the defence products part of the pool FR (Comments): La France propose un amendement pour élargir le champ de mise en place d'un DIRP au-delà de la condition de la mise en place d'un SEAP, afin d'éviter les surcouches administratives supplémentaires. HR (Drafting Suggestions): A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), shall only be established, managed and maintained by a SEAP **or a consortium of at least 3 Member States, associated countries or Ukraine, of which at least two shall be Member States,** as set out in

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	Regulation [EDIP] and shall offer Member States, associated countries [and Ukraine] an immediate and preferential purchase or use/lease option to the defence products part of the pool. HR (Comments): Consistency with EDIP. HU (Drafting Suggestions): 3. A Defence Industrial Readiness pool, as referred to in paragraph 2, point (a), shall only be established, managed and maintained by a SEAP, as set out in Regulation [EDIP] and shall offer Member States, associated countries [~~and Ukraine~~] an immediate and preferential purchase or use/lease option to the defence products part of the pool. LT (Comments): Strong support for distinguihsing Ukraine in the text.
4. The Commission, upon consultation of the EDA, shall establish and keep up-to-date the catalogue referred to in the paragraph 2, point (b). The Commission shall consult the EDA and take into account its views in drawing up the technical specifications for that catalogue and, where appropriate, shall procure the corporate IT platform required to establish it. Member States, [Ukraine] and economic operators shall be invited to populate that catalogue on a voluntary basis.	DE (Drafting Suggestions): ~~The Commission, upon consultation of the EDA, shall establish and keep up-to-date the catalogue referred to in the paragraph 2, point (b).~~ DE (Comments): s. above IT

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	(Comments): Clarification is needed on how the efficiency of such a catalogue is to be ensured, as its implementation will rely on the voluntary participation of the Member States. HU (Drafting Suggestions): The Commission, upon consultation of the EDA, shall establish and keep up-to-date the catalogue referred to in the paragraph 2, point (b). The Commission shall consult the EDA and take into account its views in drawing up the technical specifications for that catalogue and, where appropriate, shall procure the corporate IT platform required to establish it. Member States, **[**~~Ukraine~~**]** and economic operators shall be invited to populate that catalogue on a voluntary basis. LT (Comments): Strong support for distinguihsing Ukraine in the text.
	FR (Drafting Suggestions): NEW **The products present in this catalogue shall be manufactured by economic operators respecting the eligibility criteria set out in Article 51. In addition, the catalogue shall indicate whether the economic operator has the ability to decide, without restrictions imposed by non-associated third countries or by non-associated third country entities, on the definition, adaptation and evolution of the design of the defence product, including the legal authority to substitute or remove components that are subject to restrictions imposed by non-associated third countries or by non-associated third country entities. The support received under the**

Commission proposal	Drafting Suggestions and Comments
	European Competitiveness Fund, the European Defence Industry Programme (XXX), the Instrument or Regulations (EU) 2018/1092 [EDIDP], (EU) 2021/697 [EDF], (EU) 2023/2418 [EDIRPA] and (EU) 2023/1525 [ASAP] may also be indicated in this catalogue
Article 48	FI (Comments): Could the grant awarded for joint procurement be used for actions supporting the production of the defence equipment to be procured? FR (Comments): La France s'interroge sur les actions qui seraient concernées par le périmètre "availability"?
Common Defence Procurement, Maintenance and Availability	BE (Comments): To be compared with results of the negotiations on Omnibus V PL (Drafting Suggestions): ~~**Common**~~ Defence Procurement, Maintenance and Availability" PL (Comments): It should be possible to proceed also with individual procurements.
1. The Programme shall support activities that aim at increasing cooperation among Member States and associated countries in joint certification capability development, procurement, maintenance and	HR (Drafting Suggestions): …and strengthening Member State's defence readiness.

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availability of defence capabilities, thereby reducing fragmentation and enhancing interoperability, achieving economies of scale, ensuring faster access to needed equipment, and strengthening collective defence readiness.	PL (Drafting Suggestions): The Programme shall support activities that aim at increasing cooperation among Member States and associated countries in joint certification, capability development, procurement, maintenance and availability of defence capabilities, thereby ~~**reducing fragmentation**~~ enhancing interoperability, ~~**achieving economies of scale**~~, ensuring faster access to needed equipment, and strengthening collective defence readiness. PL (Comments): Individual procurement is the important part and the fastest and most adequate way for MS to address their defence needs, which are very often specific or unique (based on their own strategic position and situational awareness). Thus it should be considered also a complementary mean of action and valuable instrument of EU defence policy. RO (Comments): Clarification is requested on the meaning and scope of "joint certification" within this context. It should be specified what certification standards must be met to ensure mutual recognition and operational compatibility and it should be considered that **joint certification processes should be aligned with existing NATO standards and frameworks.** SE (Comments): How will COM ensure that joint procurement of defence capabilities drive innovation and rapid aquisition?
	CY

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	(Drafting Suggestions): Only the following legal entities shall be eligible for *common procurement actions*: (a) contracting authorities of Member States or associated countries; (b) international organisations; (c) *SEAPs*; (d) the *EDA*. CY (Comments): We suggest to placed at this para instead of 51.17 EL (Drafting Suggestions): **Add new paragraph: a. Only the following legal entities shall be eligible for common procurement actions:** **(a) contracting authorities of Member States of EU, EEA and EFTA;** **(b) international organisations, such as OCCAR;** **(c) SEAPs;** **(d) EDA.** FR (Drafting Suggestions): NEW **Only the following legal entities shall be eligible for common procurement actions:** **(a) Contracting authorities of Member States or associated countries;** **(b) International organisations;** **(c) SEAPs;** (d) **The EDA.**

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	NEW **Common procurement actions shall be carried out by:** **(a) a consortium of legal entities including at least two contracting authorities of two Member States; or** **(b) a SEAP.** FR (Comments): Les autorités françaises s'interrogent sur ce que recouvre la notion de « availability » ; en tout état de cause, des dispositions devront être prévues pour les entités éligibles concernant les actions de maintenance.
2. Member States and associated countries carrying out an action related to common defence procurement, maintenance and availability shall appoint, by unanimity, an eligible legal entity as agent to act on their behalf for the purposes of that action. The agent shall, in particular, carry out the procurement procedures and conclude the resulting contracts with contractors on behalf of the participating countries. The procurement agent may participate in the action as a beneficiary and act as the coordinator of the consortium, therefore being able to manage and combine funds from the Programme and funds from the participating Member States and associated countries.	ES (Comments): This paragraph requires further analysis to ensure that the EDA, OCCAR or other relevant bodies can act as procurement agents. HR (Comments): **Important comment:** The practical implementation of the SAFE instrument in regards to the use of a *procurement agent* in cases of common procurement is demonstrating that appointing a single procurement agent is not necessarily the only viable or the most practical option to complete a common procurement project. In that regard, the SAFE regulation has a more flexible and pragmatic approach to the definition of common procurement, which should be reflected in the ECF. Notably, SAFE recognizes as an eligible model of common procurement the situation where a MS signs a framework contract with a defence company, allows other MS to join the said contract and the other MS then continue their procurement process directly with the company, without the need of appointing an eligible legal entity as an agent. Croatia's strong opinion is that such a model should be also reflected in the ECF

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	regulation. Of course, the possibility to appoint a single procurement agent for the entire consortia should also be kept as an eligible model of common procurement. Croatia does not have a concrete wording proposal on this matter and encourages the PRES to present the most appropriate text proposal to this end, in cooperation with the EC. However, if needed we will propose conrete wording which should be applied across the board. PL (Comments): Interoperability should be achieved by Member States on a coordinated basis, with the possibility of changes at any stage of the project. There must be no situation in which all countries are bound by the decisions of one of them. PT (Comments): all Associated countries? Shouldn't art. 50 and 51 be mentioned here? LT (Comments): Could the application of Lead Nation concept be an alternative to the described mechanism with an appointment of a legal entity as agent? If yes, we suggest clarifying this in this paragraph.
3. The agent shall apply in its procurement procedures and contracts criteria equivalent to those set out in Article 51 to its procurement procedures and contracts with contractors, and require in the call for tender that these criteria are applied to subcontractors.	FR (Drafting Suggestions): The agent shall apply in its procurement procedures and contracts criteria **identical** ~~equivalent~~ to those set out in Article 51 to its procurement procedures and contracts with contractors, and require in the call for tender that these criteria are applied to subcontractors.

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	IT (Comments): Check for alignement with EDIP.
4. The agents shall notify the Commission of the guarantees and mitigation measures referred to in Article 51. Further information on those guarantees and mitigation measures shall be made available to the Commission upon request. The Commission shall inform the committee referred to in Article 83(1), point e, of any notification provided in accordance with this paragraph.	IT (Comments): Check for alignement with EDIP. HU (Drafting Suggestions): 4. The agents ~~shall~~ notify the Commission of the guarantees and mitigation measures referred to in Article 51. Further information on those guarantees and mitigation measures shall be made available to the Commission upon request. The Commission shall inform the committee referred to in Article 83(1), point e, of any notification provided in accordance with this paragraph.
5. Any contract resulting from an action related to Common defence procurement, maintenance and availability shall include provisions governing the purchase of additional quantities of defence products for other Member States, associated countries or Ukraine.	SE (Comments): How does this correlate with defence procurement praxis and case law from ECJ? HU (Drafting Suggestions): Any contract resulting from an action related to Common defence procurement, maintenance and availability shall include provisions governing the purchase of additional quantities of defence products for other Member States, associated countries ~~or Ukraine.~~

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6. For the purpose of this article, 'agent' means a contracting authority as defined in Article 2(1), point (1), of Directive 2014/24/EU and Article 3(1) of Directive 2014/25/EU established in a Member State or an associated country, the European Defence Agency, a Structure for European Armament Programme or an international organisation that is designated by Member States, associated countries or Ukraine to conduct a common procurement on their behalf.	ES (Comments): Paragraph 2 refers to procurement agent and paragraph 6 refers to contracting authority. In the case of OCCAR or EDA involved in the action, these bodies could only act as procurement agent, therefore, greater clarity on this important issue is required. FR (Comments): Les autorités françaises estiment qu'il faudrait intégrer cette définition au sein d'un article spécifique pour les définitions du chapitre relatif à la défense. RO (Comments): Please clarify if the agent is able to carry out procurement procedures for combined funds from the programmme, MS and associated countries or Ukraine and the transnational/ international character of the procurement HU (Drafting Suggestions): For the purpose of this article, 'agent' means a contracting authority as defined in Article 2(1), point (1), of Directive 2014/24/EU and Article 3(1) of Directive 2014/25/EU established in a Member State or an associated country, the European Defence Agency, a Structure for European Armament Programme or an international organisation that is designated by Member States, associated countries ~~or Ukraine~~ to conduct a common procurement on their behalf.

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Article 49	CZ (Comments): CZ welcomes the broader focus of Article 49 on supporting logistics infrastructure and capabilities to enhance military mobility. However, the topics cuts across various MFF 2028-34 programms and pillars (e.g. counter-mobility, i.e. resilience and protection of infrastructure), so it is necessary to specify which actions will be financed from the ECF and which from the CEF. The specification of actions should be further clarified, explaining the meaning of the terms "assistance" and "support" in terms of co-financing of actions. We would welcome illustrative examples of possibilities of financing militaary mobility from the ECF. DE (Drafting Suggestions): **Full article to be deleted** DE (Comments): These activities do not contribute to the competitiveness of the defence industry. This is out of scope and funding cannot be justified by the objectives. Activities contributing to military mobility should be included in CEF . Activities (such as d) that have an industrial impact~~,~~ can already be funded based on the other articles. FI (Comments): It is essential to recognize that critical military mobility transport capability needs also exist outside the TEN-T network and the main corridors for military mobility. FR (Comments):

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	A l'inverse des autres actions proposées dans cette section 2 du chapitre VII, l'action « Military Logistics Enablement and Support » est nouvelle. A ce titre, la France demande un délai supplémentaire pour pouvoir se positionner et rédiger des propositions textuelles sur cet article, dont les implications sont encore très difficiles à estimer. **Les autorités françaises considèrent que les informations à disposition des Etats membres sont encore lacunaires :** **- Quelles synergies sont prévues entre cette action et le futur *Military mobility package*, dont la publication est attendue prochainement? Cet article 49 a-t-il vocation à financer le développement et l'acquisition de capacités de transport, ou ces actions seront réalisées via les articles 45, 46, 47 et 48 ?** **- Le financement d'infrastructures concourant à la mobilité militaire, tel que des espaces de stockage de matériel militaire et de personnel ou la création de hubs logistiques, est-il permis par ce nouvel article?** IT (Comments): Overlaps with the Connecting Europe Facility (CEF) should be avoided. Clarification is needed on how to manage dual-use topics, such as those referred to in paragraph 1(b), which are expressly mentioned in the CEF.

Military Logistics Enablement and Support	EE (Comments): Estonia supports that the ECF enables investments to finance the infrastructure and transport means necessary for military mobility while avoiding overlap with the support to military mobility infrastructure development under Conneting Europe Facility. It is important that this financing also extends to the development of accommodation and living infrastructure at military camps and the construction of infrastructure necessary for the reception of allies. FR (Comments): La France questionne la Commission sur l'articulation entre les actions de facilitation et de soutien à la logistique militaire (présentées à l'article 49) et les autres programmes soutenant la mobilité militaire, en premier lieu le MIE-Transport. Comment la coordination se fera de manière effective ? La France interroge également la Commission sur les synergies prévues entre ce volet du FEC et le futur *Military mobility package*, dont la publication est attendue prochainement. En outre, le partage et la mise en commun de capacités de transport à usage dual fait partie des priorités du paquet mobilité militaire : cet article 49 a-t-il vocation à financer le développement et l'acquisition de telles capacités, ou ces actions seront réalisées via les articles 46, 47 et 48 ? IT (Comments): Military mobility traditionally falls within the scope of the Connecting Europe Facility (CEF), but Article 49 of the ECF includes "dual use of civilian-military assets, including equipment, infrastructure and superstructures, as well as the pooling and sharing of military mobility assets". The inclusion of dual-use naval assets (especially in the ferry sector)

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	needs to be clarified, specifically which components of military mobility will fall under the ECF and which under the CEF. PL (Drafting Suggestions): Military **Infrastructure and** Logistics Enablement and Support PL (Comments): This article should cover the establishment and maintenance of a defence line along the EU's external borders with Russia and Belarus (or a new corresponding article should be added). We propose changing the title of the article to "Military Infrastructure and Logistics Enablement and Support." The change in title would also encompass activities related to the construction, modernization, and maintenance of infrastructure necessary for the functioning of the armed forces, as well as the development of logistics systems supporting troop mobility, supply, transport, storage, and ensuring operational continuity in times of peace, crisis, and conflict. LT (Comments): Full assessment of this Article will be done in corellation with upcomming Regulation (as a package) that COM is drafting on military mobility, which will be discused in a new Working Party
1. Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases, encompassing housing for military personnel and	AT (Drafting Suggestions): Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting

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social infrastructure, to enable and sustain increased stationing of military personnel in Member States; may cover:	military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; ~~**this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States**~~; may cover AT (Comments): With regard to Military Logistics Enablement and Support, what is meant by pooling and sharing of military mobility assets? Furthermore, for more clarity, AT would be in favour of removing the following: ~~***this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States***~~, as we see these actions within the CSDP framework. BE (Drafting Suggestions): 1. Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling~~,and~~ supporting**, monitoring and securing** military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States; may cover: BE (Comments): It is important to include also security measures and monitoring of military movements (e.g. camera networks, exceptional traffic management systems)

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	CZ (Drafting Suggestions): 1. Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases **and logistical centres along priority military mobility corridors**, encompassing housing for military personnel and social **and medical** infrastructure, to enable and sustain increased stationing of military personnel in Member States; may cover: EE (Comments): Estonia supports the broad eligibility of military logistics, enablement and support as described in this paragraph. We believe that the proposal addresses the necessary investments that are required in order to support functional Military Mobility across the Union. FR (Comments): La France demande à la Commission si le financement d'infrastructures concourant à la mobilité militaire, tel que des espaces de stockage de matériel militaire et de personnel ou la création de hubs logistiques, est permis par ce nouvel article. Elle pourra préciser qu'une certaine flexibilité doit être permise quant à leur localisation sur les corridors prioritaires de mobilité militaire. HR

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	(Comments): The term "pooling and sharing" in this context requires further explanation. Which assets are being referred to here? IE (Drafting Suggestions): Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States, **in full respect of the sovereignty of Member States**; may cover: 1.Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States, **in full respect of the sovereignty of Member States;** may cover: IE (Comments): IE: Addional proposed text added to the article "..in full respect of the sovereignty of Member states;… This is the text from the Council Conclusions of May 24.

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	IE Propose to remove the text relating to military housing. This is not considered that this aspect would fall under competitiveness. Additional proposed text added to the article "..in full respect of the sovereignty of Member states;… This is the text from the Council Conclusions of May 24. NL (Drafting Suggestions): 1. Activities related to the enhancement of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, facilitating, enabling and supporting military movements and access to military mobility capabilities, including, through the pooling and sharing of military mobility assets,; ~~this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States~~; may cover: NL (Comments): We would like to clarify the need for synergies with CEF. This article should prioritze industry needs above needs that MS themselves facilitate. PL (Drafting Suggestions): Activities related to the **establishment and upgrade of military infrastructure, including fortifying EU external borders and** enhancement

Commission proposal	Drafting Suggestions and Comments
	of military mobility in the Union by supporting dual use of civilian-military assets, including equipment, infrastructure and superstructures, , **deploying surveillance and A2/AD capabilities along external EU borders,** facilitating, enabling and supporting military movements and access to **surveillance, A2/AD,** military mobility capabilities, including, through the pooling and sharing of military mobility assets,; this also includes supporting military bases, encompassing housing for military personnel and social infrastructure, to enable and sustain increased stationing of military personnel in Member States **with particular consideration given to the external borders of the Union**; may cover: PL (Comments): The amendments aim to provide more detailed provisions, highlighting the key importance of the EU's external borders regarding the safety of the entire EU. Additional info to art. 49.1. Some of the elements referred to in paragraph 1 may also be financed under CEF Transport. Therefore, it will be necessary to establish a clear demarcation or, in the case of allowing complementarity, an EU-level mechanism to prevent double financing. As financial instruments coordinated at the EU level and managed using EU resources, such as the Funding & Tenders Portal, cannot be verified at the national level in this regard. It will also be necessary to develop an appropriate methodology for determining implementation at the level of performance indicators. Currently, a 40% marker has been adopted for Military Mobility, yet the calculation methodology has not been presented. Detailed questions on this matter were submitted to the COREPER meeting. Adding "with particular consideration given to the external borders of the Union" emphasizes the strategic importance of enhancing military mobility specifically along the Union's external borders.

Commission proposal	Drafting Suggestions and Comments
	RO (Comments): Please clarify how the complementarity with CEF will be ensured. Clear methodologies should be defined or referenced for classifying technologies as civil or dual-use military assets (e.g., drones, advanced sensors, encryption). Modern technologies like AI, drones, and advanced materials are increasingly challenging to classify strictly as military. SI (Comments): Please explain the term superstructures. HU (Comments): Clarification suggestion: The term "superstructures" should be understood as logistical and operational support facilities built on or connected to transport infrastructure (e.g. warehouses, hangars, terminals, maintenance depots, docking or refuelling facilities, dual-use convoy support center)
(a) The incentivisation of the procurement of products which enable or enhance the movement, transportation, or deployment of military personnel, equipment, or supplies, and improve the access to military mobility capabilities.	IE (Comments): How might these articles related to mobility relate to competitiveness? PL (Drafting Suggestions): (a) The incentivisation of the procurement of products which **strengthen EU external borders or** enable or enhance the movement, transportation, or deployment of military personnel, equipment, or supplies, and improve the access to military mobility capabilities.

Commission proposal	Drafting Suggestions and Comments
	PL (Comments): We propose adding a provision specifically addressing the strengthening of the EU's external borders. HU (Drafting Suggestions): …and improve interoperability and shared access to existing military mobility capabilities across Member States, including through digital systems and common operational procedures. HU (Comments): The second half of the paragraph should be clarified to indicate that improving access to military mobility capabilities does not mean procurement of equipment in the traditional sense, but rather improvements at the coordination, information, and administrative levels.
(b) The assistance to Member States in identifying and accessing transport and logistical resources and equipment that may be available from the commercial market or other sources for the purpose of supporting military mobility.	CZ (Drafting Suggestions): (b) The assistance to Member States in identifying and accessing transport and logistical resources and equipment that may be available from the commercial market or other sources for the purpose of supporting military mobility**, <u>including transport capabilities for oversized and overweight military cargo.</u>**. ES (Comments): Could the Commission clarify how this assistance would be implemented? NL

Commission proposal	Drafting Suggestions and Comments
	(Comments): Synergy with CEF
(c) The support to the digitalisation of Military Mobility related processes, to ensure and facilitate direct and secure exchange of information between Member States requesting and approving military movement and other relevant procedures.	
(d) The reinforcement, modernisation, expansion and repurposing of industrial capacities for the production and maintenance of products directly contributing to and improving military mobility in the Union.	PL (Drafting Suggestions): (d) The reinforcement, modernisation, expansion and repurposing of industrial capacities for the production and maintenance of products directly contributing to and improving **border defence** and military mobility in the Union. PL (Comments): Accordingly.
(e) The training, reskilling, and upskilling of personnel to enhance the availability of skilled personnel for the transportation of defence products, components and supplies, notably for the safe and efficient movement of oversized, overweight, and dangerous goods.	EL (Drafting Suggestions): The **certified** training, reskilling, and upskilling of personnel to enhance the availability of skilled personnel for the transportation of defence products, components and supplies, notably for the safe and efficient movement of oversized, overweight, and dangerous goods. EL (Comments): We need to have some assurance of certification in training.

Commission proposal	Drafting Suggestions and Comments
	FR (Drafting Suggestions): The training, reskilling, and upskilling of personnel to enhance the availability of skilled personnel for the **authorised** transportation of defence products, components and supplies, notably for the safe and efficient movement of oversized, overweight, and dangerous goods. FR (Comments): Rappel de la nécéessité de respecter les règles de transferts intracommunautaires de produits de défense. PL (Drafting Suggestions): (e) The training, reskilling, and upskilling of personnel to enhance the availability of skilled personnel for **fortifying EU external borders and** the transportation of defence products, components and supplies, notably for the safe and efficient movement of oversized, overweight, and dangerous goods. PL (Comments): Accordingly. LT (Comments): We put reservation for sub-para (e). These actions are not urgent and should not be a priority.
(f) The enhancement of the protection and resilience of infrastructures that are strategic for military mobility especially for those located on a military mobility corridor and those having a European impact.	ES (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	~~(f) The enhancement of the protection and resilience of infrastructures that are strategic for military mobility especially for those located on a military mobility corridor and those having a European impact.~~ ES (Comments): Since infrastructures are likely to be covered by the Connecting Europe Facility (CEF), further clarification would be useful to avoid possible overlaps. FI (Comments): The word "especially" is unnecessary, it could be removed. It is essential to ensure a sufficient co-financing rate (at least 50%), even if it means a smaller number of projects. PL (Drafting Suggestions): (f) The enhancement of the protection and resilience of infrastructures that are strategic for **border defence** military mobility especially for those located on **EU borders with Russia and Belarus** and on a military mobility corridor and those having a European impact. PL (Comments): Accordingly. LT (Drafting Suggestions): **The enhancement of the protection ~~and resilience~~ of infrastructures that are strategic for military mobility especially for those located on a military mobility corridor and those having a European impact.**

Commission proposal	Drafting Suggestions and Comments
	LT (Comments): In our opinion, the resilience of infrastructure belongs to the "Support for Resilience Policy" section and should be moved there.
(g) Support actions for the development, implementation, monitoring and enforcement of relevant Union legislation and policy. This includes supporting the relevant institutions, the cooperation between national authorities and with stakeholders, studies, the development and deployment of tools and infrastructures, including IT infrastructure and tools.	PT (Comments): Is this related to the Digital Leadership policy window? This window refers specifically to: "protect and maintain the infrastructures for competitiveness, such as terrestrial backbone networks and submarine cable infrastructures ". LT (Comments): We put reservation for sub-para (g). Please explain (with concrete examples), what support actions are included here.
2. Activities will be implemented in complementarity with Regulation (EU) [XXX] [*CEF*].	FR (Comments): La France demande d'avantage de précisions pour ce paragraphe. Comment la complémentarité sera-t-elle mise en œuvre en pratique ? Avec quels organes de gouvernance ? Quelles seront les modalités au niveau des financements ?
	PT (Comments): *Articles 50 and 51 (paragraphs 1 to 8) – Third Countries and Eligibility*

Commission proposal	Drafting Suggestions and Comments
	Portugal supports the principle of association with third countries, notably strategic partners and EDF-associated States, provided that they: • are fully aligned with the values and security interests of the European Union; • comply with equivalent export control regimes and classified information protection; and, • provide proportional financial contributions. With regard to entity eligibility, Portugal advocates maintaining the current EDF safeguards, namely: • overview on capital and ownership; • restrictions on access by companies subject to non-EU jurisdictions without adequate guarantees; and, • pre-screening mechanisms coordinated by of the European Commission and Member States.

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Commission proposal	Drafting Suggestions and Comments
Article 50	FI (Comments): <u>Security and defence partnership (SDP) states should be mentioned.</u> According to the conditions of the SAFE instrument, eligibility flexibilities for these countries could be justified. LU (Comments): Efforts should be made to ensure coherence with other existing or previous instruments, in order to facilitate understanding and access for third parties and industry stakeholders.

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Commission proposal	Drafting Suggestions and Comments
Complementary rules on the association of third countries	EE (Comments): Estonia supports the possibility of third countries, including especially NATO allies, to participate in the ECF's defence projects, as we consider such cooperation to be mutually beneficial and important for ensuring European security. We support the inclusion of Ukraine on similar terms as a member state and the goal of integrating Ukraine's defence industrial base more closely with that of the EU. FR (Comments): La France souhaite des clarifications sur cet article. **La France souhaite que ces dispositions fasse l'objet d'une intégration dans la boîte de négociation**. La France pourra réitérer son attachement à une association stricte des pays tiers aux instruments de soutien à la BITDE, afin que le budget l'UE bénéficie au maximum au renforcement de la BITDE.
1. In addition to the rules in Article 11, actions under the specific objective referred to in Article 3(2), point d, sub-point (2) shall be open to the participation of:	IE (Comments): IE General Comment: Association in EDIP and EDF is limited to EFTA countries. Proposal to limit association by third countries with which EU has concluded a Security and Defence Partnership. While Ireland's core principle is openness, we acknowledge the changed geopolitical context. Therefore, Ireland can consider deviations, but only on a strictly case-by-case, in targeted areas, and in a time-limited manner that allows us to re-calibrate our position when necessary.

Commission proposal	Drafting Suggestions and Comments
	Any proposed exception must meet the following tests: *Genuinely Strategic and Sector-Specific:* Consideration can only be given to measures within a narrow, evidence-based list of sectors where a critical, EU-wide vulnerability or a strategic industrial imperative has been clearly demonstrated. IT (Comments): Ambiguity: the list of countries in Article 50(1) is described as additional to that in Article 11, yet it again includes the "EFTA countries of the EEA," thus repeating a category already listed in Article 11. Additional clarifications would be advisable to check compatibility of the two provisions. Article 50 should be rephrased in a clearer way, describing more accurately what are the differences between the requirements as stated in article 11 and in article 50 (1) (a) and (b). 11. It is not clear whether under this provision Ukraine and EFTA Countries that are also members of the EEA must have some additional requirements to access the fund other than those stated in article 11.
(a) A Members of the European Free Trade Association (EFTA) which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the Agreement on the EEA;	EL (Drafting Suggestions): ~~**(a) A Members of the European Free Trade Association (EFTA) which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the Agreement on the EEA;**~~ IT (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	(a) ~~A~~ Members of the European Free Trade Association (EFTA) which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the Agreement on the EEA; IT (Comments): Clerical error HU (Drafting Suggestions): (a) ~~A~~ Members of the European Free Trade Association (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.	AT (Comments): AT, again, is opposed to the mentioning of single third states in the regulation. Alternatively AT would support a provision that makes sure that at least 2.6% of the funds in ECF-funds favour of the UA defence industry are used in non-letal area. IE (Comments): . HU (Drafting Suggestions): ~~Ukraine.~~
	CY (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	The Union may conclude bilateral or multilateral agreements with acceding, potential candidate and candidate countries other than Ukraine and other third countries with which the Union has entered into a Security and Defence Partnership (NBI) in order to open the eligibility conditions referred to in Article 212&218 of TFEU. EL (Drafting Suggestions): **(c) Acceding, potential candidate and candidate countries other than Ukraine and other third countries that may conclude bilateral or multilateral agreements, and have entered into a Security and Defence Partnership (NBI) with the Union, provided that these countries shall not contravene the defence and security interests of EU and its Member States.** EL (Comments): As a MS of the EU, we do not accept any third country that contravenes to the defence and security interests of the Union and any of its MS. IE (Drafting Suggestions): (c) be open only to third countries with which the Union has entered into a Security and Defence Partnership (Non-Binding Instrument) (NBI) IE (Comments): In order to ensure clarity regarding the rules of association of third countries, Ireland considers it necessary to define which third countries would be eligible PL (Drafting Suggestions):

Commission proposal	Drafting Suggestions and Comments
	c) countries which signed the Security and Defence Partnership with EU. PL (Comments): That stipulation leaves a much needed space for any possible imparticular occasions to achieve a strategic upperhand from the technological partnerships and common procurements.
2. Complementary to provisions required in Article 11, the association agreement with third countries other than those referred to in paragraph 1 shall	CY (Comments): Article 11 has a horizontal impact through the regulation. We have serious concerns for the provisions at this article. EL (Drafting Suggestions): 2. Complementary to provisions required in Article 11, the association agreement **carrying out economic, financial or technical cooperation measures, including assistance, between the Union** ~~with~~ **and** third countries**,** other than those referred to in paragraph 1**, and in accordance with Article 218 TFEU,** shall: EL (Comments): EL considers it necessary to define the nature of the association agreements and also explicitly mention art. 218 TFEU to allign with the wording presented in art. 11(4) of ECF. Article 11 has a horizontal impact throughout the regulation. We still have serious concerns for the provisions of this article. FR (Drafting Suggestions): ~~**2. Complementary to provisions required in Article 11, the association agreement with third countries other than those referred to in paragraph 1 shall**~~

Commission proposal	Drafting Suggestions and Comments
	Provisions adressed in article 11 shall not apply to actions refered to article 44(1). FR (Comments): La France ne souhaite pas que la partie défense du règlement soit ouverte à des tiers hors Ukraine, EEE/AELE. La France demande à intégrer ces dispositions à la boîte de négociation. Lors du sous-groupe FEC du 16/10, une majorité des Etats membres s'est déclarée en faveur d'une reprise des conditions établies dans les précédents textes (en particulier le Fonds européen de défense et EDIP). Or, il n'existe aucune disposition dans ces textes qui permette l'association des Etats tiers aux instruments de soutien à la BITDE. En outre, les Règlements FEC et SAFE ne peuvent pas être assimilés car ils s'inscrivent dans une logique différente : alors que SAFE est financé par des prêts des Etats membres garantis par le budget de l'UE (argent national), le FEC mobilise de du budget communautaire. Des règles plus strictes d'association des Etats tiers doivent donc prévaloir : elles (i) garantissent que le budget de l'UE bénéficie bien au renforcement de l'industrie européenne et (ii) doivent permettre la libre utilisation du matériel militaire par nos forces armées. LU (Comments): Is a link to a potential security and defence partnership foreseen?

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Commission proposal	Drafting Suggestions and Comments
(a) specify how eligibility conditions are to be adapted, in particular to enable the participation of entities established in the associated country but controlled by another third country or by another third country' entity;	CY (Comments): Regarding the term associated country see previous comments. EL (Drafting Suggestions): specify how eligibility conditions are to be adapted, in particular to enable the participation of entities established **in Members of EEA and EFTA** but controlled by another third country or by another third country' entity; FR (Drafting Suggestions): ~~(a) specify how eligibility conditions are to be adapted, in particular to enable the participation of entities established in the associated country but controlled by another third country or by another third country' entity;~~ PT (Comments): Is the reference to the rules for non MS and AC participation and FSTP missing on this point? Art. 9 and 10?
(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;	FR (Drafting Suggestions): ~~(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;~~

Commission proposal	Drafting Suggestions and Comments
(c) contribute to an increase in the standardisation of defence systems and a greater interoperability between Member States' and those other third countries' capabilities.	FR (Drafting Suggestions): ~~(c) contribute to an increase in the standardisation of defence systems and a greater interoperability between Member States' and those other third countries' capabilities.~~ RO (Drafting Suggestions): contribute to an increase in the standardisation of defence systems and a greater interoperability between Member States', **NATO** and those other third countries' capabilities. LT (Drafting Suggestions): (c) **~~contribute to an increase in the~~ while further pursuing NATO standards ~~standardisation~~** of defence systems and **enhancing ~~a greater~~** interoperability between Member States' and those other third countries' capabilities. LT (Comments): Development of defence systems should be based on NATO standards, as defined by the Strategic Compass
	EL (Drafting Suggestions): Add new paragraph: **3. The participation of third countries other than those referred to in paragraph 1 shall be subject to strict eligibility and security criteria ensuring full alignment with the Union's security and defence interests. Such criteria shall include, inter alia, alignment with the EU's foreign and security policy goals, as set out in Title V TEU, proven compliance with EU export control rules, and the existence of a Security**

Commission proposal	Drafting Suggestions and Comments
	of Information Agreement with the Union ensuring equivalent protection standards. EL (Comments): The introduction of paragraph (3) aims to ensure a coherent and secure framework for the association of third countries with the ECF's defence window. Given the sensitivity of actions financed under this section and their potential implications for the Union's security and defence interests, participation of third countries should be conditioned upon objective and verifiable eligibility and security criteria. This approach is consistent with the principles of strategic autonomy, prevention of undue foreign influence, and the safeguarding of the EDTIB. HU (Drafting Suggestions): (*d) include robust monitoring and suspension clauses in case of sanctions, export-control conflicts or deterioration of security conditions.*

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Article 51	FR (Comments): **La France indique que ces dispositions fassent l'objet d'une intégration dans la boîte de négociation.** LU (Comments): As for art. 50, efforts should be made to ensure coherence with other existing or previous instruments, in order to facilitate understanding and access for third parties and industry stakeholders. Similarly to the award criteria (article 53), Luxembourg supports the ambition for furhter simplification and its effective translation into the ECF. However, it remains unclear how a single set of eligibility criteria is suitable for different programmes supporting highly specific and diverse activities, TRLs and objectives. NL (Comments): • Maintain the eligibility criteria agreed upon in EDIP on (1) the percentage of components and (2) the definition of subcontractors. • Several key derogations have been moved to the work programme, while these are political choices that should be anchored in the regulation itself. • Delete the requirement that no third country restrictions may apply to EDPCIs. It is simply unrealistic for such large-scale projects to meet this requirement. It made sense under the EDF, where new products were being developed. But for EDPCIs, which also involve scaling up existing production chains and procuring existing products, such a restriction is not workable. SE

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Commission proposal	Drafting Suggestions and Comments
	(Comments): Please align article with wording in EDIP and SAFE regulations.

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Commission proposal	Drafting Suggestions and Comments
Complementary eligibility rules for grants	DE (Drafting Suggestions): Complementary eligibility rules ~~for grants~~ DE (Comments): We propose to postpone the examination of the eligibility criteria. As a general comment, we do not support complementary eligibility rules only for grants. The proposed Article 44 (3) explicitly allows for any form of support, including procurement (contracts instead of grants). The eligibility criteria would in the present proposal only apply to a sub-set of support. FR (Comments): La France réitère son attachement à des critères d'éligibilité ambitieux en matière de défense, qui garantissent le renforcement de la base industrielle et technologique de défense européenne. HR (Comments): Other than the restrictions already put in place in this Article regarding interests of the Union and MS and good neighbourly relations, it should also refer to the alignment of third countries with EU CSFP as a prerequisite for cooperation. RO (Comments): We recommend ensuring the available funds can be accessed by entities with a strategic role in the defence industry, even if they are considered undertakings in difficulty.

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Commission proposal	Drafting Suggestions and Comments
1. In addition to fulfilling any conditions of eligibility provided under Article 9 of this Regulation, Union recipients of Union funding shall comply with the obligations included in paragraphs 2 to 6.	
2. Recipients shall have their executive management structures in the Union or in an associated country and shall not be subject to control by a non-associated third country or by a non-associated third-country entity.	FR (Drafting Suggestions): Recipients shall **be established in the Union or in an associated country and** have their executive management structures in the Union or in an associated country and shall not be subject to control by a non-associated third country or by a non-associated third-country entity. LU (Comments): Ensure that robust and comprehensive control mechanisms are in place to verify compliance with this paragraph. PL (Drafting Suggestions): 2. Recipients shall **be established and** have their executive management structures in the Union or in an associated country and shall not be subject to control by a non-associated third country or by a non-associated third-country entity. PL (Comments): There is a lack of consistency in the text and the condition that the entity receiving funding must be established in the EU is missing. This provision should be the same as definition of participating entity in EDIP. RO (Comments):

Commission proposal	Drafting Suggestions and Comments
	Clarifications on the assessment criteria would be useful (eg. what if a recipient is 35% controlled by a non-associated third country)?
3. By derogation from paragraph 2 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 shall be eligible to be a recipient of Union funding if guarantees approved in accordance with the national procedures of a Member State or associated country in which it is established; including adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452 are made available to the Commission.	DE (Drafting Suggestions): By derogation from paragraph 2 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 shall be eligible to be a recipient of Union funding **if the Member State~~,~~ where the entity is established provides a guarantee. This guarantee shall be approved** in accordance with the national procedures of **the respective** Member State or associated country in which **~~it~~ the entity** is established. **The guarantee should be based on** **~~including~~** adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452 **and shall be** **~~are~~** made available to the Commission. DE (Comments): The Member State provides a guarantee to the EC. The guarantee is based on a screening based on 2019/452 and additional national law. EL (Drafting Suggestions): 3. By derogation from paragraph 2 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 shall be eligible to be a recipient of Union funding if guarantees approved in accordance with the national procedures of a Member State or associated country in which it is established; including adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452 are made available to the Commission. **Those guarantees may refer to the legal entity's executive management structure**

Commission proposal	Drafting Suggestions and Comments
	established in the Union or in an associated country. If considered to be appropriate by the Member State or associated country in which the legal entity is established, those guarantees may also refer to specific governmental rights in the control over the legal entity. FR (Drafting Suggestions): By derogation from paragraph 2 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 shall be eligible to be a recipient of Union funding if guarantees approved in accordance with the national procedures of a Member State or associated country in which it is established; including adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452 are made available to the Commission. PL (Drafting Suggestions): 3. By derogation from paragraph 2 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 shall be eligible to be a recipient of Union funding if **it has been subject to screening within the meaning of Regulation (EU) 2019/452 and, where necessary, to appropriate mitigation measures, taking into account the objectives set out in Article 3(2)(d) of this Regulation, or if guarantees approved in accordance with the national procedures of the Member State or the associated country in which it is established are made available to the Commission** ~~guarantees approved in accordance with the national procedures of a Member State or associated country in which it is established; including adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452 are made available to the Commission.~~ PL

Commission proposal	Drafting Suggestions and Comments
	(Comments): To align with EDIP RO (Comments): It is essential to underline that the procurement process and the establishment of strategic reserves should be conducted in close coordination with the MS, in order to avoid institutional overlaps and to ensure alignment with the specific needs of national economies and the geo-strategic particularities of each MS.
4. These guarantees measures shall provide assurances that the involvement in an action of a legal entity as referred to in that subparagraph would 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 TUEU.	
5. Guarantees as referred to in the first subparagraph shall in particular substantiate that, for the purposes of an action, measures are in place to ensure that:	HR (Comments): What kind of mechanisms are to be put in place to review these guarantees? PL (Comments): Why is it not possible to allow European entity controlled by a third country even after undergoing screening under the FDI Regulation?
(a) control over the legal entity is not exercised in a manner that restrains or restricts its ability to carry out the action and to deliver results, that imposes restrictions concerning its infrastructure, facilities, assets, resources,	

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Commission proposal	Drafting Suggestions and Comments
intellectual property or knowhow needed for the purposes of the action, or that undermines its capabilities and standards necessary to carry out the action;	
(b) access by a non-associated third country or by a non-associated third-country entity to sensitive information relating to the action is prevented and the employees or other persons involved in the action have national security clearance issued by a Member State or an associated country, where appropriate;	
	FR (Drafting Suggestions): NEW **b bis) access by a non-associated third country or by a non-associated third-country entity to information controlled under the transfert and export national regulations, relating to the action is prevented and requires authorisation from national competent authority** FR (Comments): Les dipositions du règlement traitent uniquement de l'aspect concernant les information sensibles ou classifiées. Aucune disposition n'étant proposée pour traiter de l'aspect de l'accès aux informtions classées au sens ML, les autorités françaises proposent un ajout qui vise à aller en ce sens.
(c) ownership of the intellectual property arising from, and the results of, the action remain within the recipient during and after completion of the action, are not subject to control or restriction by a non-associated third country or by a non-associated third-country entity, and are neither exported outside the Union or outside associated countries nor accessible from outside the Union or outside associated countries without the approval of the Member State or	IT (Drafting Suggestions): ~~(c) ownership of the intellectual property arising from, and the results of, the action remain within the recipient during and after completion of the action, are not subject to control or restriction by a non-associated third country or by a non-associated third-country entity, and are neither exported~~

Commission proposal	Drafting Suggestions and Comments
the associated country in which the legal entity is established and in accordance with the objectives set out in Article 3.	~~outside the Union or outside associated countries nor accessible from outside the Union or outside associated countries without the approval of the Member State or the associated country in which the legal entity is established and in accordance with the objectives set out in Article 3.~~ IT (Comments): This provision should apply only to action referred to in Art 44.1.(b). LT (Comments): *Similarly to EDIP provisions, there should be flexibility remained that a legally binding commitment to be obtained from a non-associated third country or a non-associated third country entity concerned for the removal of control or restriction within a reasonable timeframe commensurate with the complexity of the action concerned and no later than 31 December 2033.*
	FR (Drafting Suggestions): NEW **c bis) the export of controlled, under national export control regulations, results of the action outside the Union to associated countries or non-associated countries is subject to the autorisation by the national competent authority under national laws and regulations related to the export control of defence-related products.** FR (Comments):

Commission proposal	Drafting Suggestions and Comments
	Aucune disposition ne précise les règles concernant l'accès et la diffusion (export/transferts) des résultats qui – concernant les programmes et les actions en matière de défense – sont spécialement conçues pour la défense, et « classés » au titre de la réglementation nationale s'appliquant au contrôle des exportations et des transferts.
6. If considered to be appropriate by the Member State or the associated country in which the legal entity is established, additional guarantees may be provided.	IT (Comments): Based on this current drafting, there could be a risk of fragmentation among the various EU countries. It is proposed to assess the pre-determination of these additional guarantees, which Member States may require.
	EL (Drafting Suggestions): Add new paragraph: **7. To promote a consistent and transparent approach across Member States, the Commission may, in consultation with them, develop non-binding guidance setting out common methodological principles for the assessment of guarantees referred to in paragraph 3. Such guidance shall aim to support Member States in ensuring a high and uniform level of protection of the Union's security and defence interests, without prejudice to their national procedures.** EL (Comments): The proposed addition aims to enhance consistency and transparency in the assessment of guarantees by encouraging the Commission to issue non-binding guidance on common methodological principles, while fully preserving Member States' prerogatives.

Commission proposal	Drafting Suggestions and Comments
7. The Commission shall inform the committee referred to in Article 83(1), point (e) of any legal entity considered to be eligible in accordance with this paragraph.	DE (Comments): "this paragraph": which paragraph?
8. Unless in certain duly substantiated and exceptional circumstances to be defined in the work programme or the documents related to the award procedure, the infrastructure, facilities, assets and resources of the recipients of Union funding involved in an action which are used for the purposes of that action shall be located on the territory of a Member State or of an associated country. Where appropriate, the work programmes may set out conditional exceptions to this rule.	FR (Drafting Suggestions): ~~**Unless in certain duly substantiated and exceptional circumstances to be defined in the work programme or the documents related to the award procedure, the**~~ **The** infrastructure, facilities, assets and resources of the recipients of Union funding involved in an action which are used for the purposes of that action shall be located on the territory of a Member State or of an associated country. ~~**Where appropriate, the work programmes may set out conditional exceptions to this rule.**~~ FR (Comments): Les autorités françaises souhaitent supprimer les exemptions prévues par cette disposition en programme de travail, **conformément à l'article 9(2) du Fonds européen de défense**. LT (Drafting Suggestions): Unless in certain duly substantiated and exceptional circumstances ~~**to be defined in the work programme or the documents related to the award procedure**~~, the infrastructure, facilities, assets and resources of the recipients of Union funding involved in an action which are used for the purposes of that action shall be located on the territory of a Member State or of an associated country. ~~**Where appropriate, the work programmes may set out conditional exceptions to this rule.**~~ LT

Commission proposal	Drafting Suggestions and Comments
	(Comments): No defining of additional eligibility criterias or provisions should be left to the work programme.
	CZ (Drafting Suggestions): **9. Where no competitive substitutes are readily available in the Union or in an associated country, recipients and subcontractors involved in an action may use their assets, infrastructure, facilities and resources located or held outside the territory of the Member States or of the associated countries provided that such use does not contravene the security and defence interests of the Union and its Member States.**
9. For actions referred to in Article 44(1), points (a), (b), (e) and in Article 45(2), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least 10 % of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. Subcontractors involved in an action are not members of the consortium.	CY (Comments): We suggest the definition of subcontractor to be mentioned at article 2. DE (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (b), (e) and in Article 45(2), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least 10 % of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. ~~Subcontractors involved in an action are not members of the consortium.~~ DE (Comments): There is no reason not to allow subcontractors be part of the consortium. EL

Commission proposal	Drafting Suggestions and Comments
	(Comments): We propose the definition of subcontractor to be included in article 2. ES (Drafting Suggestions): 9. For actions referred to in Article 44(1), points (a), (b), (e) and in Article 45(2), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least ~~10~~ **15**% of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. Subcontractors involved in an action are not members of the consortium. ES (Comments): Spain suggests maintaining the 15% share for subcontractors. This facilitates the evolution of an R&D activity initiated within an EDPCI into a procurement activity (see paragraph 10), without undermining the industrial consortium. FR (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (b), (e) and in Article 45(2), conditions referred to in paragraphs 2 to 6 **and 8** shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least 10 % of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. Subcontractors involved in an action are not members of the consortium. FR

Commission proposal	Drafting Suggestions and Comments
	(Comments): La Commission peut-elle apporter des précisons sur cette disposition ? La France demandera également de clarifier la question des régimes applicables aux sous-traitants. Les autorités françaises souhaitent que les restrictions au sujet des sous-traitants soient également appliquées concernant la localisation des « infrastructures, facilities, assets and ressources » **conformément à l'article 9(2) du Fonds européen de défense**. IT (Drafting Suggestions): 9. For actions referred to in Article 44(1), points (a), (b), **(c), (d),** (e) and in Article 45(2), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to ~~subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least 10 % of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. Subcontractors involved in an action are not members of the consortium.~~ **an economic operator that is proposed by a candidate or tenderer or contractor to perform specific tasks or services under the supervision of the main contractor, contributing to the design or manufacturing of a defence products, other than what is provided by suppliers to implement the contract, for** which **it** is allocated at least **15%** of the value of the contract**, and that needs access to classified information for the performance of that contract; for the purposes of this definition, 'supplier' shall be understood as an economic operator that delivers components of its own design or production to the contractor**. IT (Comments):

Commission proposal	Drafting Suggestions and Comments
	Consistency with EDIP. PL (Drafting Suggestions): 9. For actions referred to in Article 44(1), points ~~(a),~~ (b), ~~(e)~~ and in Article 45(2), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action. 'Subcontractors involved in an action' refers to subcontractors with a direct contractual relationship to a recipient, other subcontractors to which at least 10 % of the total eligible costs of the action is allocated, and subcontractors which may require access to classified information in order to carry out the action. Subcontractors involved in an action are not members of the consortium. PL (Comments): PL is in favour of keeping the definition for subcontractors from EDF only for R&D actions as referred to in article 44(1)(b) RO (Comments): Clarification is needed on the rationale behind the differentiated percentage of eligible costs for subcontractors - art 59 (1) or (2) and the distinct reporting requirements regarding the calculation basis. Also, for the space component the percentage is 30% for subcontracting. There is a risk that subcontracting may be minimal or nonexistent, and we emphasize that this mechanism could provide real opportunities for companies outside the main contractor's group, particularly benefiting MS with emerging industrial sectors.

Commission proposal	Drafting Suggestions and Comments
10. For actions referred to in Article 44(1), points (a) and (d), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action or in the common procurement. 'Subcontractors involved in the common procurement' means legal entities which provides critical inputs that possess unique attributes essential for the functioning of a product, which is allocated at least 15 % of the value of the contract, and which needs access to classified information for the performance of the contract.	CY (Comments): As previous comments. DE (Drafting Suggestions): For actions referred to in Article 44(1), points (a) and (d), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action or in the common procurement. 'Subcontractors involved in the common procurement' means legal entities which provides critical inputs that possess unique attributes essential for the functioning of a product, which is allocated at least 15 % of the value of the contract~~, and~~ **or** which needs access to classified information for the performance of the contract. DE (Comments): No need to meet both conditions. FR (Drafting Suggestions): 10. For actions referred to in Article 44(1), points ~~(a) and (d),~~ conditions referred to in paragraphs 2 to 6 **and 8** shall apply to subcontractors involved in the action or in the common procurement. 'Subcontractors involved in the common procurement' means legal entities which provides critical inputs that possess unique attributes essential for the functioning of a product, which is allocated at least 15 % of the value of the contract, and which needs access to classified information for the performance of the contract. FR (Comments): Les autorités françaises demandent à ce que la Commission puisse apporter des précisons sur cette disposition.

Commission proposal	Drafting Suggestions and Comments
	Les autorités françaises souhaitent que les restrictions au sujet des sous-traitants soient également appliquées concernant la localisation des « infrastructures, facilities, assets and ressources », **conformément à l'article 9(2) du Fonds européen de défense**. IT (Drafting Suggestions): 10. For actions referred to in Article 44(1), points **(b)** ~~(a) and (d), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action or in the common procurement. 'Subcontractors involved in the common procurement' means legal entities which provides critical inputs that possess unique attributes essential for the functioning of a product, which is allocated at least 15 % of the value of the contract, and which needs access to classified information for the performance of the contract.~~ **ownership of the intellectual property arising from, and the results of, the action remain within the recipient during and after completion of the action, are not subject to control or restriction by a non-associated third country or by a non-associated third-country entity, and are neither exported outside the Union or outside associated countries nor accessible from outside the Union or outside associated countries without the approval of the Member State or the associated country in which the legal entity is established and in accordance with the objectives set out in Article 3** IT (Comments): Consistency with EDIP and EDF. PL

Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): 10. For actions referred to in Article 44(1), points (a) **(e)** and (d), conditions referred to in paragraphs 2 to 6 shall apply to subcontractors involved in the action or in the common procurement. 'Subcontractors involved in the common procurement' means legal entities which provides critical inputs that possess unique attributes essential for the functioning of a product, which is allocated at least 15 % of the value of the contract, and which needs access to classified information for the performance of the contract. PL (Comments): As mentioned above. Additionaly, EDPCI action can consist of all actions as referred to in Article 44 points a-e. There is a need to distinguish rules for the actions within EDPCI, since subcontractors do not apply for industrial reinforcement.
	ES (Drafting Suggestions): **By way of derogation from paragraph 10, in order to take into account industrial cooperation with non-associated countries, actions referred to in Article 44(1), points (a) and (d), that involve a subcontractor which is allocated between 15 % and 35 % of the value of the contract, and that is not established or doesn't have its executive management structures in the Union or in an associated country, shall be eligible for support under the Fund providing that a direct contractual relationship related to the defence product has been established between the contractor and that subcontractor prior to the date of entry into force of this Regulation.** ES (Comments):

Commission proposal	Drafting Suggestions and Comments
	In order to follow the EDIP logic, we support the inclusion of a derogation that would allow subcontractors with an established commercial relationship to participate.
11. The results of actions referred to in 44(1), points (a) and (b) and in Article 44(2), as well as the products or technologies stemming from these actions, shall not be subject to any control or restriction by a non-associated third country or by a non-associated third-country entity, directly, or indirectly through one or more intermediate legal entities, including in terms of technology transfer.	IT (Drafting Suggestions): 11. The results of actions referred to in 44(1), points ~~(a) and~~ (b) and in Article 44(2), as well as the products or technologies stemming from these actions, shall not be subject to any control or restriction by a non-associated third country or by a non-associated third-country entity, directly, or indirectly through one or more intermediate legal entities, including in terms of technology transfer. IT (Comments): Consistency with EDF. PL (Drafting Suggestions): The results of actions referred to in 44(1), points~~s~~ **~~(a) and~~** (b) and in Article 44(2), as well as the products or technologies stemming from these actions, shall not be subject to any control or restriction by a non-associated third country or by a non-associated third-country entity, directly, or indirectly through one or more intermediate legal entities, including in terms of technology transfer PL (Comments): Requiring that EDPCI actions are not covered by any restrictions is simply unrealistic and there will be no eligible project. Such rule should apply only to R&D actions, where the product is develop from the very beginning.

Commission proposal	Drafting Suggestions and Comments
12. For actions referred to in Article 44(1), points (a), (c) and (d), the estimated cost of components originating in the Union shall not be lower than 65 % of the estimated cost of the end product. No components shall be sourced from third countries that contravene the security and defence interests of the Union and the Member States, including respect for the principle of good neighbourly relations.	HR (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (c) and (d), the estimated cost of components originating in the Union shall not be lower than 65 % of the estimated cost of **components of** the end product PL (Drafting Suggestions): 12. For actions referred to in Article 44(1), points (a), ~~(c)~~ and (d), the estimated cost of components originating **outside** ~~in~~ the Union shall not be **higher** ~~lower~~ than **35** ~~65~~ % of the estimated cost of the **components of the** end product. No components shall be sourced from third countries that contravene the security and defence interests of the Union and the Member States, ~~including respect for the principle of good neighbourly relations.~~ **For actions referred to in Article 44(1) point (c) and activities carried out pursuant to Article 44 point (a) other than procurement activities, the cost of components originating outside the Union and associated countries shall not be higher than 35 % of the estimated cost of the components of the product the increase in production capacity of which is supported by Union funding. No component of the product the increase in production capacity of which is supported by Union funding shall be sourced from third countries that contravene the security and defence interests of the Union and its Member States**. PL (Comments): To align with SAFE and EDIP methodology. It is crucial not to artifically increase the required percentage of EU components. Additionally, both co-legislators agreed to this language within EDIP|

Commission proposal	Drafting Suggestions and Comments
	For industrial reinforcement actions, we refer to the cost of components in products whose increased production capacity is supported by Union funding. Therefore we propose to split that criterion. SE (Drafting Suggestions): ~~12. For actions referred to in Article 44(1), points (a), (c) and (d), the estimated cost of components originating in the Union shall not be lower than 65 % of the estimated cost of the end product. No components shall be sourced from third countries that contravene the security and defence interests of the Union and the Member States, including respect for the principle of good neighbourly relations.~~ SE (Comments): There is a significant difference between implementing these kind of eligibility rules (rules setting a certain percentage requirement in the content of the product) in a programme with a smaller financial scope than in a programme with a larger financial scope like ECF. Implementation of this eligibility requirement in ECF will have a significantly larger impact on the market than previous programmes have had. Important not to cause risks for market distortion. LT (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (c) and (d), the estimated cost of components originating ~~in~~ **outside** the Union **and associated countries** shall not be ~~lower~~ **higher** than ~~65~~ **35** % of the estimated cost of the **components of the** end product. No components shall be sourced from third countries that contravene the security and defence interests of the Union and

Commission proposal	Drafting Suggestions and Comments
	the Member States, including respect for the principle of good neighbourly relations. LT (Comments): Alignment with EDIP provisions.
13. For actions referred to in Article 44(1), points (a), (c) and (d), recipients and contractors shall have the ability to decide, without restrictions imposed by third countries or by third-country entities, on the definition, adaptation and evolution of the design of the defence product procured or the increase in production capacity of which is supported, including the legal authority to substitute or remove components that are subject to restrictions imposed by third countries or by third-country entities.	PL (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (c) and (d), recipients **of Union funding or, where relevant,** ~~and~~ contractors shall **either** have the ability to decide, without restrictions imposed by third countries or by third-country entities, on the definition, adaptation and evolution of the design of the defence product procured or the increase in production capacity of which is supported, including the legal authority to substitute or remove components that are subject to restrictions imposed by third countries or by third-country entities, or, **alternatively have received the legally binding commitment from the third parties concerned that they will obtain such ability to decide.** PL (Comments): The definition is tailored to include countries that are progressively aligning with the objective of European technological sovereignty and are in the process of acquiring the capability to decide on the definition, adaptation and evolution of the design of the defence product, in order to catch-up to already established, advanced industrial frameworks. Not only it ensures a fair and balanced distribution of industrial opportunities , without excluding countries with less developed defence industries, but also creates an incentive for Member States to reduce their dependencies. At the same time, it opens the market to new

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Commission proposal	Drafting Suggestions and Comments
	players, thereby contributing to the overall competitiveness and resilience of the EDTIB. LT (Drafting Suggestions): For actions referred to in Article 44(1), points (a), (c) and (d), recipients and contractors shall have the ability to decide, without restrictions imposed by **non-associated** third countries or by **non-associated** third-country entities, on the definition, adaptation and evolution of the design of the defence product ~~**procured or the increase in production capacity of which is supported**~~, including the legal authority to substitute or remove components that are subject to restrictions imposed by **non-associated** third countries or by **non-associated** third-country entities.
14. For actions referred to in Article 44(1), points (c) and (d), the work programme may provide that eligibility requirements set out in paragraphs 10 and 11 of this Article will be assessed at the end of the action.	CY (Comments): It must be clarified what are the consequences if the eligibility requirements are not fullfiled at the end of the project. EL (Comments): What will be the consequences if the eligibility requirements are not fullfiled at the end of the project? ES (Drafting Suggestions): 14. For actions referred to in Article 44(1), points (c) and (d), the work programme may provide that eligibility requirements set out in paragraphs 10 and 11 of this Article will be assessed at the ~~end~~ **beginning** of the action. ES (Comments):

Commission proposal	Drafting Suggestions and Comments
	An ex-ante assessment is preferred. FR (Drafting Suggestions): ~~**14. For actions referred to in Article 44(1), points (c) and (d), the work programme may provide that eligibility requirements set out in paragraphs 10 and 11 of this Article will be assessed at the end of the action**~~ FR (Comments): Les autorités françaises souhaitent la suppression de ce paragraphe, dans la mesure où les critères d'éligibilité doivent être évalués en amont du financement de l'action ; l'évaluation a posteriori du respect des critères fixés par le règlement ne saurait être que cumulative de cette première évaluation. LT (Comments): Suggestion not to leave additional eligibility requirements for work programme, but rather specify the requirements in the regulation.
15. Except for actions referred to in Article 44, paragraph 2 or unless specified otherwise in the work programmes, Union support shall only be granted to actions carried out by:	BG (Comments): Bulgaria supports the Union` efforts to enhance cross-border cooperation and open the supply chains. At the same time, we express concerns about the requirement "only consortia, of at least three eligible legal entities which are established in at least three different Member States or associated countries" to be elligible for Union support. We believe such a requirement is too restrictive and may create difficulties in the implementation of the industrial ramp-up projects. In this sense, these projects should be accessible to individual companies, not only to consortia.

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	ES (Drafting Suggestions): 15. Except for actions referred to in Article 44, paragraph 2, **Article 47 paragraph 1 (a), (c) and (f) and Article 49** or unless specified otherwise in the work programmes, Union support shall only be granted to actions carried out by: ES (Comments): The exception should include potential mono-beneficiary actions. FR (Drafting Suggestions): 15. For actions referred to in Article 44**(1)~~, paragraph 2 or unless specified otherwise in the work programmes,~~ point (b),** Union support shall only be granted to actions carried out by: FR (Comments): Les autorités françaises considèrent que le modèle proposés (3 entités impliquées dans le projet provenant de 3 Etats membres) ne peut pas s'appliquer aux actions présentées à l'article 44(1) points (c), (d) et (e). Modifications en conséquence. PL (Drafting Suggestions): Except for actions referred to in Article **44(1) point (c) and Article 44** paragraph 2 or unless specified otherwise in the work programmes, Union support shall only be granted to actions carried out by: PL (Comments):

Commission proposal	Drafting Suggestions and Comments
	The minimum number of entities forming a consortium for each action needs to be clearly defined. We request allowing applications for a single grant under ASAP+ actions (Art. 44(1)(c)). We also propose ensuring geographical balance in the distribution of funds. LT (Drafting Suggestions): Except for actions referred to in Article 44, paragraph 2 ~~**or unless specified otherwise in the work programmes**~~, Union support shall only be granted to actions carried out by LT (Comments): No additional specifications left for the work programme.
(a) legal entities cooperating within a consortium of at least three eligible legal entities which are established in at least three different Member States or associated countries. At least three of those eligible legal entities established in at least two different Member States or associated countries shall not, during the entire period in which the action is carried out, be controlled, directly or indirectly, by the same legal entity and shall not control each other;	BE (Drafting Suggestions): (a) legal entities cooperating within a consortium of at least three eligible legal entities which are established in at least ~~three~~**two** different Member States or associated countries. At least three of those eligible legal entities established in at least two different Member States or associated countries shall not, during the entire period in which the action is carried out, be controlled, directly or indirectly, by the same legal entity and shall not control each other; BE (Comments): EDIP alignment: two Member States. DE (Comments):

Commission proposal	Drafting Suggestions and Comments
	The collaborative aspects being an EU-added value should not be limited to grants. FR (Comments): **La France interroge la Commission concernant l'application du paragraphe 15(a) imposant une participation minimale de trois entités issues de trois Etats membres distincts.** HR (Drafting Suggestions): legal entities cooperating within a consortium of at least ~~three~~ **two** eligible legal entities which are established in at least ~~three~~ **two** different Member States or associated countries. At least ~~three~~ **two** of those eligible legal entities established in at least two different Member States or associated countries shall not, during the entire period in which the action is carried out, be controlled, directly or indirectly, by the same legal entity and shall not control each other; PL (Drafting Suggestions): (a) legal entities cooperating within a consortium of at least three eligible legal entities which are established in at least three different Member States or associated countries. At least three of those eligible legal entities established in at least two different Member States or associated countries shall not, during the entire period in which the action is carried out, be controlled, directly or indirectly, by the same legal entity and shall not control each other; **For actions as referred to in Article 44(1) point (c) and Article 44(1) point a concerning support to Defence Industrial Responsiveness, Industrial Scale-Up, and Resilience, Union support may be granted to a single entity** PL

Commission proposal	Drafting Suggestions and Comments
	(Comments): For industrial reinfocement actions it should be possible to support single entities as it was in the ASAP and EDIP instruments.
	FR (Drafting Suggestions): NEW **15(bis): For actions referred to in Article 44(1), point (d), Union support shall only be granted to actions carried out by:** **(a) legal entities, as referred to in Article 48(1), cooperating within a consortium of legal entities which are established in at least two different Member States or associated countries. Such eligible legal entities established in at least two different Member States or associated countries shall not, during the entire period in which the action is carried out, be controlled, directly or indirectly, by the same legal entity and shall not control each other;** **or to a Structure for European Armament Programme established in accordance with Regulation (EU) [XXX][EDIP]** FR (Comments): Les autorités françaises proposent de reprendre le modèle d'EDIRPA pour les actions présentées au point 44(1)(d).
(b) or to a Structure for European Armament Programme established in accordance with Regulation (EU) [XXX][EDIP]	CZ (Comments): SEAP needs to be defined in the ECF Regulation.

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16. If a register is created at Union level with the aim of increasing the availability of products that enable or enhance the mobility, transportation, or deployment of military personnel, equipment, or supplied, products supported under Article 45a shall be registered in that registry for the purpose of making that product available for the Union or its Member States.	LT (Drafting Suggestions): If a register is created ~~**at Union level with the aim of increasing**~~ **to facilitate Member States** ~~**the**~~ availability of products that enable or enhance the mobility, transportation, or deployment of military personnel, equipment, or supplied, products supported under Article 45a shall be registered in that registry for the purpose of making that product available for the ~~**Union or its**~~ Member States. LT (Comments): A new provision, it is not clear what mechanism it is based upon
17. Only the following legal entities shall be eligible for actions related to common defence procurement, maintenance and availability, as referred to in Article 48:	
(a) public contracting authorities of Member States or associated countries;	
(b) International Organisations;	
(c) the Structures for European Armament Programme, established in accordance with Regulation (EU) [XXX] [EDIP];	
(d) the European Defence Agency.	

Commission proposal	Drafting Suggestions and Comments
18. Notwithstanding Article 201 of Regulation (EU, Euratom) 2024/2509, only the financial capacity of a consortium coordinator shall be verified.	RO (Comments): We would appreciate clarification on the rationale for restricting the verification solely to the financial capacity of the consortium coordinator, as provided under art 201 of R. 2024/2509, while the purpose of the designation and the objective of the agreement are not subject to verification, and neither the coordinator nor the consortium members are required to cooperate in safeguarding the financial interests of the EU or the Member States, in line with the reference to Article 129 from the art 201 of the same Regulation.
19. In accordance with Article 153(3) of Regulation (EU, Euratom) 2024/2509, the evaluation committee may be assisted by independent external experts holding valid personal security clearance, if required by the work programme. By way of derogation from Article 242 of the Regulation (EU, Euratom) 2024/2509, the list of independent experts shall not be made public.	ES (Drafting Suggestions): 19. In accordance with Article 153(3) of Regulation (EU, Euratom) 2024/2509, the evaluation committee may be assisted by independent external experts holding valid personal security clearance, if required by the work programme. ~~By way of derogation from Article 242 of the Regulation (EU, Euratom) 2024/2509, the list of independent experts shall not be made public~~. ES (Comments): A strong commitment to transparency is required.
	PT (Comments): *Articles 52 to 54 – Funding Rates, Award Criteria, and Ownership of Results* Portugal supports maintaining differentiated funding rates by action type (R&D, prototyping, testing, etc.), which should reflect:

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	• the strategic nature of the project; • participation of SMEs and mid-caps companies; and, • the extend of national co-financing. Concerning evaluation criteria, Portugal advocates for: • the introduction of simplified and predictable criteria based on EDF experience; • mandatory prior publication of criteria by technological domain; • explicit weighting of its relevance to EU and NATO capabilities. Regarding ownership and results, Portugal proposes: • maintaining the EDF model whereby beneficiaries' retain ownership with extended access rights for co-financing Member States; • clarifying that usage may include certification, integration, and testing activities; and, • providing controlled IP-sharing mechanisms for projects of common European interest.
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Funding rates	BE (Comments): Belgium acknowledges the rationale explained by the Commission, the lower the TRL, the higher the financing rate. BG (Comments): Funding rates should be subject to further discussions. EE (Comments): . FR (Comments): **La France indique qu'un travail d'analyse est toujours en cours sur ces taux de co-financement, dont la valeur devra être lue au regard (i) du fonctionnement des programmes de travail ; (ii) des montants attribués au volet défense et (iii) de la rédaction finale des articles 45 à 49.** L'article 52 figurant dans la boîte de négociation, les autorités françaises se réservent le droit de proposer des amendements dans la filière de négociation idoine. Les autorités françaises souhaitent notamment la réintroduction d'une disposition permettant aux projets financés par le futur Fonds européen de défense d'obtenir un bonus de financement s'ils permettent de mettre en œuvre une action soutenue dans un projet CSP. En effet, cette disposition est garante de la bonne prise en compte du besoin et des priorités capacitaires exprimées par les Etats membres dans un cadre intergouvernemental.

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	Par ailleurs, les autorités françaises demandent à ce que les conditions relatives aux différents taux de co-financement soient précisées pour donner de la visibilité aux financements potentiels par projet. IT (Comments): Minimal funding rates are needed. In addition to greater clarity on the overall budget allocated to defence and security within the ECF, the definition of a "budget ratio" between research, development, industrialisation and procurement is particularly needed. It is important to preserve a significant component of development/prototyping/industrialisation due to the nature of the sectors involved. Moreover, in terms of co-financing, clarifications is needed on the discrepancy between the financing rate offered for EDPCIs (up to 100% according to Art. 52.1) and development actions (up to 50% according to Art. 52.3), despite the fact that EDPCIs themselves also include development initiatives (Art. 45.4 (b)). PT (Comments): Clarification is needed regarding the following: - For actions with 50% funding rate what is the expected contribution from MS? Will in kind and in cash contributions be possible from private entities? - How is the distinction established between 'research and innovation' actions (eligible for up to 100%) and 'development of technologies and

Commission proposal	Drafting Suggestions and Comments
	capabilities' (eligible for up to 50%)? Is this differentiation based on Technology Readiness Levels (TRLs) or on another criterion? RO (Comments): The co-financing rates are currently bracketed and will be subject to discussion under the AWHP-MFF framework. In this way there is a possibility to propose higher contribution rates for EDPCI projects involving a larger number of partners (minimum four), or for Common Defence Procurement initiatives — project types that foster cooperation while mitigating competitive distortions.
	ES (Comments): General comment: the EDF bonus system would be welcome.
8. By way of derogation from Article 184(6) of the Financial Regulation, for actions referred to in Article 44(1), point (a) and (b), the authorising officer responsible may authorise or impose, in the form of flat-rates, funding of the beneficiary's indirect costs up to a maximum of 25 % total eligible direct costs, excluding direct eligible costs for subcontracting, financial support to third parties and any unit costs or lump sums which include indirect costs.	DE (Comments): Could COM please explain why this derogation from the Financial Regulation is considered necessary? ES (Comments): Indirects costs as in Regulation EU 2021/697 Article 15 are prefered at least for actions referred to in Article 44(1) and (b).

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Article 53	DE (Comments): While we agree with the content of this article in principle, binding award criteria like these need to be defined for all policy windows. We have provided a preliminary proposal for that in our written comments on REV1 of chapters I-III and included the content of article 53 there. Therefore, we propose to delete the article here. FI (Comments): The proposed evaluation criteria are justified. However, it could be complemented with a criterion familiar from the EDF: 'by showing that the proposed action is a demonstrably positive balance of cost-efficiency and effectiveness.' FR (Comments): Les autorités françaises s'opposent à ce que des critères de sélection additionnels soient choisis dans le cadre du programme de travail, dans la mesure où cela alourdirait le processus. LU (Comments): Similarly to the eligibility criteria (articles 50-51), Luxembourg supports the ambition for furhter simplification and its effective translation into the ECF. However, it remains unclear how a single set of award criteria is suitable for different programmes supporting highly specific and diverse activities, TRLs and objectives. RO (Comments): We emphasize that the objectives of the ECF related to supporting the EU's defense industry cannot be achieved solely by applying excellence-oriented

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	award criteria; strategic and geographical criteria are also necessary — such as the need to ensure security in the Member States along the Eastern border (Art. 53). Therefore, we request that the EU's strategic defense priorities be fully aligned with the specific challenges of the Eastern Flank and the Black Sea region, as well as with the immediate security needs of Ukraine's neighbouring states — in terms of both equipment and infrastructure.
Award criteria	PL (Comments): It is crucial that the defence component of the ECF ensures equal geographic treatment and does not reinforce disparities within the EU's Defence Technological and Industrial Base (EDTIB), guarantees complementarity with the European Defence Fund (EDF), promotes the participation of defense SMEs from EU eastern flank countries, respects the sovereignty of Member States in defense and procurement policies, and supports defense production, research, and logistics as pillars of European security. It is proposed to add a provision in Article 53 to include geographic balance as a complement to the excellence criterion.
1. As specified in the work programmes, proposals for actions shall be assessed in accordance with excellence-oriented award criteria:	BE (Comments): How will compliance with the award criteria be measured? CZ (Drafting Suggestions): 1. As specified in the work programmes, proposals for actions shall be assessed in accordance with excellence-oriented award criteria**, <u>while respecting the geographical distribution of resources</u>**: ES

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	(Drafting Suggestions): 1. As specified in the work programmes, proposals for actions shall be assessed in accordance with excellence-oriented award criteria, **on a call-by-call basis, and funded by ECF allocations:** ES (Comments): Spain supports the flexibility sought by the Commission, but considers that some degree of predictability should be ensured over the work programme or across the years. The compromise approach presented at OMNIBUS V is welcome (on a call-by-call basis). While Horizon Europe instruments might be used to select defence-related projects, it should be made clear that the source of this funding must be the European Competitiveness Fund allocation. FR (Drafting Suggestions): 1. As specified in the work programmes, proposals for actions related to **Article 44-1(b)** shall be assessed in accordance with excellence-oriented award criteria: IT (Comments): Integration with the criteria set out in Article 45(4) is recommended. LU (Comments): Clarification is requested regarding the nature of the planned work programmes: will the criteria differ depending on the type of action, or will there be a single set of criteria for the defence industry component, provided for all work prorammes?

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	RO (Drafting Suggestions): As specified in the work programmes, proposals for actions shall be assessed in accordance with excellence-oriented award criteria**, as well as strategic criteria**: RO (Comments): As defence is a strategic sector, particularly in the recent geopolitical context, funds in this sector should not only finance projects based on excelence-oriented criteria. HU (Drafting Suggestions): As specified in the work programmes, proposals for actions shall be assessed in accordance with excellence-oriented award criteria in line with Article 174 of TFEU: HU (Comments): The excellence-focused approach of the ECF could jeopardize the participation of smaller Member States and their SMEs in the relevant programs if certain guarantees/safeguards are not put in place. In this regard, we recommend that the ECF's resource allocation mechanism be designed in line with the principles laid down in Article 174 TFEU. In our view, it is also necessary in this field to reduce regional development disparities within the EU.
	FR (Drafting Suggestions): NEW **(a) its contribution to excellence or potential of disruption in the defence domain, in particular by showing that the expected results of the proposed**

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	action present significant advantages over existing defence products or technologies; **(b) its contribution to the innovation and technological development of the European defence industry, in particular by showing that the proposed action includes ground-breaking or novel concepts and approaches, new promising future technological improvements or the application of technologies or concepts previously not applied in defence sector,** **while avoiding unnecessary duplication;** **(c) its contribution to the competitiveness of the European defence industry by showing that the proposed action is a demonstrably positive balance of cost-efficiency and effectiveness thus creating new market opportunities across the** **Union and beyond and accelerating the growth of companies throughout the Union;** **(d) its contribution to the autonomy of the EDTIB, including by increasing the non-dependency on non-Union sources and strengthening security of supply, and to the security and defence interests of the Union in line with the priorities referred to in Article 3;** **(e) its contribution to the creation of new cross-border cooperation between legal entities established in Member States or associated countries, in particular SMEs and mid-caps with a substantial participation in the action, as recipients, subcontractors or as other legal entities in the supply chain, and which are established in Member States or associated** **countries other than those where the legal entities cooperating within a consortium which are not SMEs or mid-caps are established;** **(f) the quality and efficiency of the carrying out the action.**
(a) The quality and efficiency of the implementation of the action.	FR (Drafting Suggestions): (~~**a) The quality and efficiency of the implementation of the action.**~~

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	NL (Drafting Suggestions): (a) ~~The quality and efficiency of the implementation of the action.~~ **The objectives, priorities and the expected results set for the relevant action, in particular through the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) The quality and efficiency of the implementation of the action.** NL (Comments): should be held in a higher regard than the second set of criteria, which can be applicable to different work programs where the Commission, and in consultation with the member states, it sees fit. PT (Comments): With the common market for European defence , it would be relevant to consider the potential economic impact in this assessment, especially if we consider that MS investment is often involved. LT (Drafting Suggestions): The quality and efficiency of the implementation of the action**, addressing critical capability gaps.** LT (Comments): Overly broad and general criteria, suggest to make it more specific and measurable one.

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	FR (Drafting Suggestions): NEW **Except for actions refered to in article 48 and 49, the Commission shall award the funding under this section by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83 (3)[1].** FR (Comments): Les autorités françaises souhaitent l'ajout d'un article permettant de confirmer que pour les actions des articles 45, 46 et 47, la double comitologie prévaudra.
(b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability and (viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats.	BG (Comments): Bulgaria supports the proposed award criteria with specific focus on the Member States exposed to a high risk of possible conventional military threats and on cross border cooperation. CY (Drafting Suggestions): *contribution to resilience and geographical distribution of manufacturing capacities. ...and contribution to reducing strategic dependencies.* : to be added. CZ (Drafting Suggestions):

[1] In article 83-3 of this regulation, the following sentence must be added : « *Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply* »

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	(b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability ~~and~~ ,(viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats **and (ix) geographical distribution of resources**. DE (Drafting Suggestions): ~~(b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in~~ **or** ~~interchangeability and (viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats.~~ DE (Comments): To be integrated into Art. 12 EL (Drafting Suggestions):

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	(b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) **contribution to resilience and geographical decentralisation of manufacturing capacities** (v) competitiveness, (vi) increase in production capacities and availability, (vii) reduction of lead production time, (viii) **contribution to reducing strategic dependencies, showing the degree of independence from non-associated third-country components, technologies and suppliers**. (ix) increase in interoperability, (x) increase in interchangeability and (xi) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military **as well as hybrid** threats. EL (Comments): Greece proposes the inclusion of an explicit evaluation criterion rewarding projects demonstrating independence from third-country components and technologies. ES (Drafting Suggestions): (b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability and (viii) security of

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	supply throughout the Union in response to identified risks, ~~including in particular high exposure to the risk of materialisation of conventional military threats~~. ES (Comments): Spain strongly prefers that the award criteria remain focused on industry-related aspects. FR (Drafting Suggestions): (**~~(b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability and (viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats~~** NL (Drafting Suggestions): **(b) Where applicable, the following set of criteria can also be applied to the specific different work programs.** ~~(i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness,~~ **(i)** increase in production capacities and availability, **(ii)** reduction of lead production time, **(iii)** increase in interoperability, **(iv)** increase in

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	interchangeability and **(v)** security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats NL (Comments): The Netherlands believes that the four core criteria should be held in a higher regard than the second set of criteria, which can be applicable to different work programs where the Commission, and in consultation with the member states, it sees fit. PL (Drafting Suggestions): (b) The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of one or more of the following criteria as specified in the work programmes: (i) contribution to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability and (viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats, **(ix) contribution to the resilience of the Union's Defence Technologial and Industrial base through the geographical diversification of manufacturing and supply sites**. or …. (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi)

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	reduction of lead production time, (v) increase in interoperability, (vii) increase in interchangeability and (viii) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats, **(ix) impact on regional resilience, in particular on the Europe's eastern flank.** PL (Comments): It is recommended to supplement the selection criteria with an assessment of the project's impact on regional resilience, with a clear additional weighting for initiatives that strengthen the capabilities and resilience of Member States located on the Union's eastern flank. RO (Drafting Suggestions): (**(ix) security of EU's borders and airspace, in response to the risk of materialisation of conventional military threats** SE (Drafting Suggestions): **ix) contributing to the open strategic autonomy of the union** SI (Comments): Please explain how this provision ensures fair and equal treatment for entities wanting to participate in the ECF? LT (Drafting Suggestions): The objectives, priorities and the expected results set for the relevant action, in particular trough the evaluation of ~~**one or**~~ more **than one** of the following criteria as specified in the work programmes: **(i) increase defence readiness**

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	and to contribute ~~contribution~~ to excellence in the defence domain, (ii) innovation capacities, (iii) cross-border cooperation, in particular with SMEs and mid-caps that bring substantial added-value to the action, (iv) competitiveness, (v) increase in production capacities and availability, (vi) reduction of lead production time, (**vii)** increase in interoperability**~~, (vii) increase~~ and/or** in interchangeability, **(viii) increase cooperation between Member States with a GDP per capita below the EU average and Member States with a GDP per capita above the EU average,** and (~~viii~~**ix**) security of supply throughout the Union in response to identified risks, including in particular high exposure to the risk of materialisation of conventional military threats**, in particular, exposure of military threats posed by Russia and Belarus**. LT (Comments): We suggest adding additional criterion – "to increase defence readiness" as closely linked with SAFE, EDIP regulations and the Refence Readiness Roadmap 2030. We support the proposal to apply award criteria flexibly. However, we consider that allowing the use of only a single criterion may carry the risk of overlooking projects that generate the highest added value and may raise concerns regarding the transparency of the procedure for selecting criteria. We also suggest combining interoperability and/or interchangeability into one criterion. Moreover, Lithuania sugests to enhance the cooperation (including technology transfer) between Member States with a GDP per capita below the EU average and Member States with a GDP per capita above the EU average.
	FR

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	(Drafting Suggestions): NEW **2. As specified in the work programmes, proposals for actions related to Article 44-1(c) shall be assessed in accordance with excellence-oriented award criteria:** **(a) increase in production capacity in the Union: the contribution of the action to the increase, ramp-up or reservation of manufacturing capacities, their modernisation or the reskilling and upskilling of the related workforce;** **(b) reduction of lead production time: the contribution of the action to the timely satisfaction of the demand expressed through procurement in terms of reduced lead production times, including via order reprioritisation mechanisms;** **(c) elimination of sourcing and production bottlenecks: the contribution of the action to the swift identification and rapid and lasting limination of any sourcing (raw material and any other input) or production (manufacturing capability) bottlenecks;** **(d) resilience through cross-border cooperation: the contribution of the action to the development and operationalisation of cross-border cooperation between undertakings established in different Member States or associated countries, involving in particular, to a significant extent, SMEs or mid-caps as recipients, as subcontractors or as other undertakings in the supply chain;** **(e) support to procurement: the demonstration by the applicants of the link between the action and newly placed orders stemming from the joint procurement of relevant defence products by at least three Member States or associated countries especially if done in a Union framework;** **(f) the quality of the implementation plan of the action, including in terms of its processes and monitoring.**

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	3. As specified in the work programmes, proposals for actions related to Article 44-1(d) shall be assessed in accordance with excellence-oriented award criteria: **(a) the number of Member States or associated countries participating in each common procurement;** **(b) the estimated value of the common procurement;** **(c) a demonstration of the action's contribution to the strengthening of the competitiveness and to the adaptation, modernisation and development of the EDTIB in order to allow it to address, in particular, the most urgent and critical defence-product needs, as referred to in Article 3(2), including with regard to delivery lead times, availability and supply;** **(d) a demonstration of the action's contribution to the replenishment of stockpiles, including those depleted as a result of the response to Russia's war of aggression against Ukraine, to the replacement of obsolete equipment, and to the reinforcement of capabilities, as referred to in Article 3(2);** **(e) the extent of the action's contribution to strengthening cooperation among Member States or associated countries, in particular through the proportional sharing of technical and financial risks and opportunities based on a genuinely cooperative concept, as well as to the interoperability of products procured under this Regulation;** **(f) the action's contribution to overcoming obstacles to common procurement;** **(g) the extent of the action's contribution to the competitiveness and adaptation of the EDTIB to structural changes, including technological changes, through, inter alia, the envisaged creation or ramping-up of manufacturing capacities, the reservation of manufacturing capacities, and the security of supply;** **(h) the participation of SMEs and mid-caps;** **(i) the creation of new cross-border cooperation between contractors and subcontractors in the supply chains throughout the Union;** **(j) the quality and efficiency of the plans for carrying out the action.**

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	NL (Drafting Suggestions): **<u>(c) The Commission shall consult and discuss with the Defence Industry Committee as specified in article 83(1) about the award criteria of artcle 53(1), sub b, within each of the programs as identified in article 44(1).</u>** NL (Comments): The selection of award criteria programs should be done in discussion with the Defence Industry Committee. PL (Drafting Suggestions): **(c) balanced geographical participation strengthening innovation difussion, ensuring fair competition and enhancing Europe's strategic economy and shortening supply chains** PL (Comments): The inclusion of the criterion of equal geographical treatment aims to ensure a balanced and fair distribution of funding and opportunities across all MS and eligible regions. This promotes cohesion and solidarity within the EU by addressing disparities in access to resources and capabilities. The most equal participation of MS should be ensured, with particular inclusion of the countries of CEE constituting the eastern flank

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Article 54	FR (Comments): Les autorités françaises demandent une réserve d'examen sur l'ensemble des dispositions prévues à l'article 54. LU (Comments): Same as for Articles 50,50 and 53: the specificities of the supported activities must be taken into account. The provision remains abstract, and it is unclear how it will be implemented in practice. SE (Comments): Scrutiny reservation on the article regarding ownership of results.

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Ownership of results	AT (Comments): What provisions apply to the ownership of results when third states or third-state entities are involved, and how are the Union's security and defence interests safeguarded in this context? BE (Comments): Similar to alignment with EDIP, we encourage alignment with ongoing negotiations for the Defence Omnibus and proposed changes to the EDF Regulation. Belgium encourages the most ambitious guarantees for access rights and even user rights. DE (Comments): We have to examine the regulations to "Ownership of results" along the criteria laid down in the Q&As on procurements and intra-EU transfers & on EDF of 23 July 2025, especially regarding Q7. NL (Comments): • **[Art. 54: Ownership of results]** For the ECF workprogrammes, it is important that when the Member State provides co-financing or letters of intent for research and innovation, this automatically includes access rights and rights to use or have used for defence purposes — without the need to renegotiate prices later on. • Article 54 guarantees access rights, but this does not suffice for Member States. We also need rights to use or have used the developed products for defence purposes. • This is particularly relevant when a development has already been 100% financed under the Grant Agreement and national co-financing. • It is essential that industry should retain the right to commercialise the results, but where Member States provide co-financing, they should not

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	• have to pay again for rights to use or have used for defence purposes on top of the Grant Agreement and co-financing. • This issue is also being discussed in the Omnibus. However, we are determined that rights to use and have used for defence purposes have to be included in clear and practical provisions in the regulation itself.
1. Where Union support is provided in the form of a grant, Union institutions, bodies, offices or agencies as well as granting authorities shall enjoy upon request royalty-free access rights to results for the purpose of developing, implementing and monitoring existing Union policies or programmes in the fields of its competence and the right to grant, or to require the recipients to grant, non-exclusive licenses to third parties to exploit the results under fair and reasonable conditions to be set out in the contractual relationships between the interested parties without any right to sublicense unless otherwise specified in the grant agreement.	FI (Comments): Project results should not be automatically required to be shared with the Commission. The specific characteristics of defence projects in terms of project security must be taken into account. In RDI development projects, the expansion of participating Member States' access rights to project information into 'Right to Use' should be considered. RDI projects should have clear practices regarding IP and usage rights, so that these do not need to be negotiated separately for each project. HR (Comments): The type of access suggested in this paragraph should not be automatic. NL (Drafting Suggestions): Where Union support is provided in the form of a grant **and without prejudice to the rights of the national authorities co-financing the action as set out in this Article**, Union institutions, bodies, offices or agencies as well as granting authorities shall enjoy upon request royalty-free access rights to results for the purpose of developing, implementing and monitoring existing Union policies or programmes in the fields of its competence and the right to grant, or to require the recipients to grant, non-exclusive licenses to third parties to exploit the results under fair and reasonable conditions to be

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	set out in the contractual relationships between the interested parties without any right to sublicense unless otherwise specified in the grant agreement. SE (Comments): How will this right to access results affect the willingness of private companies, including new startups to participate in activities and projects?
2. Without prejudice to applicable export control rules under Member States and associated countries responsibility:	DE (Comments): We generally support clear rules concerning access rights for Member States of results generated. We will examine the proposal in further detail.
(a) The national authorities of Member States and associated countries shall enjoy access rights to the special reports of activities funded under Article 44 paragraph 1, point (b). Such access rights shall be granted on a royalty-free basis and transferred by the Commission to the Member States and associated countries after the Commission has ensured that appropriate confidentiality obligations are in place.	ES (Comments): Since the term 'special report' has not yet been included in any defence industry–related regulation, it would be useful to provide a definition or at least indicate its minimum content. SE (Comments): Same question as above, this framework has to be developed in a way that does not disencourage private companies, especially SMEs and startups to participate.
(b) The national authorities of Member States and associated countries shall use the special report solely for purposes related to the use by or for their armed forces, or security or intelligence forces, including within the framework of their cooperative programmes. Such use shall include study, evaluation, assessment, research, design, product acceptance and certification,	CZ (Drafting Suggestions): (b) The national authorities of Member States and associated countries shall use the special report solely for purposes related to the use by or for their

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operation, training and disposal, as well as the assessment and drafting of technical requirements for procurement.	armed forces, or security or intelligence forces, including within the framework of their cooperative programmes. Such use shall **in particular** include study, evaluation, assessment, research, design, product acceptance and certification, operation, training and disposal, as well as the assessment and drafting of technical requirements for procurement. SI (Comments): Please explain the characteristic and added value such a special report contains?
(c) Where two or more Member States or associated countries have, multilaterally or within the framework of the Union, jointly concluded one or several contracts with one or more recipients to further develop together results of activities supported by the Fund under Article 45 paragraph 1, point (b), they shall enjoy access rights to those results insofar as they are owned by such recipients and are necessary for the execution of the contract or contracts. Such access rights shall be granted on a royalty-free basis and under specific conditions aiming to ensure that those rights are used only for the purposes of the contract or contracts and that appropriate confidentiality obligations are put in place.	ES (Comments): This paragraph should be discussed in conjunction with the following one. LT (Drafting Suggestions): Article 4**54** LT (Comments): Maybe a typo
(d) For actions supporting development of defence technologies and capabilities, access rights to the results of development actions shall be granted to the national authorities co-financing the action under fair and reasonable conditions to be agreed upon with the recipients generating those results. Terms and conditions for the exercise of such access rights shall be set out in the contractual relationship between the recipients and the national authorities co-financing the action.	DE (Drafting Suggestions): For actions supporting development of defence technologies and capabilities, access **and non-exclusive user rights** to the results of development actions shall be granted to the national authorities co-financing the action. ~~under fair and reasonable conditions to be agreed upon with the recipients generating those results~~. Terms and conditions for the exercise of such access rights **and**

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	non-exclusive user rights shall be set out in the contractual relationship between the recipients and the national authorities co-financing the action. DE (Comments): Extension of non-exclusive user rights beyond access rights for Development actions. As MS and associated countries invest a substantial effort (e.g. ressources, CONOPS, test facilities) to support actions supporting development of defence technologies and capabilities, MS and associated countries need to gain non-exclusive user rights beyond access rights in order to justify their effort. Therefore the agreement process would be omitted and user rights would be granted to MS and associated countries. ES (Drafting Suggestions): (d) For actions supporting development of defence technologies and capabilities, ~~access rights to the results of development actions~~ **users' rights** shall be granted to the national authorities co-financing the action under fair and reasonable conditions to be agreed upon with the recipients generating those results. Terms and conditions for the exercise of such ~~access~~ **users'** rights shall be set out in the contractual relationship between the recipients and the national authorities co-financing the action. ES (Comments): Spain seeks a more ambitious agreement. We also consider that providing a definition of users' rights could help facilitate such an agreement. NL (Drafting Suggestions): (d) For actions supporting development of defence technologies and capabilities, access rights **and rights to use or have used for defence purposes** the results of development actions shall be granted to the national

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	authorities co-financing the action ~~under fair and reasonable conditions~~ to be agreed upon with the recipients generating those results. ~~Terms and conditions~~ **the arrangements** for the exercise of such ~~access~~ rights shall be set out in the contractual relationship between the recipients and the national authorities co-financing the action. NL (Comments): Rights to use or have used the results of EDF actions: Where Member States or EDF associated countries have confirmed co-financing to some legal entities of a consortium, all legal entities of the selected consortium are expected to provide such Member States or EDF associated countries with rights to use or have used the results generated during the action for their defence purposes, to be agreed upon between the Member States or EDF associated countries and the legal entities of the selected consortium. SI (Comments): Please explain what are the rights for an entity to access the results, if such an entitiy is not a national authority actively co-financing the action? LT (Drafting Suggestions): For actions supporting development of defence technologies and capabilities, access rights **and user rights** to the results of development actions shall be granted to the national authorities co-financing the action under fair and reasonable conditions to be agreed upon with the recipients generating those results. Terms and conditions for the exercise of such access rights **and user**

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	rights shall be set out in the contractual relationship between the recipients and the national authorities co-financing the action. LT (Comments): We support the proposal to add the possibility of granting user rights to Member States and associated countries co-financing projects on the terms agreed between national authorities and the recipients. Member States and associated countries must have such a righ to guarantee R&D follow-up and to apply co-financing more broadly.
(e) For actions supporting defence industrial reinforcement, scale-up, or the establishment of strategic production capacities, the Commission shall be allowed to provide the Member States and associated countries with the relevant action documentation upon request in order to avoid double funding of the same costs.	CZ (Drafting Suggestions): (e) For actions supporting **development of defence technologies and capabilities,** defence industrial reinforcement, scale-up, or the establishment of strategic production capacities, the Commission shall be allowed to provide the Member States and associated countries with the relevant action documentation upon request in order to avoid double funding of the same costs. CZ (Comments): CZ proposes to add '**development of defence technologies and capabilites**', as it would also include the cases where the R&D is financed from the EU resources.
(f) Where the Union supports common procurement of defence products, participating Member States and associated countries shall make a relevant set of information, such as main characteristics, performances, unit costs and delivery times, available to other Member States and associated countries upon	

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request to allow them to join the procurement at a later stage under fair and reasonable conditions.	
(g) Such access rights shall include the right to authorise other legal entities established in the Union or associated countries to use the results on their behalf, under conditions of confidentiality where appropriate.	ES (Comments): This paragraph should be discussed in the context of the users' rights issue. Further comments will be provided depending on the final wording of the preceding paragraphs.
3. Any transfer of ownership of results, or the granting of exclusive licences for results, generated with support to legal entities established in non-associated third countries or to non-associated third-country entities shall be subject to prior notification and approval by the Commission or the relevant Member State or associated country authorities, which takes place within 3 years after the final payment of the action, under conditions ensuring the protection of the Union's security and defence interests.	DE (Comments): " which takes place within 3 years after the final payment of the action" should be placed earlier in the sentence if the transfer is meant. FR (Drafting Suggestions): Any transfer of ownership of results, or the granting of exclusive licences for results, generated with support to legal entities established in non-associated third countries or to non-associated third-country entities shall be subject to prior notification and approval by the Commission ~~or~~ **and** the relevant Member State or associated country authorities, which takes place within 3 years after the final payment of the action, under conditions ensuring the protection of the Union's security and defence interests. PL (Drafting Suggestions): Any transfer of ownership of results, or the granting of exclusive licences for results, generated with support to legal entities established in non-associated third countries or to non-associated third-country entities shall be subject to prior notification and approval by the Commission or **and** the relevant Member

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	State or associated country authorities, which takes place within 3 years after the final payment of the action, under conditions ensuring the protection of the Union's security and defence interests. PL (Comments): To increase security of supply and to strengthen control over the transfer of results outside the EU, the following change is proposed.
Article 55	
Additional applicable rules on classified information	DE (Comments): The whole Art. 55 needs to be further evaluated in detail.
1. Natural persons who are resident in and legal persons that are established in a third country may handle Union classified information regarding the Programme only where they are subject, in those countries, to security regulations ensuring a degree of protection at least equivalent to that provided by the security rules of the Commission and of the Council, as set out in Decision (EU, Euratom) 2015/444 and Decision 2013/488/EU, respectively.	
2. Without prejudice to Article 13 of Decision 2013/488/EU and to the rules governing the field of industrial security set out in Decision (EU, Euratom) 2015/444, a natural or legal person, third country or international organisation may be given access to Union classified information where considered to be necessary on a case-by-case basis, according to the nature and	DE (Comments): What does this article mean in practice?

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content of such information, the recipient's need to know and the degree of advantage to the Union.	
3. Where actions involve, require or contain classified information, the relevant funding body shall specify in the documents concerning the call for proposals or tenders the measures and requirements necessary to ensure the security of such information at the requisite level.	
4. The equivalence of the security regulations applied in a third country or by an international organisation shall be laid down in a security of information agreement, including industrial security matters if relevant, concluded or to be concluded between the Union and that third country or international organisation in accordance with the procedure provided for in Article 218 TFEU and taking into account Article 13 of Decision 2013/488/EU.	
5. The security framework to ensure the appropriate protection of classified foreground information generated in carrying out in an action funded under this Section shall be established in accordance with Decisions (EU, Euratom) 2015/444 and implementing rules, with the assistance of security experts appointed by the Member States and associated countries on whose territory the beneficiaries are established. The Member States and associated countries, in the framework of the works of the Commission Security Expert Group (ComSEG), shall provide the Commission with a jointly agreed security classification guide. If no such specific jointly agreed security classification guide is set up by the Member States and associated countries, the Commission shall set up the security framework for the action in accordance with the applicable Commission security provisions. The classified foreground information generated in carrying out in an action funded under this Section	FR (Drafting Suggestions): 5. The security framework to ensure the appropriate protection of classified foreground information generated in carrying out in an action funded under this Section shall be established in accordance with Decisions (EU, Euratom) 2015/444 and implementing rules, with the assistance of security experts appointed by the Member States and associated countries on whose territory the beneficiaries are established. The Member States and associated countries~~, in the framework of the works of the Commission Security Expert Group (ComSEG),~~ shall provide the Commission with a jointly agreed security classification guide. If no such specific jointly agreed security classification guide is set up by the Member States and associated countries, the Commission shall set up the security framework for the action

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shall not be disseminated further without a certified "need to know" agreed by the participating Member States and associated countries. The applicable security framework for the action shall in any event be put in place before the signature of the funding agreement.	in accordance with the applicable Commission security provisions. The classified foreground information generated in carrying out in an action funded under this Section shall not be disseminated further without a certified "need to know" agreed by the participating Member States and associated countries. The applicable security framework for the action shall in any event be put in place before the signature of the funding agreement. FR (Comments): Les travaux du « Commission Security Expert Group » semblent peu adaptés à la rédaction d'un « Security classification guide » (SGC), qui est un document devant être négocié par des experts techniques.

Article 56	AT (Drafting Suggestions): DELETION of Article 56 AT (Comments): In line with the final provisions agreed upon in the context of the European Defence Industry Programme (EDIP), where no such structure is envisaged, and with a view to ensuring consistency of EU policies, AT is in favour of the deletion of the Defence Industrial Advisory Board. CZ (Comments): **A similar instrument was introduced in the EDIP Regulation and did not receive positive feedback by the EU MS. Therefore, we firstly need to assess whether there will be any additional value.** **CZ generally does not support any new formats, which potential agenda can be covered by already existing platforms.** DE (Drafting Suggestions): ~~*Article 56*~~ DE (Comments): **Whole article to be deleted** FI (Comments): Member States did not consider such an arrangement necessary during the EDIP negotiations, and it is also contrary to other related discussions on the topic. This should be approached with caution. The activity easily shifts

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	towards capability planning, and there is a risk that the preparations of the Defence Window Programme Committee could be bypassed. FR (Drafting Suggestions): ~~**Article 56**~~ FR (Comments): En l'absence de détails concernant les missions, la gouvernance et le lien avec les autres comités établis dans la proposition FEC de la Commission, les autorités françaises demandent la suppression de l'article 56. IT (Drafting Suggestions): ~~***Article 56***~~ IT (Comments): Consistency with EDIP. LU (Comments): More information is needed on the structure and functioning of the DIAB. The decision-making process (including the approval of recommendations, its composition, and chairing arrangements) should be clearly defined. If not specified in the regulation itself, these elements should be outlined in the rules of procedure, to which a reference could be added. Further information on the foreseen hierarchy and/or interconnection of the DIAB with regards to the other boards proposed to be set up under the ECF, would be highly welcome.

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	NL (Drafting Suggestions): ~~*Article 56*~~ PT (Comments): *Article 56 – Defence Industrial Advisory Board* Portugal supports the establishment of a Defence Industrial Advisory Board (DIAB), provided that it: • ensures balanced geographical and sectoral representation, including SMEs; • serves as a consultative and non-decisional role; • reports transparently to the ECF-Defence Programme Committee. Portugal further proposes that DIAB include permanent thematic subgroups (e.g., Disruptive Technologies, Value Chains, SMEs, and Skills), enabling a direct link to the European Defence Industrial Strategy (EDIS). SE (Drafting Suggestions): ~~Article 56~~ SE (Comments): Unclear what the added value of the advisory board is.

Defence Industrial Advisory Board	BE (Comments): We encourage the Commission to give a clear answer on the governance of the ECF. The role of the DIAB is clear for us, but the envisaged programme committee(s) is not. Is the Commission envisaging one programme committee with subformations for support actions or one programme committee per support action? It is clear the Commission aims to make the programme committees more agile by avoiding "long, prescriptive, and intimidating work programmes", but how does it intend to do so while ensuring that the programme committee(s) and the role the Member States play in them remain**s** decisive? DE (Drafting Suggestions): ~~**Defence Industrial Advisory Board**~~ DE (Comments): It is the task of the programme committee to provide advice and recommendation to the Commission. FR (Drafting Suggestions): ~~**Defence Industrial Advisory Board**~~ IT (Drafting Suggestions): ~~**Defence Industrial Advisory Board**~~ NL (Drafting Suggestions): ~~**Defence Industrial Advisory Board**~~ NL

Commission proposal	Drafting Suggestions and Comments
	(Comments): • It remains unclear what exact role this proposed board would play. • The Netherlands would like to underline that Member States must remain in the driver's seat when it comes to setting priorities, defence planning, procurement decisions and implementation. • Therefore, we are critical towards this board until it becomes clear what it's exact role and mandate will be. PL (Comments): The establishment of an additional advisory body is unnecessary, especially considering that the Board's role arises only in the context of EDPCI. We propose removing this concept. Furthermore, we question what the Board's actual tasks will be and whether it will have a real influence on decisions taken by the European Commission, or serve merely as a consultative body. • We propose further clarification regarding the composition of the Defence Industry Advisory Board in Article 56(3), specifying the selection process and term of office of the High Representative. SE (Drafting Suggestions): ~~Defence Industrial Advisory Board~~ LT (Comments): Sceptical about the idea of establishing Defence Industrial Advisory Board. We should use existing formats within EDA or Defence Industry Working Party.

Commission proposal	Drafting Suggestions and Comments
1. A Defence Industrial Advisory Board is hereby established.	DE (Drafting Suggestions): ~~1. A Defence Industrial Advisory Board is hereby established.~~ ES (Drafting Suggestions): ~~1. A Defence Industrial Advisory Board is hereby established.~~ ES (Comments): Spain does not see the added value of this Board and suggests its deletion. These tasks could be carried out either by the relevant Council body or by the Programme Committee, depending on the final wording. Additional questions regarding the Defence Industrial Advisory Board: • What decision-making system will be applied? • What mechanism will be followed in the event of conflicting positions? • What level of representation is expected from Member States if the High Representative also participates? (It may be more appropriate to clarify that there will be representation from the European External Action Service and the European Defence Agency.) • In any case, the EDA should be represented individually. FR (Drafting Suggestions): **~~1. A Defence Industrial Advisory Board is hereby established.~~**

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Commission proposal	Drafting Suggestions and Comments
	HR (Comments): HR remains sceptial towards the proposal of establishing a Defence Industrial Advisory Board, especially as an advisory body to the Commission. Further deliberations are needed on this concept before making an informed decision. However, HR emphasizes that the Council should determine the long-term investment strategy of the defence policy window. IE (Comments): IE General Comment: More details is required on the nature and the role of the Advisory Board. What are the roles and responsibilities of the board? IT (Drafting Suggestions): ~~**1. A Defence Industrial Advisory Board is hereby established.**~~ NL (Drafting Suggestions): ~~1. A Defence Industrial Advisory Board is hereby established~~. RO (Comments): Clarification is needed on the specific role and scope of the Defence Industrial Advisory Board, in particular regarding what is entailed by providing advice on the long-term investment strategy of the defence policy window, including its influence on funding priorities, project selection, and strategic planning. SE (Drafting Suggestions): ~~1. A Defence Industrial Advisory Board is hereby established.~~

Commission proposal	Drafting Suggestions and Comments
2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window.	BG (Comments): The functions and powers of the board and its interaction with existing and planned new bodies need to be clarified. What will be the added value of the proposed format? DE (Drafting Suggestions): ~~2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window.~~ EE (Comments): Estonia supports the establishment of a Defence Industrial Advisory Board, but wants its mandate to be advisory, its tasks to be set out in a regulation, and the decision-making process to be transparent. ES (Drafting Suggestions): ~~2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window.~~ FR (Drafting Suggestions): **~~2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It~~**

Commission proposal	Drafting Suggestions and Comments
	~~**shall notably provide advice on the long-term investment strategy of the defence policy window.**~~ IT (Drafting Suggestions): ~~**2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window.**~~ IT (Comments): For broader political guidance, assistance, and recommendations — beyond the technical input provided by the Programme Committees pursuant to Regulation (EU) No 182/2011 — such direction should be provided by the Council, through the DIWP and COREPER. NL (Drafting Suggestions): ~~2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window~~ SE (Drafting Suggestions): ~~2. The general task of the Board is to assist and provide advice and recommendations to the Commission pursuant to this Regulation. It shall notably provide advice on the long-term investment strategy of the defence policy window.~~

Commission proposal	Drafting Suggestions and Comments
3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative.	CY (Comments): Who is going to chair the board? What will be the board's decision making mechanism? DE (Drafting Suggestions): ~~3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative.~~ EL (Drafting Suggestions): 3. The Defence Industrial Board shall be composed of representatives of **all** the Member States, of the Commission and of the High Representative/Head of the Agency **and the EDA**. Each Member State shall nominate one representative and one alternate representative. EL (Comments): Chairmanship and Terms of References, especially regarding the decision making process need to be established and clarified. ES (Drafting Suggestions): ~~3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative.~~ FR

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Commission proposal	Drafting Suggestions and Comments
	(Drafting Suggestions): ~~**3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative**~~. IT (Drafting Suggestions): ~~**3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative.**~~ LU (Drafting Suggestions): 3. The Defence Industrial Board shall be composed of representatives of the Member States, of the **relevant** Commission **services,** ~~and~~ of the ~~High Representative/Head of the~~ **European Defence** Agency **and of the EEAS**. Each Member State shall nominate one representative and one alternate representative. NL (Drafting Suggestions): ~~3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head of the Agency. Each Member State shall nominate one representative and one alternate representative.~~ SE (Drafting Suggestions): ~~3. The Defence Industrial Board shall be composed of representatives of the Member States, of the Commission and of the High Representative/Head~~

Commission proposal	Drafting Suggestions and Comments
	~~of the Agency. Each Member State shall nominate one representative and one alternate representative.~~

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