



2017/0125(COD)

5.12.2017

AMENDMENTS

254 - 472

Draft report
Françoise Grossetête
(PE608.022v01-00)

Proposal for a regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry

Proposal for a regulation
(COM(2017)0294 – C8-0180/2017 – 2017/0125(COD))

Amendment 254
Dominique Riquet

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *public procurement.* *deleted*

Or. fr

Amendment 255
Olle Ludvigsson

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *public procurement.* *deleted*

Or. en

Amendment 256
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *public procurement.* *deleted*

Or. it

Amendment 257
Patrizia Toia

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Structural, public or similar expenditure incurred by public administrations for co-financing investments under the Programme will be deducted from the structural deficit calculation.

Or. en

Amendment 258

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak, Anna Elżbieta Fotyga

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The Union's financial assistance shall be implemented by the Commission as provided for by Regulation (EU, Euratom) No 966/2012 directly or indirectly by entrusting budget implementation tasks to the entities listed in Article 58(1) (c) of that Regulation.

3. The Union's financial assistance shall be implemented by the Commission as provided for by Regulation (EU, Euratom) No 966/2012 directly or indirectly by entrusting budget implementation tasks to the **European Defence Agency or to** entities listed in Article 58(1) (c) of that Regulation.

Or. en

Amendment 259

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Peter Kouroumbashev, Răzvan Popa, Clare Moody, José Blanco López, Dan Nica

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The Union's financial assistance shall be implemented by the Commission as provided for by Regulation (EU, Euratom) No 966/2012 directly or

3. The Union's financial assistance shall be implemented by the Commission as provided for by Regulation (EU, Euratom) No 966/2012 directly or

indirectly by entrusting budget implementation tasks to the entities listed in Article 58(1) (c) of that Regulation.

indirectly by entrusting budget implementation tasks to the **European Defence Agency or the** entities listed in Article 58(1) (c) of that Regulation.

Or. en

Amendment 260
Anneleen Van Bossuyt

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. In case a project manager is appointed by Member States, the Commission shall execute the payment to the eligible beneficiaries after informing the project manager.

deleted

Or. en

Justification

The project manager should be appointed within the consortium; we do not want an external third party out of efficiency.

Amendment 261
Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. In case a project manager is appointed by Member States, the Commission shall execute the payment to the eligible beneficiaries after *informing* the project manager.

4. Member States shall appoint a project manager. The Commission shall execute the payment to the eligible beneficiaries after *consulting* the project manager.

Or. en

Amendment 262
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Types of financial instruments

1. *Financial instruments set up in accordance with Title VIII of Regulation (EU, Euratom) No 966/2012 may be used to facilitate access to finance by entities implementing actions in accordance with Article 6.*

2. *The following types of financial instruments may be used:*

(a) *Equity or quasi-equity investments;*

(b) *Loans or guarantees;*

(c) *Risk sharing instruments.*

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 263
Olle Ludvigsson

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Types of financial instruments

1. *Financial instruments set up in accordance with Title VIII of Regulation (EU, Euratom) No 966/2012 may be used to facilitate access to finance by entities implementing actions in accordance with Article 6.*

2. *The following types of financial instruments may be used:*

(a) *Equity or quasi-equity investments;*

(b) *Loans or guarantees;*

(c) *Risk sharing instruments.*

Or. en

Amendment 264

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Amendment

Eligible actions

Areas of cooperation

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 265
Gunnar Hökmark, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Programme shall provide support for actions by beneficiaries in the development phase covering both new and the upgrade of existing products and technologies, *in relation to*:

Amendment

1. The Programme shall provide support for actions by beneficiaries in the development phase covering both new and the upgrade of existing products and technologies *developed in the Union by Member States and, where appropriate, in cooperation with strategic partners. An eligible action may relate to one or more of the following items:*

Or. en

Amendment 266
Clare Moody

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Programme shall provide support for actions by beneficiaries in the development phase covering both new and the upgrade of existing products and technologies, in relation to:

Amendment

1. The Programme shall provide support for actions by beneficiaries in the development phase covering both new and the upgrade of existing products and technologies *developed wholly or in significant part in the Union by Member States*, in relation to:

Or. en

Amendment 267
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Programme shall **provide support for** actions by **beneficiaries** in the development phase covering both new and the upgrade of existing products and technologies, in relation to:

1. The Programme shall **identify and develop** actions by **participants** in the development phase covering both new and the upgrade of existing products and technologies, in relation to:

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 268

Anneleen Van Bossuyt

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Programme shall provide support for actions by beneficiaries in the development phase covering **both new and the upgrade of existing** products and technologies, in relation to:

1. The Programme shall provide support for actions by beneficiaries in the development phase covering **new** products and technologies, in relation to:

Or. en

Justification

Priority should be given to new technologies and products; the Programme should not risk investing in the mere upgrading of existing resources.

Amendment 269

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn,

Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the design of a defence product, tangible or intangible component or technology as well as the technical specifications on which such design has been developed;

Amendment

(a) the design of a defence product ***or a product supporting the undertakings' aim to convert from military to civil production***, tangible or intangible component or technology as well as the technical specifications on which such design has been developed;

Or. en

Amendment 270

Anneleen Van Bossuyt

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the design of a defence product, tangible or intangible component or technology as well as the technical specifications on which such design has been developed;

Amendment

(a) the design of a defence product, tangible or intangible component or technology as well as the technical specifications ***or standards*** on which such design has been developed;

Or. en

Justification

Standards are very important for cooperation, they reinforce interoperability and lead to cost savings.

Amendment 271

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the prototyping of a defence product, tangible or intangible component or technology. A prototype is a model of a product or technology that can demonstrate the element's performance in an operational environment;

Amendment

(b) the prototyping of a defence product ***or a product supporting the undertakings' aim to convert from military to civil production***, tangible or intangible component or technology. A prototype is a model of a product or technology that can demonstrate the element's performance in an operational environment;

Or. en

Amendment 272

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the testing of a defence product, tangible or intangible component or technology;

Amendment

(c) the testing of a defence product ***or a product supporting the undertakings' aim to convert from military to civil production***, tangible or intangible component or technology;

Or. en

Amendment 273

Jonás Fernández, José Blanco López

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the testing of a defence product, tangible or intangible component or technology;

Amendment

(c) the testing ***and evaluation*** of a defence product, tangible or intangible component or technology;

Or. en

Amendment 274

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) the qualification of a defence product, tangible or intangible component or technology; qualification is the entire process of demonstrating that the design of a product/component/technology meets the specified requirements. This process provides objective evidence by which particular requirements of a design are demonstrated to have been achieved;

Amendment

(d) the qualification of a defence product ***or a product supporting the undertakings' aim to convert from military to civil production***, tangible or intangible component or technology; qualification is the entire process of demonstrating that the design of a product/component/technology meets the specified requirements. This process provides objective evidence by which particular requirements of a design are demonstrated to have been achieved;

Or. en

Amendment 275

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

(e) the certification of a defence product or technology. Certification is the process according to which a national authority certifies that the product/component/technology complies with the applicable regulations;

Amendment

(e) the certification of a defence product ***or a product supporting the undertakings' aim to convert from military to civil production*** or technology. Certification is the process according to which a national authority certifies that the product/component/technology complies with the applicable regulations;

Or. en

Amendment 276

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) *studies such as feasibility studies and other accompanying measures.* **deleted**

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 277

Martina Werner, Jens Geier, Constanze Krehl, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The action shall be undertaken in a cooperation of at least **three** undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

2. The action shall be undertaken in a cooperation of at least **four** undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other. ***This paragraph shall not apply to actions in support of conversion from military to civil production.***

Or. en

Amendment 278
Olle Ludvigsson

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three **undertakings** which are established in at least two different Member States. **The undertakings which are beneficiaries** shall not effectively **be** controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of **undertakings in a consortium of** at least three **eligible entities** which are established in at least two different Member States. **At least three of the eligible entities established in at least two different Member States** shall not **be** effectively controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Amendment 279
Esther de Lange, Ivo Belet, Henna Virkkunen, Bendt Bendtsen, Krišjānis Kariņš,
Caroline Nagtegaal

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other. **IPR generated in relation to the action shall be retained by the Union.**

Or. en

Amendment 280
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least **three** undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least **four** undertakings, **two of which should preferably be SMEs**, which are established in at least **four** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. it

Amendment 281
Miroslav Poche, Zigmantas Balčytis, Theresa Griffin, Carlos Zorrinho

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. **The** undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. **At least three** undertakings which are beneficiaries **and their subcontractors** shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Amendment 282
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. The undertakings which are **beneficiaries** shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. The undertakings **and their subcontractors** which are **participants** shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 283

Jerzy Buzek, Michał Boni

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. **The** undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least two different Member States. **At least two** undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Amendment 284
Flavio Zanonato

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least **three** undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least **four** undertakings which are established in at least **four** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. it

Amendment 285
Massimiliano Salini, Pilar del Castillo Vera, Lara Comi

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Justification

EU budget should be used in the field of defence industry to incentivize the implementation of multilateral cooperation programmes, not only bilateral programmes. Therefore, a minimum of three states is required.

Amendment 286
Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak, Anna

Elżbieta Fotyga

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

**Amendment 287
Patrizia Toia**

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Justification

The objective of this amendment is to go beyond bilateral cooperation and promote a more inclusive cooperation between Member States.

**Amendment 288
Christelle Lechevalier**

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Amendment 289
Christelle Lechevalier

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **two** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Amendment

2. The action shall be undertaken in a cooperation of at least three undertakings which are established in at least **three** different Member States. The undertakings which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. fr

Amendment 290
Anneleen Van Bossuyt

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The action shall be undertaken in a cooperation of at least **three** undertakings which are established in at least **two** different Member States. The undertakings

Amendment

2. The action shall be undertaken in a cooperation of at least **eight** undertakings which are established in at least **six** different Member States. The undertakings

which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

which are beneficiaries shall not effectively be controlled, directly or indirectly, by the same entity or shall not control each other.

Or. en

Justification

The participation requirements proposed by the Commission are setting the threshold very low in a way that the Union's support cannot be really justified, if the aim is to incentivise European projects.

Amendment 291
Caroline Nagtegaal

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If there are no competitive substitutes readily available in the EU, and if this usage would not contravene the security and /or defence interests of the Union and its Member States, beneficiaries and their subcontractors may use assets, infrastructure, facilities and resources located or held outside the territory of EU Member States or controlled by third countries. When performing an eligible action, beneficiaries and their subcontractors, may also cooperate with undertakings established outside the territory of EU Member States, if this would not contravene the security and/or defence interests of the Union and its Member States. The costs related to these activities shall not be eligible for funding under the Programme.

Or. en

Amendment 292
Anneleen Van Bossuyt

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where appropriate and duly justified, the work programme may provide for additional conditions according to specific policy requirements or to the nature and objectives of the action, including inter alia conditions regarding the number of participants, the type of participants and their place of establishment.

Or. en

Justification

The norm should be to fund projects with increased cooperation of European undertakings. Nevertheless, some flexibility should be granted for exceptional and justified cases, regarding the number of participants, the type of participant and the place of establishment.

Amendment 293
Esther de Lange, Ivo Belet, Henna Virkkunen, Bendt Bendtsen, Caroline Nagtegaal

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. An action undertaken by entities established in more than two different Member States shall benefit from an increase in the funding rate of five percentage points.

Or. en

Amendment 294
Esther de Lange, Ivo Belet, Henna Virkkunen

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *If there are no competitive substitutes readily available by undertakings established in the Union and controlled by Member States, and if the usage would not contravene the security and defence interests of the Union or the Union's Common Security and Defence Policy, the beneficiaries and their subcontractors may also use assets, infrastructure, facilities and resources located or held inside the Union that are controlled by third countries. The costs related to these activities shall not be eligible for funding.*

Or. en

Amendment 295
Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation
Article 6 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the right to use all or part of the assets of an undertaking;

(a) the right to use all or part of the assets of an undertaking *in the EU*;

Or. en

Amendment 296
Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation
Article 6 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) *the ownership or resulting know-*

*how and IPR is retained in the EU
without any control from third countries;*

Or. en

Amendment 297

Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation

Article 6 – paragraph 3 – point a b (new)

Text proposed by the Commission

Amendment

*(ab) beneficiaries of this action have to
provide sufficient assurances that non-EU
control may occur;*

Or. en

Amendment 298

Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation

Article 6 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking. *deleted*

Or. en

Amendment 299

Dominique Riquet

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission must therefore assess fairly whether Member States or their nationals have a decisive influence over the management of the undertaking concerned. It is important to determine where and how strategic commercial decisions are taken. This requires an analysis of the governance of the undertaking with regard to its overall functioning. Other aspects which are likely to influence decision-making on strategic issues, such as shareholder rights, financial ties and commercial cooperation between the undertaking and any shareholders in third countries, should also be examined.

Or. fr

Amendment 300

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. When it relates to actions defined under point (b) to (f) of the first paragraph, the action must be based on common technical specifications.

4. When it relates to actions defined under point (b) to (f) of the first paragraph, the action must be based on common technical specifications. ***Consortia shall demonstrate that at least two Member States intend to jointly procure the final product or use the technology in a coordinated way, including joint procurement where applicable.***

Or. en

Amendment 301

Dominique Riquet, Kaja Kallas

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. When it relates to actions defined under *point* (b) to (f) of the first paragraph, the action must be based on common technical specifications.

Amendment

4. When it relates to actions defined under *points* (b) to (f) of the first paragraph, the action must be based on common technical specifications, ***thereby strengthening the standardisation and interoperability of systems.***

Or. fr

Amendment 302
Anneleen Van Bossuyt

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. When it relates to actions defined under point (b) to (f) of the first paragraph, the action must be based on common technical specifications.

Amendment

4. When it relates to actions defined under point (b) to (f) of the first paragraph, the action must be based on common technical specifications ***or standards.***

Or. en

Justification

Standards are very important for cooperation, they reinforce interoperability and lead to cost savings.

Amendment 303
Massimiliano Salini, Lara Comi

Proposal for a regulation
Article 6 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

An undertaking controlled by non-EU States or by non-EU entities is also

eligible to participate as beneficiary if the Member State in which it is located ensures, in accordance with effective national procedures or contractual arrangements, that this would not conflict with the security and defence interests of the Union and its Member States as established in the framework of Common Foreign and Security Policy in accordance with Title V of the TEU.

Or. en

Amendment 304
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Actions which contribute in part or entirely (parts and components including software, artificial intelligence features, and any relevant dual-use technologies), directly or indirectly to the following technologies shall be excluded from the Programme:

- (a) Weapons of mass destruction and related warhead and missile technology;*
- (b) Banned weapons and munitions not compliant with international law such as:
 - (i) Cluster munitions and related aspects in line with the Convention on Cluster Munitions;*
 - (ii) Anti-personal landmines and related aspects in line with the Convention on the Prohibition on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction;*
 - (iii) Incendiary weapons including**

white phosphorus;

(iv) Depleted uranium ammunitions;

(c) Fully autonomous weapons that enable lethal actions without meaningful human intervention;

(d) Small and light weapons (SALW) mainly developed for export purposes, i.e. where no Member State has expressed a requirement for the action to be carried out.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 305

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Actions in relation to products listed in Annex I shall not be funded. Actions in relation to products listed in Annex II shall not be funded if they are developed mainly for export purposes.

Or. en

Amendment 306

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Actions which contribute directly or indirectly to the production of armed unmanned aerial vehicles or their parts, including the production of parts and components, software, artificial intelligence features and any relevant dual-use technologies, are excluded so long as no Council Decision on the use of such new military technology exists which upholds international human rights law and international humanitarian law and which addresses issues such as a legal framework, proportionality, protection of civilians and transparency.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 307

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The action shall be in line with the tasks referred to in Article 42 TEU for peace keeping, conflict prevention and strengthening international security in accordance with the principles of the

Amendment 308

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. Military or dual-use technology supported by this Programme shall only be exported to NATO allies and friendly nations which fully comply with the provisions of the Arms Trade Treaty (ATT). Such exports shall also fully comply with the eight criteria of Common position 944/2008/CFSP on arms exports. The results of the cooperation between Member States under the Programme shall only be authorised for export in case all participating Member States agree. The Commission shall put in place a tracking mechanism to verify the end-use and end-users of the technology supported by this Programme and report about their status every 6months to Council and Parliament.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 309

Zdzisław Krasnołębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Eligible Entities

1. Beneficiaries shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

2. If the beneficiary, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be eligible for the increased funding referred to in Article 11(2) in respect of that action.

Or. en

Amendment 310

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

Eligible Entities

Participating Entities

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 311
Olle Ludvigsson

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, in which ***Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be*** located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union. ***Beneficiaries owned by an entity outside Europe, shall have a European management, and a license issued by the Member State*** in which *it is* located.

Amendment 312
Jaromír Kohlíček

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Beneficiaries shall be undertakings established in the Union, **in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings.** In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

1. Beneficiaries shall be undertakings established in the Union which, **for the purposes of the actions funded under the Programme, are not subject to control by non-EU States or by non-EU entities. However, undertakings controlled by non-EU States or by non-EU entities shall be beneficiaries if the Member States they are located in, provides sufficient assurances, in accordance with national procedures, that this will not contravene the security and defence interest of the Union and its Member States as established in the framework of Common Foreign and Security Policy in accordance with Title V the TEU.** In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Or. en

Justification

An undertaking acts like any other European company and therefore must be included among the beneficiaries when 1) it has an effective presence of technological, industrial and managerial capabilities on the European territory and 2) the Member State in which it is located in provides guarantees that it will comply with security and defence interests of the Union and its Member States.

Amendment 313

Jerzy Buzek, Marian-Jean Marinescu, Michał Boni

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Beneficiaries shall be undertakings

1. Beneficiaries shall be undertakings

established in the Union, *in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings*. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall *not* be located on the territory of *non-Member States* during the entire duration of the action.

established in the Union which, *for the purposes of the actions funded under the Programme, are not subject to control by non-EU states or by non-EU entities*. *However, undertakings controlled by non-EU States or by non-EU entities shall qualify as beneficiaries if the Member State they are located in, provides sufficient assurances, in accordance with national procedures, that this will not contravene the security and defence interests of the Union and its Member States as established in the framework of the Common Foreign and Security Policy in accordance with Title V of the TEU*. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall be located on the territory of *the Union* during the entire duration of the action.

Or. en

Amendment 314 **Krišjānis Kariņš**

Proposal for a regulation **Article 7 – paragraph 1**

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, *in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it* within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the

Amendment

1. Beneficiaries *and their subcontractors* shall be *public or private* undertakings established in the Union. *They shall be effectively controlled by a Member State* within the meaning of Article 6(3), *either as owner of the undertaking*, whether directly or indirectly through one or more intermediate undertakings *or by Member State assurances that this would not contravene the security and defence interests of the Union and its Member States*. In addition, all infrastructure, facilities, assets and resources used by the participants,

entire duration of the action.

including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. ***The use of such infrastructure, facilities, assets and resources shall not be subject to any control or restriction by a third country.***

Or. en

Amendment 315
Gunnar Hökmark, Bendt Bendtsen

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it*** within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union ***and a principal supplier to a Member State. They shall be effectively controlled by a Member State*** within the meaning of Article 6(3), ***either as owner of the undertaking***, whether directly or indirectly through one or more intermediate undertakings, ***or through a state licensing mechanism which regulates, inter alia, the transfer of technology.*** In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. ***The use of such infrastructure, facilities, assets and resources shall not be subject to any control or restriction by a third country.***

Or. en

Amendment 316
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries ***and their subcontractors*** shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. ***All or part of the assets of an undertaking under a technology transfer contract with an undertaking directly or indirectly controlled by a third country, or by third-country nationals, shall be deemed ineligible.***

Or. fr

Amendment 317
Dominique Riquet

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than 50% of the undertaking ***and effectively control it within the meaning of Article 6(3)***, whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants,

Amendment

1. Beneficiaries ***and their first-tier subcontractors*** shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than 50% of the undertaking, whether directly or indirectly through one or more intermediate undertakings. ***Where this criterion cannot be precisely applied, beneficiary undertakings and their first-tier subcontractors must be effectively***

including subcontractors *and other third parties*, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

controlled, within the meaning of Article 6(3), by Member States and/or Member State nationals. In addition, all infrastructure, facilities, assets and resources used by the participants, including *other* subcontractors, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Or. fr

Amendment 318

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. *Beneficiaries* shall be undertakings established in the Union, in which Member States and/or nationals of Member States own *more than 50% of* the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions *funded* under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. *Participants in the actions foreseen by the Programme* shall be undertakings *and their subcontractors* established in the Union, in which Member States and/or nationals of Member States own the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions *foreseen* under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. *The use of these infrastructures, facilities, assets and resources shall not be under the control of any third country or entity established outside of the Union.*

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 319

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings.*** In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. ***An undertaking controlled by non-EU States or by non-EU entities shall be eligible if the Member State it is located in provides sufficient assurances, in accordance with effective national procedures or contractual arrangements, that this would not contravene the Union and Member States' security and defence interests as established in the framework of Common Foreign and Security Policy in accordance with Title V of the TEU.***

Or. en

Amendment 320

Massimiliano Salini, Lara Comi

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings***. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Or. en

Amendment 321
Patrizia Toia

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings***. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment 322

Clare Moody

Proposal for a regulation**Article 7 – paragraph 1***Text proposed by the Commission*

1. Beneficiaries shall be undertakings established in the Union, **in** which Member States and/or nationals of Member States **own more than 50% of the undertaking and effectively control it** within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries **and their subcontractors** shall be undertakings established in the Union, which **are effectively controlled by** Member States and/or nationals of Member States within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action. **The use of such infrastructure, facilities, assets and resources shall not be subject to any control or restriction by a third country or a non-EU entity.**

Or. en

Justification

The way “effective control” is currently defined in the Commission proposal would de facto make many subsidiaries of non-EU based companies ineligible to participate in the EDIDP, even if they are subject to “effective control” by the local (EU) government through the latter’s role as regulator, research funder, sponsor and main customer. It would therefore make sense to expand Article 7.1. so that it enables such subsidiaries to be eligible to participate, provided that they fulfil conditions that ensure they contribute to achieving the objectives of the Programme.

Amendment 323

Anneleen Van Bossuyt

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings.*** In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall ***not*** be located on the territory of ***non-Member*** States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union ***or in a third country identified in the work programme.*** All infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall be located on the territory of ***the Member States or third countries identified in the work programme*** during the entire duration of the action.

Or. en

Justification

Participation of undertakings based in a third country, under the condition that this is provided in the work programme, should be allowed. In this way important projects which serve the objectives of the Programme and need the participation of a third country undertaking could still be eligible. However, in that respect, the approach as regards the intellectual property rights can be more cautious.

Amendment 324
Fredrick Federley

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more***

Amendment

1. Beneficiaries shall be undertakings, ***including their executive management structure shall be*** established in the Union. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under

intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

the Programme shall not be located on the territory of non-Member States during the entire duration of the action. ***The beneficiaries and their subcontractors shall not be exclusively controlled by third countries or by entities established in third countries or controlled by entities that may contravene the security and defence interests of the Union and its Member States.***

Or. en

Amendment 325

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which*** Member States and/or nationals of Member States ***own more than 50 % of the undertaking and effectively control it*** within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall ***not*** be located ***on*** the ***territory of non-Member*** States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union ***and effectively controlled by*** Member States and/or nationals of Member States within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall be located ***in the Member*** States during the entire duration of the action.

Or. it

Amendment 326

Christelle Lechevalier

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than **50%** of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries shall be undertakings established in the Union, in which Member States and/or nationals of Member States own more than **75%** of the undertaking and effectively control it within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets, **administrative services** and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Or. fr

Amendment 327

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Flavio Zanonato, Răzvan Popa, José Blanco López, Theresa Griffin

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Beneficiaries shall be undertakings established in the Union, ***in which Member States and/or nationals of Member States own more than 50% of the undertaking*** and effectively ***control it*** within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Amendment

1. Beneficiaries ***and their subcontractors*** shall be undertakings ***fully controlled by Member States*** within the meaning of Article 6(3), whether directly or indirectly through one or more intermediate undertakings. In addition, all infrastructure, facilities, assets and resources used by the participants, including subcontractors and other third parties, in actions funded under the Programme shall not be located on the territory of non-Member States during the entire duration of the action.

Or. en

Amendment 328
Krišjānis Kariņš

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An undertaking controlled by third countries or by third country entities shall be eligible as a beneficiary or subcontractor if the Member State it is located in provides sufficient assurances, in accordance with its national procedures, that this would not contravene the security and defence interests of the Union and its Member States as established in the framework of the Common Foreign and Security Policy in accordance with Title V of the Treaty on European Union.

Or. en

Amendment 329
Miroslav Poche, Zigmantas Balčytis, Flavio Zanonato, Patrizia Toia, Răzvan Popa, Clare Moody, José Blanco López, Carlos Zorrinho

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1, an undertaking controlled by non-EU States or by non-EU entities shall be eligible if the Member State it is located in provides sufficient assurances, in accordance with national procedures, that this would not contravene the security and defence interests of the Union and its Member States as established in the framework of Common Foreign and Security Policy in accordance with Title V of the TEU.

Amendment 330

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In case a change occurs regarding the effective control of an undertaking participating in the Programme, the undertaking concerned should inform without delay the Commission and competent authority in the Member State in which it is established which will then jointly decide on the appropriate measures with regards to the protection of national and Union interests.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 331

Gunnar Hökmark, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the event of a change in the effective control of the undertaking within the meaning of Article 6(3), the

undertaking shall inform the Commission and the Member State in which it is located. The Commission may advise Member States in their decision of the necessary protection measures which may be applied.

Or. en

Amendment 332
Sven Schulze, Christian Ehler

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purposes of the actions funded under the Programme, the beneficiaries and their subcontractors shall not be subject to exclusive control by third countries or by third country entities.

Or. en

Amendment 333
Christelle Lechevalier

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. If the beneficiary, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be eligible for the increased funding referred to in Article 11(2) in respect of that action.

deleted

Or. fr

Amendment 334
Olle Ludvigsson

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. *If the beneficiary, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be eligible for the increased funding referred to in Article 11(2) in respect of that action.* *deleted*

Or. en

Amendment 335
Anneleen Van Bossuyt

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. *If the beneficiary, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be eligible for the increased funding referred to in Article 11(2) in respect of that action.* *deleted*

Or. en

Justification

This provision should be deleted as discriminatory and demotivating for the forming of new cooperation structures.

Amendment 336
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. If the **beneficiary**, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be **eligible** for the increased **funding** referred to in Article 11(2) in respect of that action.

Amendment

2. If the **participant**, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be **identified** for the increased **administrative support** referred to in Article 11(2) in respect of that action

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 337
Sven Schulze, Christian Ehler

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from article 7 paragraph [1 a new], an undertaking controlled by third countries or by third country entities shall be eligible as a beneficiary or a subcontractor if the Member State it is located in provides sufficient assurances, in accordance with its national procedures, that this would not contravene the security and defence interests of the Union and its Member States as established in the framework of the Common Foreign and Security Policy

in accordance with Title V of the Treaty on European Union.

Or. en

Amendment 338
Patrizia Toia, Miroslav Poche

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1, an undertaking controlled not exclusively by non-EU countries or by non-EU entities, shall be eligible if the Member State where it is located provides sufficient assurances, in accordance with national legislation, that this would not violate security and defence interests of the EU and its Member States as established in the framework of Common Foreign and Security Policy in accordance with Title V of the TEU.

Or. en

Amendment 339
Olle Ludvigsson

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The beneficiaries may on a non-systemically base use subcontractors, assets, infrastructure, facilities and resources located or held outside the territory of Member States or controlled by third countries, if this usage would not contravene the security interests of the Union.

Amendment 340

Jonás Fernández, Ramón Jáuregui Atondo, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Undertakings that hold bank accounts, directly or through subsidiaries or participated companies, in jurisdictions classified as tax havens by the OECD or the EU shall not be eligible for funding.

Or. en

Amendment 341

Sven Schulze, Christian Ehler

Proposal for a regulation

Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. If there are no competitive substitutes readily available in the Union, and if this usage would not contravene the security and defence interests of the Union and its Member States, beneficiaries and their subcontractors may use assets, infrastructure, facilities and resources located or held outside the territory of Member States or controlled by third countries.

When performing an eligible action, beneficiaries and their subcontractors may also cooperate with undertakings established outside the territory of Member States or exclusively controlled by third countries or third country entities if this would not contravene the security and defence interests of the Union and its Member States. The costs related to these

activities shall not be eligible for funding under the Programme.

Or. en

Amendment 342
Patrizia Toia

Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *If there are no substitutes immediately available in the EU, and if this usage would not contravene the security and defence interests of the Union and its Member States, beneficiaries and their subcontractors may use assets, infrastructure, facilities and resources located or held outside the territory of European Union or exclusively controlled by third countries. The costs related to these activities shall not be eligible for funding under the Programme.*

Or. en

Amendment 343
Olle Ludvigsson

Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Beneficiaries may cooperate with undertakings established outside the territory of EU Member States when developing an eligible action if this cooperation does not contravene the security interests of the Union, as agreed by the Member States within the Common Foreign and Security Policy.*

Amendment 344

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Eligible Entities

- 1. Beneficiaries shall be undertakings established in the Union.**
- 2. The beneficiaries' and their subcontractors' infrastructure, facilities, assets and resources used for the purposes of the actions funded under the Programme shall be located on the territory of the Union during the entire duration of the action, and their executive management structures shall be established in the EU.**
- 3. For the purposes of the actions funded under the Programme, the beneficiaries and their subcontractors shall not be subject to control by non-EU States or by non-EU entities.**
- 4. By way of derogation from paragraph 3, an undertaking established in the Union but controlled by non-EU States or by non-EU entities would be eligible under the condition that this would not contravene the security and defence interests of the Union and all Member States as established in the framework of the Common Foreign and Security Policy in accordance with Title V of the TEU and that the Member State where the entity is located provides to other Member States sufficient guarantees thereof. Undertakings which are engaged in defence industry cooperation with the third states which are under a sanctions regime by the EU or otherwise undermine**

European security, or which are directly or indirectly controlled by entities from the third states which are under a sanctions regime by the EU or otherwise undermine European security should not be eligible for participation.

5. If there are no competitive substitutes readily available in the EU, and if this usage would not contravene the security and defence interests of the Union and its Member States, beneficiaries and their subcontractors may use assets, infrastructure, facilities and resources located or held outside the territory of Member States or controlled by third countries. When performing an eligible action, beneficiaries and their subcontractors may also cooperate with undertakings established outside the territory of EU Member States or controlled by non-EU states or non-EU entities, if this would not contravene the security and defence interests of the Union and its Member States.

6. Beneficiaries shall provide before the signature of the funding agreement all relevant information necessary for the assessment of the eligibility criteria.

7. If the beneficiary, as defined in paragraph 1, is developing an action, as defined in Article 6, in the context of Permanent Structured Cooperation, it shall be eligible for the increased funding referred to in Article 11(2) in respect of that action.

Or. en

Amendment 345
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

Declaration by *applicants*

Declaration by *participants*

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 346
Olle Ludvigsson

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

Declaration by *applicants*

Declaration by *consortia*

Or. en

Amendment 347
Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

Each applicant shall declare, by written statement, that it is fully aware of and compliant with applicable national and Union legislation and regulations relating to activities in the domain of defence.

Each applicant shall declare, by written statement, that it is fully aware of and compliant with applicable national and Union legislation and regulations relating to activities in the domain of defence, ***including the Council Common Position 2008/944/CFSP of 8 December 2008***

defining common rules governing control of exports of military technology and equipment, the Community regime for the control of exports, transfer, brokering and transit of dual-use items and the relevant national legislation on export controls.

Or. en

Amendment 348
Olle Ludvigsson

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Each *applicant* shall declare, by written statement, that it is fully aware of and compliant with applicable national and Union legislation and regulations relating to activities in the domain of defence.

Amendment

Each *consortium wishing to participate in an action* shall declare, by written statement, that it is fully aware of and compliant with applicable national and Union legislation and regulations relating to activities in the domain of defence.

Or. en

Amendment 349
Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Union's financial assistance is provided through a grant, the members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the grant agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission or the relevant funding body, unless specified otherwise in the grant

Amendment

1. Where the Union's financial assistance is provided through a grant, the members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the grant agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission or the relevant funding body, unless specified otherwise in the grant

agreement or in the event of non-compliance with its obligations under the grant agreement.

agreement or in the event of non-compliance with its obligations under the grant agreement. ***The coordinator shall regularly report back to the Union Institutions regarding the status of the funded action.***

Or. en

Amendment 350
Anneleen Van Bossuyt

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. ***Where the Union’s financial assistance is provided through a grant,*** the members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the grant agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission or the relevant funding body, unless specified otherwise in the grant agreement or in the event of non-compliance with its obligations under the grant agreement.

Amendment

1. The members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the grant agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission or the relevant funding body, unless specified otherwise in the grant agreement or in the event of non-compliance with its obligations under the grant agreement.

Or. en

Amendment 351
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Union’s ***financial assistance*** is provided ***through a grant***, the

Amendment

1. Where the Union’s ***administrative support*** is provided, the members of any

members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the *grant* agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission *or* the relevant funding *body*, unless specified otherwise in the *grant* agreement or in the event of non-compliance with its obligations under the *grant* agreement.

consortium wishing to participate in an action shall appoint one of them to act as coordinator, which shall be identified in the agreement. The coordinator shall be the principal point of contact between the members of the consortium in relations with the Commission *and* the relevant funding *Member States*, unless specified otherwise in the agreement or in the event of non-compliance with its obligations under the agreement.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 352

Jerzy Buzek, Marian-Jean Marinescu

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The members of a consortium participating in an action shall conclude an internal agreement establishing their rights and obligations with respect to the implementation of the action (in compliance with the grant agreement), except in duly justified cases provided for in the work programme or call for proposals.

Amendment

2. The members of a consortium participating in an action shall conclude an internal agreement establishing their rights and obligations with respect to the implementation of the action, *including the issue of the intellectual property rights relating to the new products*, (in compliance with the grant agreement), except in duly justified cases provided for in the work programme or call for proposals.

Or. en

Amendment 353

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The members of a consortium participating in an action shall conclude an internal agreement establishing their rights and obligations with respect to the implementation of the action (in compliance with the *grant* agreement), except in duly justified cases provided for in the work programme or call for proposals.

Amendment

2. The members of a consortium participating in an action shall conclude an internal agreement establishing their rights and obligations with respect to the implementation of the action (in compliance with the agreement), except in duly justified cases provided for in the work programme or call for proposals.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 354

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Award criteria

Amendment

Selection criteria

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 355

Michał Boni, Jerzy Buzek, Henna Virkkunen, Marian-Jean Marinescu, Gunnar Hökmark, Andrzej Grzyb

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Actions proposed for funding under the Programme shall be evaluated on the basis of the following cumulative criteria:

Amendment

Actions proposed for funding under the Programme shall be evaluated ***in a transparent manner, based on objective and measurable parameters, taking into account the overall objective of the programme to achieve a well-functioning and balanced European Defence Union*** on the basis of the following cumulative criteria:

Or. en

Amendment 356

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Actions proposed for funding under the Programme shall be evaluated on the basis of the following cumulative criteria:

Amendment

Actions proposed for funding under the Programme shall be evaluated ***with regard to the objectives laid down in Article 2 and*** on the basis of the following cumulative criteria:

Amendment 357

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Actions proposed for ***funding under*** the Programme shall be evaluated on the basis of the following cumulative criteria:

Amendment

Actions proposed for ***inclusion in*** the Programme ***and eligible for administrative support*** shall be evaluated on the basis of the following cumulative criteria:

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 358

Michał Boni, Henna Virkkunen, Marian-Jean Marinescu, Gunnar Hökmark

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) ***contribution to*** excellence ***by showing that the proposed work achieves measurable advantages over existing products or technologies;***

Or. en

Amendment 359

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Patrizia Toia, Răzvan Popa, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) excellence, ***industrial performance and ability to show significant advantages over existing products or technologies***

Or. en

Amendment 360

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) excellence ***in terms of efficiency, effectiveness, low costs and environmental sustainability;***

Or. it

Amendment 361

Dominique Riquet

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) ***the excellence of the project and the technological capability of the candidate;***

Or. fr

Amendment 362
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) ***technological and industrial***
excellence;

Or. fr

Amendment 363
Jerzy Buzek, Marian-Jean Marinescu

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) excellence

Amendment

(a) ***contribution to*** excellence

Or. en

Amendment 364
Anneleen Van Bossuyt

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) contribution to the innovation and technological development of defence industries ***and thus to fostering the industrial autonomy of the Union in the field of defence technologies***; and,

Amendment

(b) contribution to the innovation and technological development of defence industries; and,

Or. en

Amendment 365
Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) contribution to the innovation and technological development of defence industries and thus to fostering the industrial autonomy of the Union in *the field of defence technologies; and,*

Amendment

(b) contribution to the innovation and technological development of defence industries and thus to fostering the industrial autonomy of the Union in *relation to the capability requirements under the Common Security and Defence Policy (CSDP);*

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 366

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Patrizia Toia, Răzvan Popa, Clare Moody, José Blanco López, Dan Nica

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) contribution to the innovation and technological development of defence industries and thus to fostering the industrial autonomy of the Union in the field of defence technologies; and,

Amendment

(b) contribution to the innovation and technological development of defence industries and thus to fostering the industrial *and strategic* autonomy of the Union in the field of defence technologies; and

Or. en

Amendment 367
Anneleen Van Bossuyt

Proposal for a regulation
Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) contribution to the competitiveness
and growth of defence-related enterprises;*

Or. en

Amendment 368
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) the number of Member States
involved in the project;*

Or. fr

Amendment 369
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to *implement* defence capability priorities commonly agreed by Member States within the Union; and,

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to *the implementation of the* defence capability priorities commonly agreed by Member States within the Union, *as part of the capacity development plan or coordinated annual defence review;* and

Or. fr

Amendment 370

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak, Anna Elżbieta Fotyga

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to implement defence capability priorities commonly agreed by Member States within the Union; and,

Amendment

(c) contribution to the security and defence interests of the Union **and commitments undertaken in the context of NATO cooperation** by enhancing defence technologies which contribute to implement defence capability priorities commonly agreed by Member States within the Union; and,

Or. en

Amendment 371

Anneleen Van Bossuyt

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to **implement** defence capability priorities commonly agreed by Member States within the Union; **and,**

Amendment

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to **the implementation of the** defence capability priorities commonly agreed by Member States within the Union, **and where appropriate at regional or international level;**

Or. en

Amendment 372

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) contribution to the security and defence ***interests of the Union*** by enhancing defence technologies which contribute to implement defence capability priorities commonly agreed by Member States ***within the Union; and,***

Amendment

(c) contribution to the ***Common Security and Defence Policy (CSDP)*** by enhancing defence technologies which contribute to implement defence capability priorities commonly agreed by Member States ***n in the context of the Capability Development Plan;***

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 373

Jonás Fernández, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to implement defence capability priorities ***commonly*** agreed by ***Member States within*** the Union; and,

Amendment

(c) contribution to the security and defence interests of the Union by enhancing defence technologies which contribute to implement defence capability priorities agreed by the Union; and,

Or. en

Amendment 374

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak

Proposal for a regulation
Article 10 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) contribution to a balanced development of European defence industry by creation of new networks of cross-border cooperation between undertakings;

Or. en

Amendment 375
Anneleen Van Bossuyt

Proposal for a regulation
Article 10 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) substantial involvement of SMEs;

Or. en

Justification

The SMEs involved in a project should ideally have a substantial role in the development and completion of the project, just the mere participation with insignificant role or the number of SMEs involved as such should not be an award criterion.

Amendment 376
Anneleen Van Bossuyt

Proposal for a regulation
Article 10 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increased or new cross-border cooperation;

Or. en

Justification

High number of cross-border participation should promote a candidate project.

Amendment 377

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 10 – paragraph 1 – point d

Text proposed by the Commission

(d) viability notably via a demonstration by the beneficiaries that the remaining costs of the eligible action are covered by other means of financing such as Member States' contributions; and

Amendment

(d) viability, notably via a demonstration by the beneficiaries that the remaining costs of the eligible action are covered by other means of financing such as Member States' contributions ***or the dual use of the technologies developed;*** and

Or. fr

Amendment 378

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – point d

Text proposed by the Commission

(d) viability notably via a demonstration by the ***beneficiaries*** that the ***remaining*** costs of the eligible action are covered by ***other*** means of financing such as Member States' contributions; and

Amendment

(d) viability notably via a demonstration by the ***participants*** that the costs of the eligible action are covered by means of financing such as Member States' contributions ***and the ATHENA mechanism;*** and

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally

address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 379

Patrizia Toia

Proposal for a regulation

Article 10 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) for actions described in Article 6(1), the contribution to the competitiveness of the European defence industry through a consortium that is developing an action and its members are located in more than three Member States, each of which commits to co-financing including joint procurement or usage.

Or. en

Amendment 380

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation

Article 10 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the proportion of the overall budget of the action to be allocated to the participation of SMEs established in the European Union, either as members of consortium, subcontractors or as other undertakings in the supply chain; and

Or. en

Amendment 381
Anneleen Van Bossuyt

Proposal for a regulation
Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) for actions described in **points (b) to (e) of** Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have committed to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.

Amendment

(e) for **the** actions described in Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have committed to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable, **while respecting the requirements of Directive 2009/81/EC as regards defence and security procurement.**

Or. en

Justification

This award criterion proposed by the Commission should not be misunderstood, there needs to be clarity about the application of the defence procurement Directive in full.

Amendment 382
Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation
Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have committed to jointly produce and procure the final product **or technology** in a coordinated way, **including joint procurement where applicable.**

Amendment

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have committed to jointly produce and procure the final product in a coordinated way.

Amendment 383

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that ***Member States have committed to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.***

Amendment

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that ***the action meets the objectives laid down by the EU in its policy documents;***

Or. it

Amendment 384

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) for actions described in points (b) to (e) of Article 6(1), the contribution ***to the competitiveness of the*** European defence industry through the demonstration by the ***beneficiaries*** that Member States have committed to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.

Amendment

(e) for actions described in points (b) to (e) of Article 6(1), the contribution ***to a more efficient and integrated*** European defence industry, ***inter alia***, through the demonstration by the ***participants*** that Member States have committed to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 385

Jerzy Buzek, Marian-Jean Marinescu

Proposal for a regulation

Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have **committed** to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.

Amendment

(e) for actions described in points (b) to (e) of Article 6(1), the contribution to the competitiveness of the European defence industry through the demonstration by the beneficiaries that Member States have **declared** to jointly produce and procure the final product or technology in a coordinated way, including joint procurement where applicable.

Or. en

Amendment 386

Jonás Fernández, José Blanco López

Proposal for a regulation

Article 10 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) If two undertakings and/or a consortium of undertakings, participating in the same call, will receive the same rating, the priority in assigning financial assistance will be given to an undertaking belonging to a PESCO Member State or to a consortium of undertakings whose

*project leader belongs to a PESCO
Member State.*

Or. en

Amendment 387

**Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López,
Theresa Griffin, Dan Nica**

Proposal for a regulation

Article 10 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

*(ea) for actions described in points (b)
to (e) of Article 6(1), the contribution to
the competitiveness of the European
defence industry through the
demonstration by the beneficiaries that
Member States intend to jointly produce
the final product or technology in a
coordinated way.*

Or. en

Amendment 388

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak

Proposal for a regulation

Article 10 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

*(ea) for actions described in points (b)
to (e) of Article 6(1), the contribution to
the competitiveness of the European
defence industry through the
demonstration by the beneficiaries that
non-EU countries have committed to
procure the final product or technology.*

Or. en

Amendment 389
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 10 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) European added value on the basis of the number of participating Member States, bearing in mind too the principle of geographic balance;

Or. it

Amendment 390
Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation
Article 10 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) realisation of efficiency gains for the overall reduction of defence spending in the EU;

Or. en

Amendment 391
Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation
Article 10 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) contribution to innovative conversion of military to civil production;

Or. en

Amendment 392
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 10 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) participation of SMEs.

Or. it

Amendment 393
Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn, Reinhard Bütikofer

Proposal for a regulation
Article 10 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) increased or new cross-border cooperation

Or. en

Amendment 394
Evžen Tošenovský, Zdzisław Krasnodębski

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where relevant, the actions supported under the Programme shall benefit from the services and applications relying on European satellite navigation programmes (EGNOS and Galileo) and/or the Copernicus programme.

Or. en

Amendment 395
Krišjānis Kariņš

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Non-fulfilment of any of these criteria shall not be considered eliminatory. The work programme shall lay down further details of the application of the award criteria and shall specify weightings and thresholds.

Or. en

Amendment 396
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Funding rates

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover up to the total cost of the action.

2. An action developed by a beneficiary referred to in Article 7 paragraph 2 may benefit from a funding rate increased by an additional 10 percentage points.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States

cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 397

Anneleen Van Bossuyt

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The financial assistance of the Union provided under the Programme *may* not exceed 20% of the total cost of the action where it relates to prototyping. ***In all the other cases***, the assistance *may cover up to* the total cost of the action.

Amendment

1. The financial assistance of the Union provided under the Programme ***shall*** not exceed 20% of the total cost of the action where it relates to prototyping ***as provided under point (b) of Article 6(1)***. ***For all other actions provided under points (a) and (c) to (f) of Article 6(1)***, the assistance ***shall not exceed 50% of the total cost of the action and 100% in case these actions are undertaken by SMEs***.

Or. en

Amendment 398

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The financial assistance of the Union provided under the Programme may not exceed 20 % of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover up to the total cost of the action.

Amendment

1. The financial assistance of the Union provided under the Programme may not exceed 20 % of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover ***80 % of the action's eligible costs, with the exception of financing for studies and for accompanying measures which may cover up to the total cost of the action***.

Amendment 399

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the **total** cost of the action where it relates to **prototyping**. In all the other cases, the assistance may cover up to the total cost of the action.

Amendment

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the **eligible** cost of the action where it relates to **actions as defined in Article 6(1)(b)**. In all the other cases, the assistance may cover up to the total cost of the action.

Or. en

Amendment 400

Olle Ludvigsson

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover up to the total cost of the action.

Amendment

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the total cost of the action where it relates to **design or system** prototyping. In all the other cases, the assistance may cover up to **50% of** the total cost of the action.

Or. en

Amendment 401

Martina Werner, Jens Geier, Constanze Krehl, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover up to the **total** cost of the action.

Amendment

1. The financial assistance of the Union provided under the Programme may not exceed 20% of the total cost of the action where it relates to prototyping. In all the other cases, the assistance may cover up to **50% of** the cost of the action.

Or. en

Amendment 402
Christelle Lechevalier

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. *An action developed by a beneficiary referred to in Article 7 paragraph 2 may benefit from a funding rate increased by an additional 10 percentage points.*

Amendment

deleted

Or. fr

Amendment 403
Anneleen Van Bossuyt

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. *An action developed by a beneficiary referred to in Article 7 paragraph 2 may benefit from a funding rate increased by an additional 10 percentage points.*

Amendment

deleted

Or. en

Amendment 404

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. An action developed by a **beneficiary** referred to in Article 7 paragraph 2 may benefit from a funding rate increased by an additional 10 percentage points.

Amendment

2. An action developed by a **consortium** referred to in Article 7 paragraph 2 may benefit from a funding rate increased by an additional 10 percentage points.

Or. en

Amendment 405

Jonás Fernández, José Blanco López

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If a PESCO Member State, within the duration of a programme, as a consequence of its own decision, or a decision of remaining PESCO Member States, will exit PESCO, the financial assistance to its undertaking beneficiaries will be aligned to that of non-PESCO Member State undertaking beneficiaries.

Or. en

Amendment 406

Patrizia Toia

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If a consortium is developing an

action as defined in Article 6(1) and its members are located in more than three Member States, each of which commits to co-financing including by joint procurement or usage, it may benefit from a funding rate increased by an additional five percentage points.

Or. en

Amendment 407

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. An action developed by a consortium as defined in Article 6(1) in which at least 5% of the eligible cost of the action is committed to SMEs, which are established in the EU, it may benefit from an increased funding rate up to 10%.

Or. en

Amendment 408

Angelo Ciocca, Christelle Lechevalier, Lorenzo Fontana

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Eligible actions involving the participation of SMEs shall be eligible for an increased funding rate. An additional award shall be considered if the eligible action also involves the cross-border participation of SMEs.

Or. en

Amendment 409

**Lieve Wierinck, Christian Ehler, Gerben-Jan Gerbrandy, Caroline Nagtegaal,
Dominique Riquet**

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Indirect eligible costs shall be determined by applying a flat rate of 25% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Amendment 410

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López

Proposal for a regulation

Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. An action developed by a consortium as defined in Article 6(1) in which at least 5% of the eligible cost of the action is committed to SMEs, which are established in the EU other than those where the undertakings in the consortium which are not SMEs are established may benefit from an increased funding rate up to 20%.

Or. en

Amendment 411

**Lieve Wierinck, Christian Ehler, Gerben-Jan Gerbrandy, Caroline Nagtegaal,
Dominique Riquet**

Proposal for a regulation
Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *By way of derogation from paragraph 2a, indirect costs may be declared in the form of a lump sum or unit costs when provided for in the work programme or work plan.*

Or. en

Amendment 412

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López

Proposal for a regulation
Article 11 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *An action developed by a consortium as defined in Article 6(1) in which at least 5% of the eligible cost of the action is committed to Mid-caps which are established in the EU may benefit from an increased funding rate up to 10%.*

Or. en

Amendment 413

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

The Commission *shall not own the products or technologies resulting from the action nor shall it have any IPR claim pertaining to the action.*

The Union institutions, bodies, offices or agencies enjoy, for the duly justified purpose of developing, implementing and monitoring Union policies or programmes, access rights solely to the

results of a beneficiary that has received Union funding. Such access rights are limited to non-commercial and non-competitive use. Such access is to be granted on a royalty-free basis. With regard to results which are generated by beneficiaries that have received funding under the Programme, the agreement between the Commission and the beneficiary shall provide that the Commission may object to transfers of ownership or to grants of a licence to third parties established in a third country not associated with the Programme, if it considers that the grant or transfer is inconsistent with the ethical principles laid down in the EU Common Position on arms exports or security considerations. In such cases, the transfer of ownership or grant of licence can not take place unless the Commission is satisfied that appropriate safeguards will be put in place. Where appropriate, the agreement between the Commission and the beneficiary will provide that the Commission is to be notified at least six months prior to any such transfer of ownership or grant of a licence. Non-compliance with these provisions will be subject to the measures stipulated in Regulation (EU, Euratom) No 966/2012 and Regulation (EU) No 1268/2012.

Or. en

Amendment 414

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López, Dan Nica

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

The **Commission** shall not own the products or technologies resulting from the action nor shall it have any IPR claim

Amendment

The **Union** shall not own the products or technologies resulting from the action nor shall it have any IPR claim, **including**

pertaining to the action.

licence rights, pertaining to the action.

Or. en

Amendment 415

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

The *Commission* shall not own the products or technologies resulting from the action nor shall it have any IPR claim pertaining to the action.

Amendment

The *Union* shall not own the products or technologies resulting from the action nor shall it have any IPR claim pertaining to the action.

Or. en

Amendment 416

Dominique Riquet

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

The *Commission* shall not own the products or technologies resulting from the action nor shall it have any IPR claim pertaining to the action.

Amendment

The *Union* shall not own the products or technologies resulting from the action nor shall it have any IPR claim pertaining to the action.

Or. fr

Amendment 417

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Intellectual property rights resulting from

the Programme shall not be transferable to parties outside the EU for a period of five years; similarly, licensed production by third parties outside Europe shall also be prohibited for five years.

Or. fr

Amendment 418

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Peter Kouroumbashev, Răzvan Popa, Clare Moody, José Blanco López

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The results of actions which receive funding under the Programme shall not be subject to any control or restriction by a third country or a non-EU entity.

Or. en

Amendment 419

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The results of the actions under this Programme shall under no circumstances be under the control of any third country or entity established outside of the Union.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still

exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 420

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Export

Military technology and equipment that has been produced with funding from the Union under the Programme shall not be exported to non-NATO, non-EU or non-NATO equivalent countries without prior authorisation by the Supervisory Committee. Upon being notified by a beneficiary of their intention to export military technologies or equipment to non-NATO, non-EU or non-NATO equivalent countries, the Commission shall convene the Supervisory Committee, which shall decide on all requests based on relevant Union legislation, in particular Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, the Common Military List of the Union and the User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment.

Or. en

Amendment 421
Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

General transfer licences

- 1. For the purposes of this Programme, Article 5 of Directive 2009/43/EC shall apply.**
- 2. Without prejudice to Article 12 of this Regulation, paragraph 1 of this Article shall apply to Union institutions, bodies and agencies as well as to the project managers referred to in Article 4 (4) of this Regulation by analogy.**

Or. en

Justification

As the programme actions involve entities from at least two MS, the use of general licenses for the purposes of the programme would significantly reduce administrative burden of transfers among participants, in particular SMEs. For the transfer of information relating to defence products the EC, the EDA and the project managers will receive information that will be export-controlled. In such cases, the general transfer license should also include transfers to these institutions and entities.

Amendment 422
Dominique Riquet

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, by means of ***an implementing*** act, shall adopt multiannual ***a*** work programme for the duration of the Programme. ***This implementing act shall be adopted in accordance with the examination procedure referred to in in***

1. The Commission, by means of ***a delegated*** act, shall adopt ***a*** multiannual work programme for the duration of the Programme. ***That*** work programme shall be in line with the objectives set out in Article 2.

Article 16(2). *This* work programme shall be in line with the objectives set out in Article 2;

Or. fr

Amendment 423
Christelle Lechevalier

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission, by means of ***an implementing*** act, shall adopt multiannual ***a*** work programme for the duration of the Programme. ***This implementing act shall be adopted in accordance with the examination procedure referred to in in Article 16(2).*** *This* work programme shall be in line with the objectives set out in Article 2;

Amendment

1. The Commission, by means of ***a delegated*** act, shall adopt ***a*** multiannual work programme for the duration of the Programme. ***That*** work programme shall be in line with the objectives set out in Article 2.

Or. fr

Amendment 424
Anneleen Van Bossuyt

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission, by means of an implementing act, shall adopt ***multiannual a*** work programme for the duration of the Programme. This implementing act shall be adopted in accordance with the examination procedure referred to in in Article 16(2). ***This work programme shall be in line with the objectives set out in Article 2;***

Amendment

1. The Commission, by means of an implementing act, shall adopt ***a two-year*** work programme for the duration of the Programme. This implementing act shall be adopted in accordance with the examination procedure referred to in in Article 16(2).

Or. en

Justification

The Programme covers only the period 2019-2020.

Amendment 425

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission, by means of ***an implementing act***, shall adopt multiannual a ***work programme*** for the duration of the Programme. This ***implementing*** act shall be adopted in accordance with ***the examination procedure referred to in in*** Article 16(2). This work programme shall be in line with the objectives set out in Article 2;

Amendment

1. The Commission, by means of ***delegated act*** shall adopt multiannual a ***work-programme*** for the duration of the Programme. This ***delegated*** act shall be adopted in accordance with Article 16(2). This work programme shall be in line with the objectives set out in Article 2

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 426

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission, ***by means of an implementing act***, shall adopt multiannual

Amendment

1. The Commission, shall ***be empowered to*** adopt ***delegated acts to***

a work programme for the duration of the Programme. This **implementing** act shall be adopted in accordance with the examination procedure referred to in *in* Article **16(2)**. This work programme shall be in line with the objectives set out in Article 2;

establish a multiannual work programme for the duration of the Programme. This **delegated** act shall be adopted in accordance with the examination procedure referred to in Article **16**. This work programme shall be in line with the objectives set out in Article 2;

Or. en

Amendment 427
Jerzy Buzek, Marian-Jean Marinescu

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The work programme shall set out in detail the categories of projects to be funded under the Programme;

Amendment

2. The work programme shall set out in detail the categories of projects to be funded under the Programme **and provide for a category of projects specifically dedicated to SMEs and mid-caps.**

Or. en

Amendment 428
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The work programme shall set out in detail the categories of projects to be **funded under** the Programme;

Amendment

2. The work programme shall set out in detail the categories of projects to be **included in** the Programme **as well as the commitment of the Member States for financing their implementation;**

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 429

Anneleen Van Bossuyt

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. The work programme shall set out in detail the categories of projects to be funded under the Programme;

Amendment

2. The work programme shall set out in detail the categories of projects to be funded under the Programme ***and their direct relation to the objectives set out in Article 2.***

Or. en

Justification

It is important that the objectives are clearly interlinked with the work programme, and thereafter with the evaluation.

Amendment 430

Anneleen Van Bossuyt

Proposal for a regulation

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The work programme shall identify any third countries that are eligible to participate in the Programme.

Or. en

Amendment 431
Anneleen Van Bossuyt

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. *The work programme shall ensure that a credible proportion of the overall budget will benefit actions enabling the cross-border participation of SMEs.* **deleted**

Or. en

Justification

The participation of SMEs should be substantial and useful to all sides, on the basis of the actual offer. See also AM 34.

Amendment 432
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The work programme shall ensure that a credible proportion of ***the overall budget*** will ***benefit actions enabling*** the cross-border participation of SMEs.

3. The work programme shall ensure that a credible proportion of ***actions*** will ***enable*** the cross-border participation of SMEs.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU

budget to national defence administration or industries.

Amendment 433

Angelo Ciocca, Christelle Lechevalier, Lorenzo Fontana

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure that a credible proportion of the overall budget will benefit actions enabling the **cross-border** participation of SMEs.

Amendment

3. The work programme shall ensure that a credible proportion of the overall budget will benefit actions enabling the participation of SMEs **as referred to in Article 11(2a)**.

Or. en

Amendment 434

Christian Ehler, Michael Gahler, Sven Schulze

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure that a credible proportion of the overall budget will benefit actions enabling the cross-border **participation** of SMEs.

Amendment

3. The work programme shall ensure that a credible proportion of the overall budget will benefit actions enabling the cross-border **integration** of SMEs **into valuechains**.

Or. en

Justification

Only the integration of SMEs into cross border value chains will guarantee that necessary structural shifts will occur within Europe's Defence Technological and Industrial Base (EDTIB).

Amendment 435

Christelle Lechevalier

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure that a **credible** proportion of the overall budget will benefit actions enabling the cross-border participation of SMEs.

Amendment

3. The work programme shall ensure that a proportion **of at least 30%** of the overall budget will benefit actions enabling the cross-border participation of SMEs.

Or. fr

Amendment 436

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Răzvan Popa, Clare Moody, José Blanco López

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure **that a credible proportion** of the overall budget will benefit actions enabling the cross-border participation of SMEs.

Amendment

3. The work programme shall ensure **at least 15 %** of the overall budget will benefit actions enabling the cross-border participation of SMEs **and Mid-Caps**.

Or. en

Amendment 437

Krišjānis Kariņš, Gunnar Hökmark

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure that **a credible proportion** of the overall budget will benefit actions enabling the cross-border participation of SMEs.

Amendment

3. The work programme shall ensure that **at least 15%** of the overall budget will benefit actions enabling the cross-border participation of SMEs.

Or. en

Amendment 438
Patrizia Toia

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The work programme shall ensure that a **credible** proportion of the overall budget will benefit actions enabling the **cross-border** participation of SMEs.

Amendment

3. The work programme shall ensure that a **significant** proportion of the overall budget will benefit actions enabling the participation of SMEs.

Or. en

Amendment 439
Massimiliano Salini, Lara Comi

Proposal for a regulation
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The funding rate for eligible actions involving the participation of SMEs shall be increased. Moreover, in case the eligible action includes the cross-border participation of SMEs, an additional award should also be considered.

Or. en

Amendment 440
Patrizia Toia

Proposal for a regulation
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Eligible actions involving the participation of SMEs, and which bring added value to the Programme, should be eligible for an increased funding rate.

Amendment 441
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Award procedure

- 1. In the implementation of the Programme, Union funding shall be granted following competitive calls issued in accordance with Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/12⁸.***
- 2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by independent experts on the basis of the award criteria of Article 10.***
- 3. The Commission shall award, after each call, the funding for selected actions, by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).***

⁸ ***Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).***

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 442

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. In the implementation of the Programme, Union funding shall be granted following *competitive calls* issued in accordance with Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/12⁸.

⁸ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

Amendment

1. In the implementation of the Programme, Union funding shall be granted following *invitations to tender* issued in accordance with Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/12⁸.

⁸ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

Or. it

Amendment 443

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. The proposals submitted following

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Amendment

2. The proposals submitted following

97/113

PE615.351v01-00

the call for proposals shall be evaluated by the Commission assisted by independent experts on the basis of the award criteria of Article 10.

the call for proposals shall be evaluated by the Commission assisted by *an independent and transparently selected expert committee comprising the European Parliament, the Commission and defence* experts *from academia, think tanks and other stakeholders, excluding representatives from defence companies to avoid bias* on the basis of the award criteria of Article 10.

Or. en

Amendment 444
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by independent experts on the basis of the award criteria of Article 10.

Amendment

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by independent experts, *regarding whom full and complete proof that they have no conflicts of interest, including in connection with previous posts in the defence industry, shall be provided*, on the basis of the award criteria of Article 10.

Or. it

Amendment 445
Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by *independent*

Amendment

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by experts on the

experts on the basis of the award criteria of Article 10.

basis of the award criteria of Article 10.
The experts should be members of a committee set up in accordance with Regulation (EU) No 182/2011.

Or. en

Justification

We should make sure that the experts should be members of the “comitology” committee, instead of randomly chosen experts. Such a proposition will increase the transparency of the process.

Amendment 446

Edouard Martin, Pervenche Berès

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by independent experts on the basis of the award criteria of Article 10.

Amendment

2. The proposals submitted following the call for proposals shall be evaluated by the Commission, assisted by independent ***European*** experts ***approved by the committee referred to in Article 16***, on the basis of the award criteria ***set out in*** Article 10.

Or. fr

Amendment 447

Zdzisław Krasnodębski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak, Anna Elżbieta Fotyga

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by ***independent*** experts on the basis of the award criteria of

Amendment

2. The proposals submitted following the call for proposals shall be evaluated by the Commission assisted by experts ***representing all Member States*** on the

Amendment 448

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency shall be invited as observer.

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency **and representatives of the European Parliament, civil society and academia** shall be invited as observer.

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 449

Christelle Lechevalier

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a

committee within the meaning of Regulation (EU) No 182/2011. ***The European Defence Agency shall be invited as observer.***

committee within the meaning of Regulation (EU) No 182/2011.

Or. fr

Amendment 450

Miroslav Poche, Zigmantas Balčytis, Carlos Zorrinho, Peter Kouroumbashev, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency shall be invited as observer.

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency shall be invited ***to contribute*** as observer.

Or. en

Amendment 451

Zdzisław Krasnodebski, Evžen Tošenovský, Hans-Olaf Henkel, Edward Czesak

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency shall be invited as ***observer***.

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The European Defence Agency ***and NATO*** shall be invited as ***observers***.

Or. en

Amendment 452

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall establish an Advisory group composed of independent experts, academia and civil society organisations to provide advice to the Committee in particular on the compatibility of technology supported by this Programme with a view on moral, ethical and international law obligations of both the Union and its Member States.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 453

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall set up an advisory group of civilian experts to provide support in the analysis of ethical, legal and environmental profiles of products and of technology developed under the Programme.

Or. it

Amendment 454

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

deleted

Or. en

Amendment 455

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of two years from 2019.

The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Before adopting a delegated act, the Commission shall consult experts

designated by each member state in accordance with the principles laid down in the interinstitutional agreement on Better Law Making of 13 April 2016.

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 456

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for the duration of the programme and may be revoked at any time by the European Parliament or by the Council.

Before adopting the delegated act, the Commission shall consult the Committee and the Advisory Group.

As soon as it adopts a delegated act, the Commission shall notify it simultaneously

to the European Parliament and to the Council.

A delegated act adopted pursuant to Articles 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 457
Anneleen Van Bossuyt

Proposal for a regulation
Article 17 – title

Text proposed by the Commission

Monitoring and reporting

Amendment

Monitoring, *evaluation* and reporting

Or. en

Amendment 458
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. The Commission shall regularly monitor the implementation of the programme and *annually* report on the progress made in accordance with Article 38(3)(e) of Regulation 966/2012. To this end, the Commission shall put in place

Amendment

1. The Commission shall regularly monitor the implementation of the programme and *shall send a monitoring report to the Parliament and the Council every six months* on the progress, made in accordance with Article 38(3)(e) of

necessary monitoring arrangements.

Regulation 966/2012. To this end, the Commission shall put in place necessary monitoring arrangements.

Or. en

Justification

Until today the European Defence Agency has not been able to increase Member States cooperation on defence research, development and procurement projects, most are still exclusively national. A more efficient cooperation mechanism must be set up to finally address the structural problems of the defence sector. As sufficient national funds are available for the financing of projects (Commission estimates annual savings between 25-100 bn€ of collective national defence spending), no single EURO shall be transferred from EU budget to national defence administration or industries.

Amendment 459

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The Commission shall regularly monitor the implementation of the programme and annually report on the progress made in accordance with Article 38(3)(e) of Regulation 966/2012. To this end, the Commission shall put in place necessary monitoring arrangements.

Amendment

1. The Commission shall regularly monitor ***and evaluate*** the implementation of the programme and annually report on the progress made in accordance with Article 38(3)(e) of Regulation 966/2012. To this end, the Commission shall put in place necessary monitoring arrangements.

Or. en

Amendment 460

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. To support greater efficiency and effectiveness of future Union policy

Amendment

2. ***The Commission shall draw up an annual monitoring report examining the***

actions, the Commission shall draw up *a retrospective* evaluation report and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse cross border participation of SMEs in projects implemented under the programme as well as the participation of SMEs to the global value chain.

efficiency and effectiveness of the supported actions in terms of financial implementation, results, costs and, where possible, impact. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up *an* evaluation report *annually* and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse cross border participation of SMEs in projects implemented under the programme as well as the participation of SMEs to the global value chain.

Or. en

Amendment 461
Anneleen Van Bossuyt

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up *a retrospective* evaluation report and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. *It shall also analyse cross border participation of SMEs in projects implemented under the programme as well as the participation of SMEs to the global value chain.*

Amendment

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up *an* evaluation report *annually* and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2.

Or. en

Justification

It is important to increase the parliament's scrutiny right and obligation and to require annual evaluation and reporting from the Commission for this two-year Programme, especially since this is seen as a pilot for a next multiannual programme and since no comprehensive impact assessment has been completed for this proposal. The attainment of all objectives is equally important (including SMEs involvement) and attention should be given to a thorough evaluation of all objectives of the Programme.

Amendment 462

David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up ***a retrospective*** evaluation report and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse ***cross border*** participation ***of SMEs*** in projects implemented under the programme as well as ***the*** participation ***of SMEs to*** the global value chain.

Amendment

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up ***an*** evaluation report ***by 1 June 2021*** and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse ***the impact on SMEs, particularly as regards cross-border*** participation in projects implemented under the programme as well as participation ***in*** the global value chain.

Or. it

Amendment 463

Angelo Ciocca, Christelle Lechevalier

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up a

Amendment

2. To support greater efficiency and effectiveness of future Union policy actions, the Commission shall draw up a

retrospective evaluation report and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse **cross border** participation of SMEs in projects implemented under the programme as well as the participation of SMEs to the global value chain.

retrospective evaluation report and send it to the European Parliament and to the Council. The report - building on relevant consultations of Member States and key stakeholders - shall notably assess the progress made towards the achievement of objectives set out in Article 2. It shall also analyse participation of SMEs in projects implemented under the programme as well as the participation of SMEs to the global value chain.

Or. en

Amendment 464

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In due time before the end of this Programme, the Commission shall draw up an interim evaluation report on the achievement of the objectives of all the actions supported under the Programme at the level of results and impacts, the efficiency of the use of resources and its European added value. This interim evaluation report shall be available to the European Parliament and the Council before any decision on a continuation of the Programme under a new multiannual financial framework can be taken.

Or. en

Amendment 465

Miroslav Poche, Zigmantas Balčytis, Patrizia Toia, Peter Kouroumbashev, Edouard Martin, Clare Moody, José Blanco López, Dan Nica, Carlos Zorrinho

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *In due time before the end of this Programme, the Commission shall, as appropriate, put forward a legislative proposal for a continuation of the industrial development programme in the field of defence, together with appropriate financing under the new multiannual financial framework.*

Or. en

Amendment 466

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 17 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *The Commission shall establish a final evaluation report on the longer-term impact and sustainability of the effects of the measures.*

Or. en

Amendment 467

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 17 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *All grant beneficiaries and other parties involved who have received Union funds under this Regulation shall provide the Commission with the appropriate data and information necessary to permit the monitoring and evaluation of the measures concerned.*

Or. en

Amendment 468

Martina Werner, Jens Geier, Constanze Krehl, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 17 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. The Commission shall submit the reports referred to in paragraphs 2, 2a and 2b to the European Parliament and the Council.

Or. en

Amendment 469

Martina Werner, Jens Geier, Constanze Krehl, Eugen Freund, Arne Lietz, Arndt Kohn

Proposal for a regulation

Article 17 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. Member States shall report to the Commission or the EU delegations on their exports of EU-funded defence technologies and equipment to third countries on a six-monthly basis. The Commission shall set up a tracking mechanism to verify the end-use and end-users of defence technologies and equipment funded by the Programme and exported to third countries and report back to the European Parliament on a yearly basis.

Or. en

Amendment 470

Martina Werner, Jens Geier, Constanze Krehl, Arne Lietz, Arndt Kohn

Proposal for a regulation

Annex I (new)

Text proposed by the Commission

Amendment

ANNEX I

Non eligible products

- ***Weapons of mass destruction and related warhead technologies;***
- ***Banned weapons and munitions and weapons not compliant with international humanitarian law;***
- ***Fully autonomous weapons that enable strikes to be carried out without meaningful human control as well as IA software, dual-use and military components that leave to the machine the final decision to apply lethal force;***
- ***Weapons systems that are not regulated by international legal frameworks that have been ratified by the Union or all EU member states individually to prevent misuse;***

Or. en

Amendment 471

Miroslav Poche, Zigmantas Balčytis, Flavio Zanonato, Edouard Martin, Clare Moody, José Blanco López, Theresa Griffin, Dan Nica, Carlos Zorrinho

Proposal for a regulation

Annex I (new)

Text proposed by the Commission

Amendment

ANNEX I

Non eligible products:

- ***Weapons of mass destruction and related warhead technologies***
- ***Banned weapons and munitions and weapons not compliant with international humanitarian law***
- ***Fully autonomous weapons that enable strikes to be carried out without human intervention***

*Non eligible products, when they are
mainly developed for export purposes:*

- *Small arms and light weapons*

Or. en

Amendment 472

Martina Werner, Jens Geier, Constanze Krehl, Arndt Kohn, Arne Lietz

Proposal for a regulation

Annex II (new)

Text proposed by the Commission

Amendment

ANNEX II

*Non eligible products, when they are
mainly developed for export purposes:*

- *Small arms and light weapons*

Or. en