



**2019/2204(INI)**

11.11.2020

# **AMENDMENTS**

## **1 - 76**

**Draft report**  
**Kris Peeters**  
(PE658.808v01-00)

Implementation of Directive 2009/81/EC, concerning procurement in the fields of defence and security, and of Directive 2009/43/EC, concerning the transfer of defence-related products  
(2019/2204(INI))



**Amendment 1**  
**David Cormand**

**Motion for a resolution**  
**Recital -A (new)**

*Motion for a resolution*

*Amendment*

**-A. whereas well-functioning markets are created by rules and their strict implementation and assertive enforcement; whereas the same applies to the vision of a future European Defence Equipment Market (EDEM);**

Or. en

**Amendment 2**  
**Maria Grapini**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the Defence Procurement Directive seeks to introduce fair and transparent rules for defence procurement in an effort to make it easier for defence companies in the Member States to access other Member States' defence markets;

A. whereas the Defence Procurement Directive seeks to introduce fair and transparent rules for defence procurement in an effort to make it easier for defence companies in the Member States to access other Member States' defence markets; ***notes that there is unfortunately no adequate access for SMEs and that they face major challenges when participating in public procurement procedures;***

Or. ro

**Amendment 3**  
**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

A. whereas the Defence Procurement Directive seeks to introduce fair and transparent rules for defence procurement ***in an effort*** to make ***it easier for*** defence companies in the Member States ***to*** access other Member States' defence markets;

*Amendment*

A. whereas the Defence Procurement Directive seeks to introduce fair and transparent rules for defence procurement to make ***sure that*** defence companies in the Member States ***can*** access other Member States' defence markets;

Or. en

**Amendment 4**

**Liesje Schreinemaker, Claudia Gamon, Dita Charanzová, Jordi Cañas, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas the Defence Package Directives are needed to further develop a common European security and defence culture, based on the European Union's shared values and objectives, with respect to the specific character of the security and defence policies of the Member States;***

Or. en

**Amendment 5**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

*Amendment*

D. whereas the 2016 Commission evaluation concluded that the objectives of

D. whereas the 2016 Commission evaluation concluded that the objectives of

the Defence Procurement Directive had only been achieved partially, since it allowed for an initial increase in competition, transparency and non-discrimination in the EU's defence procurement market, but much more progress in Member States' consistent use of the directive was needed to achieve those objectives **fully**;

the Defence Procurement Directive had only been achieved partially, since it allowed for an initial increase in competition, transparency and non-discrimination in the EU's defence procurement market, but much more progress in Member States' consistent use of the directive was needed to **fully** achieve those objectives ***showing a preference for local or European manufacturing in defence procurement***;

Or. fr

#### **Amendment 6**

**Virginie Joron, Jean-Lin Lacapelle, Marco Campomenosi, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

#### **Motion for a resolution Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas following the military stances adopted by Erdoğan recently, Turkey is no longer a reliable ally in the fields of defence and security like other NATO members;***

Or. fr

#### **Amendment 7**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Svenja Hahn, Morten Løkkegaard**

#### **Motion for a resolution Recital E**

*Motion for a resolution*

*Amendment*

E. whereas the EPRS study pointed out the **limited** effect of the Defence Procurement Directive on the Europeanisation of defence value chains;

E. whereas the EPRS study pointed out the **insufficient** effect of the Defence Procurement Directive on the Europeanisation of defence value chains;

**Amendment 8**

**Virginie Joron, Jean-Lin Lacapelle, Marco Campomenosi, Markus Buchheit, Isabella Tovaglieri**

**Motion for a resolution**

**Recital E a (new)**

*Motion for a resolution*

*Amendment*

***Ea. whereas the EPRS report (p. 111) states that: ‘American FMS sales (foreign military sales) for the period 2016-2018 accounted for USD 55 billion or 32 % of the total defence procurement expenditure for all EU countries’; whereas Greece purchased 30 F-16 (FMS) in the midst of the Greek euro crisis of 2009-2010;***

Or. fr

**Amendment 9**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**

**Recital G a (new)**

*Motion for a resolution*

*Amendment*

***Ga. whereas an important reason for the lack of participation of SMEs is the lack of cross-border access to supply chains; whereas, defence supply chains have a substantial national focus, which adds challenges for SMEs that wish to enter defence supply chains in other European countries; whereas, moreover, OEMs continue and limit themselves to subcontract SME's they have a pre-existing working relationship with, due to financial reasons;***

Or. en

**Amendment 10**  
**David Cormand**

**Motion for a resolution**  
**Recital G a (new)**

*Motion for a resolution*

*Amendment*

***Ga. whereas there is the need to develop a comprehensive and holistic concept for a European defence equipment market which formally connects all existing fragments such as the EDIDP, PADR, EDF, PESCO, Common Position on Arms Exports, the Dual-Use Regulation, the two directives of the 2009 Defence Package and future initiatives such as common rules on security of supply;***

Or. en

**Amendment 11**  
**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**  
**Recital G a (new)**

*Motion for a resolution*

*Amendment*

***Ga. whereas there is a need to protect and strengthen European subcontractors and manufacturers of critical components or systems in light of the predatory approach of third country undertakings;***

Or. fr

**Amendment 12**  
**David Cormand**

**Motion for a resolution**  
**Recital G b (new)**

*Motion for a resolution*

*Amendment*

***Gb. whereas without inter-linkages between the different fragments and policy coherence there is the risk that the EU level adds to the existing market distortions and other highly inefficient processes and policies in the defence sector;***

Or. en

**Amendment 13**  
**David Cormand**

**Motion for a resolution**  
**Recital G c (new)**

*Motion for a resolution*

*Amendment*

***Gc. whereas, after 11 years of implementation with very little impact, and in light of the creation of EU defence funds worth nearly EUR 10 billion for the next MFF which will introduce the EU as main actor in European military R&D, it is high time to revise both directives in order to ensure their meaningful contribution to the creation of an efficient and performant European Defence Equipment Market (EDEM);***

Or. en

**Amendment 14**  
**David Cormand**

**Motion for a resolution**  
**Recital G d (new)**



*Motion for a resolution*

*Amendment*

**Gd.** *whereas there is a massive lack of data as regards the use or non-use of both directives which makes it extremely difficult for lawmakers and stakeholders to assess the impact of the directives and possible weaknesses as well as strong points;*

Or. en

**Amendment 15**  
**David Cormand**

**Motion for a resolution**  
**Subheading 1**

*Motion for a resolution*

*Amendment*

Improving the functioning of the internal market for defence products through better implementation and enforcement *of* the Defence Package

Improving the functioning of the internal market for defence products through better implementation and *the adoption of a more assertive enforcement policy as regards* the Defence Package

Or. en

**Amendment 16**  
**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Sandro Gozi, Stéphanie Yon-Courtin, Morten Løkkegaard**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

*Amendment*

1. *Welcomes some of the positive trends witnessed in the progressive implementation of the Defence Procurement Directive, namely the increasing number of contract notices and contract-award notices issued by Member States, and the increasing proportion of*

1. Stresses, that a very high volume of procurement expenditure is still incurred outside the directive;

*procurement that has been tendered competitively through Tenders Electronic Daily (TED)*; stresses, *however*, that a very high volume of procurement expenditure is still incurred outside the directive;

Or. en

### **Amendment 17**

**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Marc Angel**

#### **Motion for a resolution**

##### **Paragraph 1**

###### *Motion for a resolution*

1. Welcomes some of the positive trends witnessed in the progressive implementation of the Defence Procurement Directive, namely the increasing number of contract notices and contract-award notices issued by Member States, and the increasing proportion of procurement that has been tendered competitively through Tenders Electronic Daily (TED); stresses, however, that a very high volume of procurement expenditure is still incurred outside the directive;

###### *Amendment*

1. Welcomes some of the positive trends witnessed in the progressive implementation of the Defence Procurement Directive, namely the increasing number of contract notices and contract-award notices issued by Member States, and the increasing proportion of procurement that has been tendered competitively through Tenders Electronic Daily (TED); stresses, however, that a very high volume of procurement expenditure is still incurred outside the directive *and an overwhelming percentage of contracts are still awarded nationally*;

Or. en

### **Amendment 18**

**Maria Grapini**

#### **Motion for a resolution**

##### **Paragraph 1**

###### *Motion for a resolution*

1. Welcomes some of the positive trends witnessed in the progressive implementation of the Defence Procurement Directive, namely the

###### *Amendment*

1. Welcomes some of the positive trends witnessed in the progressive implementation of the Defence Procurement Directive, namely the

increasing number of contract notices and contract-award notices issued by Member States, and the increasing proportion of procurement that has been tendered competitively through Tenders Electronic Daily (TED); stresses, however, that a very high volume of procurement expenditure is still incurred outside the directive;

increasing number of contract notices and contract-award notices issued by Member States, and the increasing proportion of procurement that has been tendered competitively through Tenders Electronic Daily (TED); stresses, however, that a very high volume of procurement expenditure is still incurred outside the directive, ***and that procedures are still not easily accessible by SMEs;***

Or. ro

**Amendment 19**  
**Sandro Gozi, Stéphanie Yon-Courtin**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Underlines that ***one of the main barriers to the full and proper implementation of the directive remains the systematic use*** of the provisions relating to exclusion ***by the Member States***, in particular those laid down in Article 346 of the Treaty on the Functioning of the European Union;

*Amendment*

2. Underlines that ***the excessive use by the Member States*** of the provisions relating to exclusion, in particular those laid down in Article 346 of the Treaty on the Functioning of the European Union ***could undermine the full and proper implementation of the directive;***

Or. en

**Amendment 20**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

***2a. Underlines that there is an urgent need to question the traditional interpretation of Article 346 TFEU in light of the fact that purely national defence products do not exist anymore***

*Amendment*

*due to multinational supply chains,  
multinational collaborative defence  
projects and a growing importance of the  
EU level in military R&D;*

Or. en

**Amendment 21**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella  
Tovaglieri, Alessandra Basso**

**Motion for a resolution**

**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a. Recalls in particular that the  
development of a European defence  
technological and industrial base requires  
the establishment of a European  
preference for local or European  
production in defence procurement in  
Europe;**

Or. fr

**Amendment 22**

**David Cormand**

**Motion for a resolution**

**Paragraph 2 b (new)**

*Motion for a resolution*

*Amendment*

**2b. Calls for the abolishing of the  
exemption for government-to-government  
sales in the context of the revision of the  
directive; stresses that data suggests that  
procurement of many high-value,  
strategic, and complex defence systems  
are done under the G2G exemption of  
Article 13f, in some cases even without  
the required market analysis, which de  
facto deprives European industry from**

*market access;*

Or. en

**Amendment 23**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution  
Paragraph 2 b (new)**

*Motion for a resolution*

*Amendment*

**2b. Considers that too many Member States source mainly from third countries to meet their defence needs;**

Or. fr

**Amendment 24  
David Cormand**

**Motion for a resolution  
Paragraph 2 c (new)**

*Motion for a resolution*

*Amendment*

**2c. Reminds that abolishing the government-to-government sales exemption would not mean that European governments are not allowed to, for example, procure US weapon systems in particular under the form of US Foreign Military Sales (FMS) but that European companies would have a fairer chance to present alternative technology;**

Or. en

**Amendment 25**

**Sven Mikser, Maria-Manuel Leitão-Marques, Maria Grapini, Marc Angel**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes, in this regard, that the Commission should take a more proactive role in monitoring the exclusions *used* by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

*Amendment*

3. ***Calls for a reduction in the use of exemptions and offset requirements in defence acquisitions;*** believes, in this regard, that the Commission should take a more proactive role in monitoring the ***necessity and proportionality of*** exclusions ***invoked*** by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

Or. en

**Amendment 26**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes, in this regard, that the Commission should take a more proactive role in monitoring the exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

*Amendment*

3. Believes, in this regard, that the Commission should take a more proactive role in monitoring the exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry; ***urges therefore the Commission to adopt a more assertive enforcement policy;***

Or. en

**Amendment 27**  
**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes, in this regard, that the Commission should take a more proactive role in monitoring the exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

*Amendment*

3. Believes, in this regard, that the Commission should take a more proactive role in monitoring the **G2G** exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

Or. fr

**Amendment 28**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes, in this regard, that the Commission should take ***a more proactive role*** in monitoring the exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

*Amendment*

3. Believes, in this regard, that the Commission should take ***its responsibility*** in monitoring the exclusions used by the Member States in their awarding of contracts outside the scope of the Defence Procurement Directive, and should not be mainly reliant on received complaints filed by the industry;

Or. en

**Amendment 29**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

**3a.** *Considers that when a contracting authority authorises economic operators from countries outside the European Union or the European Economic Area to participate in a procedure for the award of defence or security contracts, this authorisation must take into account, inter alia, the requirements of security of information and supply, the safeguarding of defence and state security interests, the interest in developing the European defence technological and industrial base and the requirements of reciprocity;*

Or. fr

**Amendment 30**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution  
Paragraph 3 b (new)**

*Motion for a resolution*

*Amendment*

**3b.** *Deplores the use of G2G exclusions to allow for FMS acquisitions on a very large scale from third country partners and the distortions of competition suffered by European actors;*

Or. fr

**Amendment 31  
Maria Grapini**

**Motion for a resolution  
Paragraph 4**

*Motion for a resolution*

*Amendment*

4. Considers that there is still a strong

4. Considers that there is still a strong



need to focus on the effective implementation of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment, transparency and competition and that the Commission should focus on providing the Member States with further guidelines on the application of the provisions laid down in the directive;

need to focus on the effective implementation of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment, transparency and competition **and on access to public procurement in this field**, and that the Commission should focus on providing the Member States with further guidelines **and information** on the application of the provisions laid down in the directive;

Or. ro

### **Amendment 32**

**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Marc Angel**

#### **Motion for a resolution**

##### **Paragraph 4**

###### *Motion for a resolution*

4. Considers that there is still a strong need to focus on the effective implementation of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment, transparency and competition and that the Commission should focus on providing the Member States with further guidelines on the application of the provisions laid down in the directive;

###### *Amendment*

4. Considers that there is still a strong need to focus on the effective implementation **and enforcement** of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment, transparency and competition and that the Commission should focus on **implementing common reporting standards and** providing the Member States with further guidelines on the application of the provisions laid down in the directive;

Or. en

### **Amendment 33**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

#### **Motion for a resolution**

##### **Paragraph 4**

*Motion for a resolution*

4. Considers that there is still a strong need to focus on the effective implementation of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment, transparency and competition and that the Commission should focus on providing the Member States with further guidelines on the application of the provisions laid down in the directive;

*Amendment*

4. Considers that there is still a strong need to focus on the effective implementation of the Defence Procurement Directive, considers that, for that to happen, the Member States should focus on ensuring equal treatment *of suppliers of hardware manufactured in Europe*, transparency and competition and that the Commission should focus on providing the Member States with further guidelines on the application of the provisions laid down in the directive;

Or. fr

**Amendment 34**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**

**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

**4a. Stresses the need for coherence between the implementation of Directive 2009/81 and the European Defence Fund; as such, calls for tenders financed by 'European' funds should be reserved for European solutions;**

Or. fr

**Amendment 35**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**

**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

**4a. Calls on the Member States to properly implement the Defence Procurement Directives and those with a large established defence industry to lead by example;**

Or. en

### **Amendment 36**

**Sandro Gozi, Stéphanie Yon-Courtin**

#### **Motion for a resolution Paragraph 5**

*Motion for a resolution*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> **and how consistently they apply** that directive whenever possible; believes, however, that no revision of the Defence Procurement Directive is needed at this point, since the existing regulatory framework is sufficient if correctly implemented and properly used;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

*Amendment*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as, **where relevant**, the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> **and the consistent application of** that directive whenever possible; **calls on the Commission to encourage Member States to incorporate provisions of Directive 2014/24/EU which provide for quality-driven and agile procurement such as innovation partnerships when transposing Directive 2009/81/CE in their national laws**; believes, however, that no revision of the Defence Procurement Directive is needed at this point, since the existing regulatory framework is sufficient if correctly implemented and properly used;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

Or. en

**Amendment 37**  
**Maria Grapini**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> and how consistently they apply that directive whenever possible; believes, however, that **no** revision of the Defence Procurement Directive is needed at this point, since the existing regulatory framework is **sufficient if correctly implemented and properly used**;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

*Amendment*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> and how consistently they apply that directive whenever possible; believes, however, that **a** revision of the Defence Procurement Directive is needed at this point, since the existing regulatory framework is **too general and allows for too broad a divergence when it comes to incorporation into national legislation, resulting in dysfunctionalities and fragmentation on the internal market**;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

Or. ro

**Amendment 38**  
**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Marc Angel**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> and how consistently they apply that directive whenever possible; believes, however, that no revision of the Defence Procurement Directive is needed at this point, since the existing regulatory

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*Amendment*

5. Considers that some aspects of the implementation of the Defence Procurement Directive could be improved, such as the Member States' use of the open procedure as provided for in Directive 2014/24/EC<sup>9</sup> and how consistently they apply that directive whenever possible; believes, however, that no revision of the Defence Procurement Directive is needed at this point, since the existing regulatory

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framework is sufficient if correctly implemented and *properly used*;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

framework is sufficient if correctly implemented and *enforced*;

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<sup>9</sup> OJ L 094 28.3.2014, p. 65.

Or. en

### **Amendment 39**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri**

#### **Motion for a resolution Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

**5a. Wishes, on the other hand, for the exclusion be made more flexible for defence and security cooperation so as to allow for the participation of an additional Member State in a project, even after the R&D phase, and for it to be expanded to cover other forms of cooperation, such as cross-purchases between two Member States and government-to-government markets between Member States, and for user clubs to be created for solutions developed and conceived under the leadership of European industry;**

Or. fr

### **Amendment 40**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

#### **Motion for a resolution Paragraph 5 b (new)**

*Motion for a resolution*

*Amendment*

**5b. Considers that the Commission should clarify the conditions for the**

*application of the government-to-government exclusion in order to avoid anti-competitive practices organised by third countries, such as foreign military sales (FMS), which lead to unfair competition and seriously hamper the capabilities of Member States' companies; calls also for the guidance note on 'government-to-government' exclusion to cover new forms of procurement such as the Global-FMS concept;*

Or. fr

#### **Amendment 41**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution  
Paragraph 5 c (new)**

*Motion for a resolution*

*Amendment*

**5c. Calls for greater transparency on the advantages offered by the direct and indirect compensation negotiated by third countries in the European Union;**

Or. fr

#### **Amendment 42**

**Sven Mikser, Maria-Manuel Leitão-Marques, Maria Grapini, Marc Angel**

**Motion for a resolution  
Paragraph 6**

*Motion for a resolution*

*Amendment*

6. Calls, therefore, on the Commission to ***continue monitoring and providing*** guidance to the Member States in order to ensure consistent use ***of*** the directive and therefore fully achieve its objectives;

6. Calls, therefore, on the Commission to ***monitor the implementation, improve transparency and provide*** guidance to the Member States in order to ensure consistent use ***and fully enforce*** the directive ***to prevent backsliding of implementation, reduce usage of***

*exemptions* and therefore fully achieve its objectives;

Or. en

#### **Amendment 43**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

#### **Motion for a resolution**

##### **Paragraph 8**

###### *Motion for a resolution*

8. Observes, further, that there was a slower and lower than expected uptake of certification, and that there are still barriers to effective application of the directive, with low levels of awareness, particularly among SMEs, of the tools available under the directive, and the system used by the Member States in their export controls, in addition to the lack of harmonisation in the implementation of GTLs, which act as major barriers to the effective application of the directive;

###### *Amendment*

8. Observes, further, that there was a slower and lower than expected uptake of certification, and that there are still barriers to effective application of the directive, with low levels of awareness, particularly among SMEs, of the tools available under the directive, and the system used by the Member States in their export controls, in addition to the lack of harmonisation in the implementation of GTLs, which act as major barriers to the effective application of the directive; ***underlines the fact that an introduction of the ‘de Minimis’ rule principle, known from the Schmidt-Debré harmonisation agreement, in bilateral and/or multilateral agreements between Member States has the potential to further stimulate participation of SMEs in joint ventures and common export licenses throughout the internal market;***

Or. en

#### **Amendment 44**

**Maria Grapini**

#### **Motion for a resolution**

##### **Paragraph 8**

*Motion for a resolution*

8. Observes, further, that there was a slower and lower than expected uptake of certification, and that there are still barriers to effective application of the directive, with low levels of awareness, particularly among SMEs, of the tools available under the directive, and the system used by the Member States in their export controls, in addition to the lack of harmonisation in the implementation of GTLs, which act as major barriers to the effective application of the directive;

*Amendment*

8. Observes, further, that there was a slower and lower than expected uptake of certification, and that there are still barriers to effective application of the directive, with low levels of awareness, particularly among SMEs, of the tools available under the directive ***and the opportunities that exist on the internal market***, and ***of*** the system used by the Member States in their export controls, in addition to the lack of harmonisation in the implementation of GTLs, which act as major barriers to the effective application of the directive;

Or. ro

**Amendment 45**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Underlines that a more coherent interpretation and consistent implementation of the EU Common Position on Arms Exports is needed in order to limit fragmentation of the EU's internal defence market and ensure the EU's credibility as a global actor; calls for action to address any loopholes which may exist among and between the ICT directive, the Common Position and the Dual-Use Regulation; underlines the necessity for prior authorisation before re-exporting products and components, given the discrepancies in the implementation of the Common Position; behind this background, rejects the use of so called de-minimis rules for the transfer of components which exempt military technology from checks against the eight arms exports criteria up to a specifics***



*threshold;*

Or. en

**Amendment 46**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 8 b (new)**

*Motion for a resolution*

*Amendment*

**8b.** *Calls for the revision of the ICT directive with the aim of integrating the eight EU criteria on arms exports which would make sure that intra-Community transfers do not undermine arms export policies towards third countries and that there is an increase in convergence between Member States;*

Or. en

**Amendment 47**  
**Maria Grapini**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

9. Considers, therefore, that the Transfers Directive has only partially achieved its main objectives, in particular that of smoothing the circulation of defence-related products within the internal market and of having an efficient internal market, greater security of supply and improved competitiveness;

9. Considers, therefore, that the Transfers Directive has only partially achieved its main objectives, in particular that of smoothing the circulation of defence-related products within the internal market and of having an efficient internal market, greater security of supply and improved competitiveness, **and that a revision of the Transfers Directive is therefore needed;**

Or. ro

**Amendment 48**  
**Maria Grapini**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Underlines the importance of having a genuine internal market for intra-EU transfers of defence-related products, where national authorities are aware of what and to whom products are transferred and where the export authorisations and other restrictions to exports are brought to a required minimum;

*Amendment*

10. Underlines the importance of having a genuine internal market for intra-EU transfers of defence-related products, ***and also of facilitating transfers from third countries, while at the same time ensuring the transparent monitoring of the whole process***, where national authorities are aware of what and to whom products are transferred and where the export authorisations and other restrictions to exports are brought to a required minimum;

Or. ro

**Amendment 49**  
**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**  
**Paragraph 10 a (new)**

*Motion for a resolution*

***10a. Recalls that the export of defence-related products, both within the Union and to non-EU countries, must remain at the sole discretion of the Member States.***

*Amendment*

Or. fr

**Amendment 50**  
**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Calls on the Commission to **further** improve the directive's implementation in individual Member States by **continuing its dialogue with** national authorities **in order** to resolve outstanding issues;

*Amendment*

12. Calls on the Commission to improve the directive's implementation in individual Member States by **insisting on** national authorities to resolve outstanding issues;

Or. en

**Amendment 51**

**Jordi Cañas, Liesje Schreinemacher**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

12. Calls on the Commission to **continue** to improve the directive's implementation in individual Member States by **continuing its dialogue with** national authorities **in order** to resolve outstanding issues;

*Amendment*

**12a. Calls for increased development of contacts and exchanges between the national transfer control communities across the EU to address the existing divergences of transfer control practices and the lack of trust among Member States, as well as to assess the appointment of unique national points of contact for intra-EU transfers related issues<sup>1a</sup>;**

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<sup>1a</sup> **Research Paper on the implementation of Directive 2009/81/EC, concerning procurement in the fields of defence and security, and of Directive 2009/43/EC, concerning the transfer of defence-related products, written by Jean-Pierre Maulny and Dr Edouard Simon, Institut des Relations Internationales et Stratégiques (IRIS); and Dr Alessandro Marrone, Istituto Affari Internazionali (IAI)**

Or. en

## Amendment 52

Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini

### Motion for a resolution

#### Paragraph 13

##### *Motion for a resolution*

13. Calls on the Member States to take due account of the Commission recommendations on the scope of application and conditions of GTLs and to avoid adding conditions for transfers under GTLs, which would contradict or undermine the conditions listed in the recommendations;

##### *Amendment*

13. Calls on the Member States to take due account of the Commission recommendations on the scope of application and conditions of GTLs and to avoid adding conditions for transfers under GTLs, which would contradict or undermine the conditions listed in the recommendations; ***underlines the need to provide translations of national transfer licences regulations;***

Or. en

## Amendment 53

Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini

### Motion for a resolution

#### Paragraph 15

##### *Motion for a resolution*

15. Calls on the Commission and the Member States to increase efforts in raising awareness of the directive's tools and benefits, in particular among SMEs;

##### *Amendment*

15. ***Observes that a number of SMEs active in the defence markets are involved in dual-use, while many remain specialised specifically in defence-related activities and are therefore particularly dependant on military and defence-related businesses;*** calls on the Commission and the Member States to increase efforts in raising awareness of the directive's tools and benefits, in particular among SMEs ***to help increase their participation in the field;***

Or. en

**Amendment 54**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 16 a (new)**

*Motion for a resolution*

*Amendment*

**16a. Stresses that, in order to build a reliable and comprehensive European defence equipment market and an efficient defence sector, the Commission needs to present without further delay a comprehensive EU-wide Security of Supply regime which was asked for by the 19-20 December 2013 European Council and paragraph 21 of its conclusions but never presented by the Commission;**

Or. en

**Amendment 55**  
**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

*Amendment*

17. Calls on the Commission and Member States to improve the quality and availability of data, **such as TED data**, in order to facilitate the monitoring on implementation of these two directives;

**17. Highlights the disparities in publication rates of contract notices between Member States on TED; stresses the importance of ensuring the accessibility and usability of the Register of the Certified Defence-related Enterprises (CERTIDER) online database; emphasises the need to make data systematically available on intra-EU transfers, including quantitative data as well as a breakdown by categories of licences, to better take into account defence and armament activities; notes that such disparities contribute to the lack of reliable data and could cause a disruption to the internal market and that the lack of reciprocity could disincentive Member States with a higher degree of**

**implementation;** calls on the Commission and Member States to improve the quality, **consistency** and availability of data in order to facilitate the monitoring on implementation of these two directives **and provide meaningful scrutiny;**

Or. en

**Amendment 56**  
**Jordi Cañas, Liesje Schreinemacher**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

17. Calls on the Commission and Member States to improve the quality and availability of data, such as TED data, **in order to facilitate** the monitoring on implementation of these two directives;

*Amendment*

17. Calls on the Commission and Member States to improve the quality, **transparency** and availability of data, such as TED data, **and reduce the disparities of publication practices, thereby facilitating** the monitoring on implementation of these two directives;

Or. en

**Amendment 57**  
**Jordi Cañas, Liesje Schreinemacher**

**Motion for a resolution**  
**Paragraph 17 a (new)**

*Motion for a resolution*

**17a. Calls on the Commission to study the feasibility of establishing common standardised administrative forms with the objective of lowering businesses' administrative burden, particularly for SMEs, and build a European approach to transfers of defence-related products;**

Or. en

## Amendment 58

Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri

### Motion for a resolution

#### Paragraph 18

##### *Motion for a resolution*

18. Calls on the Commission to be bold in enforcing the directives, including, where necessary, by making use of infringement procedures;

##### *Amendment*

18. Calls on the Commission to **introduce a quicker simplified preliminary procedure in the first phase of the infringement procedure (administrative letter requesting explanations) in the event of a clear distortion of competition detrimental to a European company, and to be bold** in enforcing the directives, including, where necessary, by making use of infringement procedures;

Or. fr

## Amendment 59

Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard

### Motion for a resolution

#### Paragraph 18

##### *Motion for a resolution*

18. Calls on the Commission to be **bold** in enforcing the directives, including, **where necessary**, by making use of infringement procedures;

##### *Amendment*

18. Calls on the Commission to be **strong** in enforcing the directives, including, by making use of **their right laid down in Article 258 TFEU to start** infringement procedures; **asks the Commission to initiate infringement procedures instead of solely acting on complaints filed by the industry;**

Or. en

**Amendment 60**  
**David Cormand**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Calls on the Commission to be bold in enforcing the directives, including, where necessary, by making use of infringement procedures;

*Amendment*

18. Calls on the Commission to be bold in enforcing the directives, including, where necessary, by making **more** use of infringement procedures;

Or. en

**Amendment 61**  
**Maria Grapini**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Notes that SMEs appear to be less successful in winning contracts under the Defence Procurement Directive than in general EU public procurement; notes, further, that the subcontracting provisions of the directive have clearly not been used on a regular and structured basis by Member States' authorities; finds that some Member States experience these provisions as complex and difficult to use, which partially explains the limited impact of the directive;

*Amendment*

19. Notes that SMEs appear to be less successful in winning contracts under the Defence Procurement Directive than in general EU public procurement; notes, further, that the subcontracting provisions of the directive have clearly not been used on a regular and structured basis by Member States' authorities; finds that some Member States experience these provisions as complex and difficult to use, which partially explains the limited impact of the directive, **and that there is hence a need for SMEs to be encouraged to participate in this process and for procedures to be simplified in order to cut red tape**;

Or. ro

**Amendment 62**  
**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini**



**Motion for a resolution**  
**Paragraph 19 a (new)**

*Motion for a resolution*

*Amendment*

**19a. Highlights that certification processes are regarded as costly, lengthy and burdensome, hence neither accessible nor attractive for SMEs;**

Or. en

**Amendment 63**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Morten Løkkegaard**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

*Amendment*

20. Considers, therefore, that the goal of increasing SME participation has **only been partially** achieved;

20. Considers, therefore, that the goal of increasing SME participation has **not been** achieved;

Or. en

**Amendment 64**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

*Amendment*

21. Is of the opinion that the subcontracting provisions of the directive had no or a very limited impact on the cross-border access of sub-suppliers and defence SMEs; calls on the Member States to ascertain that their internal procedures **are not blocking SMEs'** participation in tendering processes in the fields of defence and security;

21. Is of the opinion that the subcontracting provisions of the directive had no or a very limited impact on the cross-border access of sub-suppliers and defence SMEs; calls on the Member States to ascertain that their internal procedures **allow for SME cross border participation and to simplify access for companies that fall within the EU definition of SMEs for**

*the* participation in tendering processes in the fields of defence and security;

Or. en

#### **Amendment 65**

**Sandro Gozi, Stéphanie Yon-Courtin**

#### **Motion for a resolution**

##### **Paragraph 21**

###### *Motion for a resolution*

21. Is of the opinion that the **subcontracting** provisions of the directive had no or a very limited impact on the cross-border access of sub-suppliers and defence SMEs; calls on the Member States to ascertain that their internal procedures are not blocking SMEs' participation in tendering processes in the fields of defence and security;

###### *Amendment*

21. Is of the opinion that the provisions of the directive **with regards to competition between subcontractors** had no or a very limited impact on the cross-border access of sub-suppliers and defence SMEs; calls on the Member States to ascertain that their internal procedures are not blocking SMEs' participation in tendering processes in the fields of defence and security;

Or. en

#### **Amendment 66**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovagliari, Alessandra Basso**

#### **Motion for a resolution**

##### **Paragraph 21 a (new)**

###### *Motion for a resolution*

**21a. Recalls the strategic nature of supply chain security and reaffirms the importance of provisions concerning subcontracting aimed at dramatically limiting the risks associated with supply chains being open or interrupted;**

###### *Amendment*

Or. fr

### **Amendment 67**

**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Marc Angel**

#### **Motion for a resolution**

##### **Paragraph 22**

###### *Motion for a resolution*

22. Calls on the Commission to continue its work and thoroughly examine the causes behind the lack of SME participation;

###### *Amendment*

22. Calls on the Commission to continue its work and thoroughly examine the causes behind the lack of SME participation, ***and consider creating an updated map of data on relevant SMEs, outlining their industrial and technological capabilities, which can be publicly accessed by prime contractors from other Member States in order to identify SMEs with relevant capabilities needed for a project,***

Or. en

### **Amendment 68**

**Maria Grapini**

#### **Motion for a resolution**

##### **Paragraph 22**

###### *Motion for a resolution*

22. Calls on the Commission to continue its work and thoroughly examine the causes behind the lack of SME participation;

###### *Amendment*

22. Calls on the Commission to continue its work and thoroughly examine the causes behind the lack of SME participation ***and to find an effective means for SMEs to participate in the public procurement process;***

Or. ro

### **Amendment 69**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

#### **Motion for a resolution**

##### **Paragraph 23**

*Motion for a resolution*

23. Considers that Member-State action could significantly improve cross-border market access for SMEs and sub-suppliers in the defence sectors, and therefore calls on the Member States to ***seriously take into consideration and follow when possible*** the Commission recommendations;

*Amendment*

23. Considers that Member-State action could significantly improve cross-border market access for SMEs and sub-suppliers in the defence sectors, and therefore, calls on the Member States to ***implement*** the Commission recommendations ***as much as possible***;

Or. en

**Amendment 70**

**Liesje Schreinemacher, Claudia Gamon, Dita Charanzová, Jordi Cañas, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn, Morten Løkkegaard**

**Motion for a resolution  
Paragraph 24 a (new)**

*Motion for a resolution*

*Amendment*

**24a. Calls on the Commission to improve access to finance for SMEs such as European guarantee funds;**

Or. en

**Amendment 71**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution  
Paragraph 25**

*Motion for a resolution*

*Amendment*

25. Considers that better implementation of the directives is critical in order to attain the overarching objective of improving the functioning of the internal market for defence products and of contributing to the establishment of an open EDEM;

25. Considers that better implementation of the directives is critical in order to attain the overarching objective of improving the functioning of the internal market for defence products and of contributing to the establishment of an open EDEM ***prioritising European or***

*locally produced hardware;*

Or. fr

**Amendment 72**

**Virginie Joron, Marco Campomenosi, Jean-Lin Lacapelle, Markus Buchheit, Isabella Tovaglieri, Alessandra Basso**

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Recalls the need to strengthen Member States' strategic autonomy and technological sovereignty by reducing technological and industrial dependencies and by better controlling foreign subsidies and foreign direct investment in Europe, in order to protect critical European companies against attempts by third countries to control them;**

Or. fr

**Amendment 73**

**David Cormand**

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Urges the Commission and the Member States to generate without delay high quality data on the implementation of both directives and to consider the creation of dedicated NACE or NC codes as their absence hinders any attempt at measuring how the structure of the European defence industry has evolved and to assess the true Europeanisation of defence value-chains;**

Or. en

#### **Amendment 74**

**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini**

#### **Motion for a resolution**

##### **Paragraph 26**

###### *Motion for a resolution*

26. Calls on the Commission to work towards increasing the uptake of the legislative framework on transfers of defence-related products, improving the availability of GTLs throughout the EU and addressing the limited application of the certification scheme, which *should* boost development of the EDEM and thereby improve the functioning of the internal market for defence products;

###### *Amendment*

26. Calls on the Commission to work towards increasing the uptake of the legislative framework on transfers of defence-related products, improving the availability of GTLs throughout the EU and addressing the limited application of the certification scheme, which *can* boost *the* development of the EDEM and thereby improve the functioning of the internal market for defence products;

Or. en

#### **Amendment 75**

**Sven Mikser, Brando Benifei, Maria-Manuel Leitão-Marques, Maria Grapini, Marc Angel**

#### **Motion for a resolution**

##### **Paragraph 28**

###### *Motion for a resolution*

28. Calls on the Member States to boost the EDEM through cooperation on projects under *the Permanent Structured Cooperation* and the *European Defence Fund*; notes in this regard that lessons learnt and best practices stemming so far from the implementation of the Defence Package should be shared among the Member States in order to remedy an uneven level of their implementation;

###### *Amendment*

28. *Welcomes the launch of the Permanent Structured Cooperation (PESCO), the Coordinated Annual Review of Defence (CARD), the European Defence Fund (EDF) and the revised Capability Development Plan (CDP) which altogether can boost collaborative defence capability planning, development, procurement and operation;* calls on the Member States to boost the EDEM through cooperation on projects under *PESCO* and the *EDF*; notes in this regard that lessons learnt and best practices stemming so far from the implementation of the Defence Package should be shared among the Member States in order to remedy an

uneven level of their implementation;

Or. en

**Amendment 76**  
**Evelyne Gebhardt**

**Motion for a resolution**  
**Paragraph 28**

*Motion for a resolution*

28. ***Calls on the Member States to boost the EDEM through cooperation on projects under the Permanent Structured Cooperation and the European Defence Fund;*** notes in this regard that lessons learnt and best practices stemming so far from the implementation of the Defence Package should be shared among the Member States in order to remedy an uneven level of their implementation;

*Amendment*

28. Notes that lessons learnt and best practices stemming so far from the implementation of the Defence Package should be shared among the Member States in order to remedy an uneven level of their implementation;

Or. de