

**Question for written answer E-002822/2023
to the Commission**

Rule 138

Hannah Neumann (Verts/ALE)

Subject: Projects funded under the European Defence Fund (EDF) for upgrading or developing the next generation of weaponry

Article 36 of Additional Protocol I to the Geneva Conventions states that 'in the study, development, acquisition or adoption of a new weapon, means or method of warfare, [there is] an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable'. The Martens Clause states that in the absence of relevant treaty or customary rules, the reviewing authority should consider the proposed weapon in light of the principles of humanity and the dictates of public conscience. These obligations cannot be transferred to third parties and must be laid down in an administrative act.

Could the Commission explain which Commission department, EU agency or other body has conducted the legal compliance analysis of each of the EDF projects, at which stage of the selection process and through which type of administrative act? Further, which national agencies have been involved in this process?

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