

Subject : Consultation to contribute to the Defence Omnibus Simplification Proposal

The European Commission Directorate-General for Defence Industry and Space (DG DEFIS) is currently collecting data, evidence and suggestions from stakeholders with the aim of (i) **removing regulatory barriers/discriminations** which affect the European defence industry (EDTIB) in EU-regulations and programmes, (ii) **simplifying and accelerating procurement procedures** for the EDTIB and to **simplify and facilitate transfer** of defence products in the Internal Market, as well as (iii) **simplifying EU defence programmes**, in particular the European Defence Fund (EDF). This initiative is called the “*Defense Omnibus Simplification Proposal*”.

In this context, based on all previous EU assessments and EU defined goals (to be found, amongst others, in the *2016 Evaluation of EU 2009/43 Directive*, the *2022 Versailles Declaration*, the *2022 Strategic Compass for Security & Defense*, the *2024 EDIS*, the *2024 EDIP proposal*, the *2024 Draghi report on the Future of European competitiveness*, the *2024 EDA Annual Report*, the *2025 Competitiveness Compass for the EU*, the *2025 ReArm Europe Plan & Joint White Paper for European Defence Readiness 2030*, and the *2025 SAFE proposal*), it is our understanding that the Defence Omnibus Simplification Proposal shall focus on answering these **three key objectives**:

Objective 1: Building a strong, resilient and competitive EDTIB,

Objective 2: Simplifying the defence-related regulatory framework and raising awareness about it,

Objective 3: Developing a stable and facilitating environment for the EDTIB.

Prioritisation amongst these objectives is not recommended - on the contrary, these three key objectives need to be worked upon **simultaneously** for tangible results to be seen and thus, for the EU goals to be achieved.

By focusing on these three objectives, the EU could solve, or at least improve, the following **current issues**:

1. Technological gap (via Objective 1),
2. Dependency on non-EU countries (via Objective 1),
3. Under-investment in the defense sector (via Objective 3),
4. Lack of intra-EU collaboration (via Objectives 1 and 2),

DefenseWise SRL

Rue Delvaux 21, 4340 Othée, Belgium

VAT BE 1013.566.658

IBAN : BE62 0689 5335 8261

BIC : GKCCBEBB

+32 478 66 55 28 (Charlotte Villatte)

+32 496 84 81 30 (Fabio Ferretti)

Website : www.defense-wise.com

E-mail : info@defense-wise.com

5. Lack of SMEs' involvement (via Objectives 2 and 3),
6. Complex EU regulatory frameworks and divergent implementation (via Objective 2),
7. Trade barriers (via Objectives 1, 2 and 3), and
8. Heavy administrative burden (via Objective 2).

To do so, in our opinion, supported by numerous field experiences and feedback, the Defence Omnibus Simplification Proposal will need to **cover at least the following aspects**:

1. Lack of common definitions of key terms (e.g. "*specifically designed*", "*unfinished*"),
2. No consistency within and across EU export control regulatory frameworks (e.g. *EU Regulation 2025/41*, *EU Regulation 2021/821*, *EU Regulation 2019/125*, *EU Directive 2021/555*, *EU Directive 2009/43*, *EU Directive 2009/81*),
3. Current control of non-sensitive/non-strategic components,
4. Administrative burden in the context of intra-EU trade, including intra-group trade,
5. Divergent implementation of licensing exemptions under Directive 2009/43,
6. Divergent implementation of general licenses under Directive 2009/43,
7. Divergent classification and definition of controlled items,
8. Lack of awareness of the applicable regulatory frameworks and lack of user-friendly tools,
9. Overly prohibitive export control common criteria from the Council Common Position 2008/944/CFSP,
10. Trade barriers stemming from cross-sectorial EU laws and from EU competition rules,
11. No EU-First clause in procurement frameworks,
12. Negative public opinion and skills shortage,
13. Important delays in licensing processes,
14. Unwillingness of the financial sector to support the EDTIB,
15. Lack of resources within many national competent authorities,
16. Lack of intellectual property incentives and revenue-predictability in EU consortiums,
17. Lack of certified enterprises and mutual recognition,
18. Lack of digitalisation and lack of an EU-based sovereign cloud instrument,
19. Fragmented production and over-reliance on non-EU producers,
20. Trade barriers for start-ups and SMEs,
21. Trade barriers for the civil industry to get involved in the dual-use/defense sector.

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Please note that, given the short timeframe for this consultation, our proposals may not yet fully account for all EU commitments (e.g. international agreements) - we thus remain at your full disposal in the event additional analysis is needed.

Please find below a summary list of our **41 actionable proposals** in the context of the Defense Omnibus Simplification (i.e. 13 recommendations to answer Objective 1 and build a strong, resilient and competitive EDTIB, 23 recommendations to answer Objective 2 and simplify the defence-related regulatory framework while raising awareness about it and 5 recommendations to answer Objective 3 and develop a stable and facilitating environment for the EDTIB):

Objective 1 : Building a strong, resilient and competitive EDTIB

N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
1	New General License to boost EU-based disruptive technologies and/or innovative industrial processes	Legislative	Article 5(2) of Directive 2009/43	§a. Page 10
2	New General License to facilitate cooperation in the context of EU-funded projects	Legislative	Article 5(2) of Directive 2009/43	§a. Page 10
3	IP incentives to boost intra-EU collaboration in the context of EU-funded projects (e.g. shared IP bonus, use it or share it mechanism, tax incentives)	Legislative	EU Regulation 2021/697 (EDF) and similar EU-funding regulations; National tax laws	§b. Page 12
4	Limitation to EU/EEA-based countries for defence procurement financial support	Legislative	Procurement frameworks	§c. Page 14
5	EU-First preference clause & Nuanced EU competition enforcement	Legislative	Procurement frameworks ; Competition frameworks	§c. Page 14
6	Budget to support the civil industry venturing into the dual-use / military sector	Non-Legislative	New EU budget line	§d. Page 16

DefenseWise SRL

Rue Delvaux 21, 4340 Othée, Belgium

VAT BE 1013.566.658

IBAN : BE62 0689 5335 8261

BIC : GKCCBEBB

3

+32 478 66 55 28 (Charlotte Villatte)

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N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
7	Recast of Common Position 2008/944 to favor a less prohibitive approach, remove ambiguous wording and ideally develop a ponderation score table (incl. a list of “open” countries) by COARM	Legislative	Council Decision amendment	§e. Page 17
8	Review of the export control common criteria to either add a 9th “EU Strategic Interests” Criterion or to strengthen the wording of Article 10	Legislative	Council Decision amendment	§e. Page 17
9	Review of EDF framework to (i) add a dedicated percentage of budget to common procurement by EU Member States and thus widen the initial R&D scope of such projects, (ii) request a binding procurement intention from at least 5 EU Member States (instead of 2) and (iii) a commitment to minimum procurement volumes and related timeline	Legislative	Amendment of EDF Regulation 2021/697 and implementing rules	§f. Page 18
10	Review of existing common procurement related instruments (e.g. EDIRPA, ASAP, SAFE) to (i) explicitly include EU-funded projects and (ii) introduce a pre-procurement analysis and regular feedback loops with EU end-users	Legislative	Procurement frameworks	§f. Page 17
11	OCCAR/EDA role enhancement in EU defense common procurement	Legislative	Council Decision 2015/1835 CFSP of 12 October 2015 (EDA) and OCCAR 1998 Convention	§f. Page 18
12	Introduction of a “De Minimis” rule to increase the EDTIB civil market revenue stream by facilitating the trade of EU-controlled	Legislative	New Article 4(10) within Directive 2009/43	§g. Page 20

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4

+32 478 66 55 28 (Charlotte Villatte)
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N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
	components destined to be integrated in EU non-controlled items			
13	Reshape public opinion via (i) rebranding and public relations initiatives, (ii) educational and capacity building programs as well as (iii) policy and incentive measures	Non-Legislative	Communication campaigns & programs	§h. Page 22

Objective 2 : Simplifying the defence-related regulatory framework and Raising awareness

N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
1	Definition of “ <i>specially designed for military use</i> ” and exclusion of non-sensitive components	Legislative	Annex of Directive 2009/43	§a. Page 30
2	Definition of “ <i>unfinished</i> ” parts and harmonisation across EU regulatory frameworks	Legislative	Article 3 of Directive 2009/43, Article 2 of Regulation 2021/821, Article 2 of Regulation 2025/41	§b. Page 35
3	Exclusion of “ <i>unfinished</i> ” items from the intra-EU licensing obligations	Legislative	Amendment of Article 3, 4 and/or Annex of Directive 2009/43	§b. Page 35
4	Clarification of the scope of EU Regulation 2025/41 regarding exclusions related to the armed forces, police or public authorities	Legislative	Article 3 of EU Regulation 2025/41	§c. Page 36

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5

+32 478 66 55 28 (Charlotte Villatte)

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N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
5	New licensing process for intra-EU trade of EU controlled components destined to be integrated into an EU controlled end-item	Legislative	Article 4(8) of EU Directive 2009/43	§d. Page 38
6	Binding implementation of current licensing exemptions for transfers of defence-related products	Legislative	Article 4(2) of EU Directive 2009/43	§e. Page 39
7	Extension of the current scope of licensing exemptions for transfers of defence-related products to facilitate international cooperation and B2G transfers	Legislative	Article 4(2) of EU Directive 2009/43 (+ potential amendment of Article 5)	§e. Page 39
8	Continuous update of the CERTIDER platform with English translation of all general licenses	Non-Legislative	CERTIDER online platform	§f. Page 40
9	Binding implementation of current listed general licenses by Member States with sanctions in case of non-compliance	Legislative	EU Directive 2009/43	§f. Page 40
10	Binding harmonisation of the content of general licenses	Legislative	Article 5 of EU Directive 2009/43 or new Annex to the Directive or binding character of the Commission's guidelines in this respect	§f. Page 40
11	New General License for (intra-EU) intra-Group trade	Legislative	Article 5(2) of Directive 2009/43	§f. Page 40

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Rue Delvaux 21, 4340 Othée, Belgium
VAT BE 1013.566.658
IBAN : BE62 0689 5335 8261
BIC : GKCCBEBB

6

+32 478 66 55 28 (Charlotte Villatte)
+32 496 84 81 30 (Fabio Ferretti)
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12	New outreach actions and development of user-friendly tools to raise awareness on general licenses, especially for SMEs	Non-Legislative	EU communication campaign	§f. Page 40
13	Bi-annual update of the EU Common Military List and EU Dual-use List	Non-Legislative	EU review procedures	§g. Page 42
14	Transformation of the EU Common Military List into a binding text	Legislative	New EU Regulation	§g. Page 42
15	Review of Regulation 2021/821 to reduce the possibility for extra national controls and development of an EU consultation and notification mechanism system prior to any national list update	Legislative	Regulation 2021/821	§g. Page 42
16	Harmonisation of export control processes across EU export control regulatory frameworks in terms of licensing type, licensing tool, licensing duration, licensing processing time and documentation recordkeeping requirements	Legislative	EU Directive 2009/43, EU Regulation 2025/41, EU Regulation 2019/125, EU Regulation 2021/821	§h. Page 43
17	Digitalisation of export control processes and set-up of a sovereign strategic EU cloud	Legislative & Non-Legislative	EU Directive 2009/43, EU Regulation 2019/125, EU Regulation 2021/821 + New Act	§h. Page 43

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IBAN : BE62 0689 5335 8261
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7

+32 478 66 55 28 (Charlotte Villatte)
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N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
18	Inclusion of “Software” within the “Technology” definition and category	Legislative	Annex Directive 2009/43	§h. Page 43
19	Prevent EU Member States from mandatorily requesting customs code when the licensing request relates to technology in intangible form & Prevent EU Member States from mandatorily requesting an export license if certain encryption criteria are met in the context of transfers of technology in intangible form	Non-Legislative	Commission interpretative notes or guidelines regarding Directive 2009/43	§h. Page 43
20	Prevent EU Member States from mandatorily requesting the serial numbers of controlled items at the licensing application stage	Non-Legislative	Commission interpretative notes or guidelines regarding Directive 2009/43	§h. Page 43
21	Extend the scope of transfer of technology licenses to include a small number of prototypes	Legislative	Directive 2009/43	§h. Page 43
22	Modernisation and harmonisation of the temporary licenses requirements	Legislative	EU Directive 2009/43, EU Regulation 2025/41, EU Regulation 2019/125, EU Regulation 2021/821	§i. Page 46
23	Recast of the current certification mechanism to cover (i) prior national authorisation, (ii)	Legislative	Directive 2009/43,	§j. Page 47

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VAT BE 1013.566.658

IBAN : BE62 0689 5335 8261

BIC : GKCCBEBB

8

+32 478 66 55 28 (Charlotte Villatte)

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E-mail : info@defense-wise.com

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	procurement guarantee and (iii) security clearance pursuant to a twofold approach - not to deter start-ups and PMEs		Regulation 2023/2418 (EDIRPA)	

Objective 3 : Developing a stable and facilitating environment for the EDTIB

N°	Recommendations	Policy Type	Legal Toolbox	Position Paper
1	Prohibition of blanket-exclusions of the defense industry by financial actors	Legislative	SFDR/Taxonomy	§a. Page 53
2	Clarification of the EU sustainable finance framework in the context of defense (i.e. new indicator, amendment of the “sustainable investment” definition, DNSH clarification, dedicated EU strategic autonomy taxonomy)	Legislative	SFDR/Taxonomy	§b. Page 53
3	Removal of the remaining defence-related exclusions from EIB policies	Non-Legislative	EIB Policy	§c. Page 54
4	Increase of competent authorities' budget	Non-Legislative	EU/MS budget increase	§d. Page 55
5	Review and introduction of (i) defence-related exemptions in cross-sectoral EU laws and of (ii) defence impact assessment clauses in the context of new legislation proposals	Legislative	Horizontal EU laws	§e. Page 55

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