

Simplification of defence procurement rules

Fields marked with * are mandatory.

Introduction

Goal of this consultation

The March 2025 [Joint White Paper for European Defence Readiness 2030](#) called on the revision in 2026 of the Directive on defence and sensitive security procurement ([Directive 2009/81/EC](#)). A first step towards addressing the issues mentioned in the Joint White Paper was delivered by the Commission through the June 2025 [Defence Readiness Simplification Omnibus](#), which proposed adaptation of the procurement regulatory framework towards achieving Defence Readiness by 2030. To continue the effort, the Commission intends to simplify the legislative framework surrounding the EU defence and sensitive security procurement rules in 2026, as announced in the Commission Work Programme, also using the momentum given by the expected revision of the Public Procurement Directives in the same year.

The goal of this consultation is to gather the views of the public and stakeholders on the simplification of the legislative framework on defence procurement and will feed in the impact assessment accompanying the proposal of the Commission.

Who should respond to this consultation?

This consultation is addressed to Member States, industry, established and new companies, tech-start-ups and scale-ups, SMEs and midcaps active in defence supply chains, the financial sector, social partners and other stakeholders, as well as the general public.

How should you respond to this consultation?

You may respond in any of the 24 official EU languages. All replies will be given equal consideration, irrespective of the stakeholder who submitted them and the official EU language in which they were submitted. This consultation does not require specific knowledge, but respondents may benefit from having previous experience in defence procurement.

While responding to the questionnaire, wherever possible, please make sure that you are addressing a well-identified problem and link it to a specific existing provision of an EU text. If you can, please elaborate why a certain issue is particular to the defence sector and give concrete examples. When providing suggestions, please be as concrete as possible. If available, please also provide a cost estimate of the magnitude of possible cost savings for your entity and for the sector in general.

This consultation is in parallel to the [consultation on public procurement](#) for other sectors.

More information:

- Commission [information webpage on EU Defence procurement rules](#).
- Information webpage on the [Defence Readiness Omnibus](#)

Should you have a problem completing this questionnaire or if you require particular assistance, please contact: DEFIS-SIMPLIFICATION @ ec.europa.eu

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☒ Other

* First name

Emma

* Surname

O'Connell

* Email (this won't be published)

ejoconnell1998@gmail.com

* Organisation name

255 character(s) maximum

Corvers Procurement Services B.V.

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

*Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- | | | | |
|---|--|--|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Martin |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Pierre and Miquelon |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Saint Vincent and the Grenadines |
| ☐ Algeria | ☐ Ecuador | ☐ Luxembourg | ☐ Samoa |
| ☐ American Samoa | ☐ Egypt | ☐ Macau | ☐ San Marino |
| ☐ Andorra | ☐ El Salvador | ☐ Madagascar | ☐ São Tomé and Príncipe |
| ☐ Angola | ☐ Equatorial Guinea | ☐ Malawi | ☐ Saudi Arabia |
| ☐ Anguilla | ☐ Eritrea | ☐ Malaysia | ☐ Senegal |
| ☐ Antarctica | ☐ Estonia | ☐ Maldives | ☐ Serbia |
| ☐ Antigua and Barbuda | ☐ Eswatini | ☐ Mali | ☐ Seychelles |
| ☐ Argentina | ☐ Ethiopia | ☐ Malta | ☐ Sierra Leone |
| ☐ Armenia | ☐ Falkland Islands | ☐ Marshall Islands | ☐ Singapore |
| ☐ Aruba | ☐ Faroe Islands | ☐ Martinique | ☐ Sint Maarten |
| ☐ Australia | ☐ Fiji | ☐ Mauritania | ☐ Slovakia |
| ☐ Austria | ☐ Finland | ☐ Mauritius | ☐ Slovenia |
| ☐ Azerbaijan | ☐ France | ☐ Mayotte | ☐ Solomon Islands |
| ☐ Bahamas | ☐ French Guiana | ☐ Mexico | ☐ Somalia |
| ☐ Bahrain | ☐ French Polynesia | ☐ Micronesia | ☐ South Africa |
| ☐ Bangladesh | ☐ | ☐ Moldova | ☐ |

	French Southern and Antarctic Lands		South Georgia and the South Sandwich Islands
☐ Barbados	☐ Gabon	☐ Monaco	☐ South Korea
☐ Belarus	☐ Georgia	☐ Mongolia	☐ South Sudan
☐ Belgium	☐ Germany	☐ Montenegro	☐ Spain
☐ Belize	☐ Ghana	☐ Montserrat	☐ Sri Lanka
☐ Benin	☐ Gibraltar	☐ Morocco	☐ Sudan
☐ Bermuda	☐ Greece	☐ Mozambique	☐ Suriname
☐ Bhutan	☐ Greenland	☐ Myanmar/Burma	☐ Svalbard and Jan Mayen
☐ Bolivia	☐ Grenada	☐ Namibia	☐ Sweden
☐ Bonaire Saint Eustatius and Saba	☐ Guadeloupe	☐ Nauru	☐ Switzerland
☐ Bosnia and Herzegovina	☐ Guam	☐ Nepal	☐ Syria
☐ Botswana	☐ Guatemala	☒ Netherlands	☐ Taiwan
☐ Bouvet Island	☐ Guernsey	☐ New Caledonia	☐ Tajikistan
☐ Brazil	☐ Guinea	☐ New Zealand	☐ Tanzania
☐ British Indian Ocean Territory	☐ Guinea-Bissau	☐ Nicaragua	☐ Thailand
☐ British Virgin Islands	☐ Guyana	☐ Niger	☐ The Gambia
☐ Brunei	☐ Haiti	☐ Nigeria	☐ Timor-Leste
☐ Bulgaria	☐ Heard Island and McDonald Islands	☐ Niue	☐ Togo
☐ Burkina Faso	☐ Honduras	☐ Norfolk Island	☐ Tokelau
☐ Burundi	☐ Hong Kong	☐ Northern Mariana Islands	☐ Tonga
☐ Cambodia	☐ Hungary	☐ North Korea	☐ Trinidad and Tobago

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| ☐ Cameroon | ☐ Iceland | ☐ North Macedonia | ☐ Tunisia |
| ☐ Canada | ☐ India | ☐ Norway | ☐ Türkiye |
| ☐ Cape Verde | ☐ Indonesia | ☐ Oman | ☐ Turkmenistan |
| ☐ Cayman Islands | ☐ Iran | ☐ Pakistan | ☐ Turks and
Caicos Islands |
| ☐ Central African
Republic | ☐ Iraq | ☐ Palau | ☐ Tuvalu |
| ☐ Chad | ☐ Ireland | ☐ Palestine | ☐ Uganda |
| ☐ Chile | ☐ Isle of Man | ☐ Panama | ☐ Ukraine |
| ☐ China | ☐ Israel | ☐ Papua New
Guinea | ☐ United Arab
Emirates |
| ☐ Christmas Island | ☐ Italy | ☐ Paraguay | ☐ United Kingdom |
| ☐ Clipperton | ☐ Jamaica | ☐ Peru | ☐ United States |
| ☐ Cocos (Keeling)
Islands | ☐ Japan | ☐ Philippines | ☐ United States
Minor Outlying
Islands |
| ☐ Colombia | ☐ Jersey | ☐ Pitcairn Islands | ☐ Uruguay |
| ☐ Comoros | ☐ Jordan | ☐ Poland | ☐ US Virgin Islands |
| ☐ Congo | ☐ Kazakhstan | ☐ Portugal | ☐ Uzbekistan |
| ☐ Cook Islands | ☐ Kenya | ☐ Puerto Rico | ☐ Vanuatu |
| ☐ Costa Rica | ☐ Kiribati | ☐ Qatar | ☐ Vatican City |
| ☐ Côte d'Ivoire | ☐ Kosovo | ☐ Réunion | ☐ Venezuela |
| ☐ Croatia | ☐ Kuwait | ☐ Romania | ☐ Vietnam |
| ☐ Cuba | ☐ Kyrgyzstan | ☐ Russia | ☐ Wallis and
Futuna |
| ☐ Curaçao | ☐ Laos | ☐ Rwanda | ☐ Western Sahara |
| ☐ Cyprus | ☐ Latvia | ☐ Saint Barthélemy | ☐ Yemen |
| ☐ Czechia | ☐ Lebanon | ☐ Saint Helena
Ascension and
Tristan da Cunha | ☐ Zambia |
| ☐ | ☐ Lesotho | ☐ Saint Kitts and
Nevis | ☐ Zimbabwe |

Democratic

Republic of the

Congo



Denmark



Liberia



Saint Lucia

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* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.



Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.



Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Would you accept to be contacted by the Commission services on the basis of your replies in view of the organisation of a reality check/simplification workshop on the existing legislation as a follow-up to this questionnaire?



Yes



No

Questions

Part A: Usefulness, efficiency, effectiveness and simplification of the EU procurement rules in the area of defence and security

The current Directive on Defence Procurement aimed to build up a strong single market for Defence and respect Member States security and defence needs and objectives. EU leaders and recent EU policy documents have called for simpler, faster and more agile procurement to reply most efficiently to the EU Defence readiness needs.

1.a. How well do you think the current EU defence procurement Directive has delivered on the following objectives? (Scale: 1 to 5, where 1 = not at all; 2 = not well; 3 = neutral ; 4 = moderately well; 5 = very well; or no opinion)

	Not at all	Not well	Neutral	Moderately well	Very well	No opinion
Creating a European defence equipment market	☐	☐	☐	☒	☐	☐
Developing the military capabilities required to implement the European security and defence policy	☐	☐	☐	☒	☐	☐
Ensuring timely procurement	☐	☐	☐	☒	☐	☐
Providing adequate flexibility in case of urgent defence needs	☐	☐	☐	☒	☐	☐
Ensuring security of supply from selected suppliers	☐	☐	☐	☒	☐	☐
Protecting classified information in procurement procedures	☐	☐	☐	☒	☐	☐
Protecting national security interests in procurement procedures	☐	☐	☐	☒	☐	☐
Enabling cooperation among Member States on joint procurement	☐	☒	☐	☐	☐	☐
Enabling cooperation among Member States on standardisation and interoperability	☐	☐	☒	☐	☐	☐
Ensuring a level playing field for cross-border participation of suppliers from other EU Member States	☐	☐	☒	☐	☐	☐

Benefiting from adequate competition in procurement procedures	☐	☐	☒	☐	☐	☐
Ensuring adequate levels of transparency compared to the requirement to protect national security interests	☐	☐	☐	☒	☐	☐
Supporting defence innovation	☐	☒	☐	☐	☐	☐
Supporting new entrants and actors in accessing procurement	☐	☐	☒	☐	☐	☐
Supporting Small and Medium-Sized Entreprises (SMEs) and small mid-caps in accessing procurement	☐	☒	☐	☐	☐	☐
Supporting the strengthening of the European defence technological and industrial base	☐	☐	☐	☒	☐	☐
Supporting the development of a competitive European defence technological and industrial base	☐	☐	☒	☐	☐	☐
Promoting efficient and responsive lower tier suppliers	☐	☐	☒	☐	☐	☐
Limiting administrative burden for the public administration	☐	☐	☒	☐	☐	☐
Limiting administrative burden for industry	☐	☐	☒	☐	☐	☐

1.b. Please elaborate on your positions, notably the most negative ones.

2.a. To what extent do you believe the following factors are making EU defence procurement complex? (Scale: 1 to 5, where 1 = a lot more complex than necessary ; 2 = slightly more complex than necessary; 3 = neutral ; 4 = somewhat proportionate but not perfectly aligned ; 5 = complexity is proportionate to intended purpose or benefits ; or no opinion)

	A lot more complex than necessary	Slightly more complex than necessary	Neutral	Somewhat proportionate but not perfectly proportionate to the intended purpose or benefits	Complexity is proportionate to intended purpose or benefits	No opinion
National procurement rules going beyond obligations stemming from the EU defence procurement Directive	☐	☒	☐	☐	☐	☐
The non-alignment of the defence procurement Directive to the other EU directives on procurement	☐	☒	☐	☐	☐	☐
Requirements arising from non-defence legislation (e.g. environmental, social, data protection, etc. Please indicate which below)	☐	☒	☐	☐	☐	☐
Different security and classification requirements between Member States	☐	☒	☐	☐	☐	☐
Lack of common procedures and templates between Member States	☐	☒	☐	☐	☐	☐
Risk-averse decision-making culture in the contracting authorities	☐	☒	☐	☐	☐	☐
Lack of digitalisation	☐	☐	☒	☐	☐	☐

Limited possibilities for multiple sourcing in the procurement procedure	☐	☒	☐	☐	☐	☐
Other cross-border regulatory issues not mentioned above (please indicate precisely below)	☐	☒	☐	☐	☐	☐
Other (please complete below)	☐	☐	☐	☐	☐	☐

2.b. Please elaborate or describe if possible any specific cross-border regulatory issues not mentioned in the list.

1. A major omission is innovation procurement. Innovation procurement is our core field of expertise, and in practice it raises specific cross-border challenges that are not captured by the current options. The Defence Procurement Directive 2009/81/EC, as it stands, operates in a semi-transparent space between the full transparency of Directive 2014/24/EU and the complete opacity of Article 346 TFEU. This "hybrid" model has never been properly assessed in terms of its effectiveness and efficiency for innovation procurement, especially in cross-border settings.

The Defence Readiness Simplification Omnibus indicates an intention to introduce the open procedure into the defence regime. From our perspective, this is problematic: an open procedure presupposes broad public communication of requirements and conditions, whereas in defence and sensitive security procurement a substantial part of the detailed safety and security requirements via an open procedure is not aligned with the very rationale of the defence-specific regime and risks either over-disclosure of sensitive information or, conversely, extreme "over-classification" that makes the procedure unusable in practice.

2. Another major gap is the treatment of critical infrastructure. At present, the only realistic routes into the scope of defence procurement directive are (i) "hard-core" defence (arms, munitions, war material) or (ii) situations where classified information is directly involved. Critical infrastructure procurement with clear defence/sensitive-security relevance often falls between the cracks, even when cross-border effects are evident (e.g. on security of supply or resilience of dual-use assets). In our view, the revised framework should explicitly recognise defence-relevant critical infrastructure as a basis for applying the defence procurement rules, to avoid fragmentation and legal uncertainty across borders.

2.c. Please elaborate if possible the sources of complexity you encounter in defence procurement and what could be solutions for each. If possible, provide quantitative estimates of the expected impacts of your proposals, including associated costs and potential savings, for your entity and the wider sector (please beware that your answer will be published).

3.a. Given that the EU defence procurement rules are under a specific Directive, different from the other EU rules on public procurement, to what extent should the rules of defence procurement be complementary with the general EU rules on public procurement that apply to other sectors ? (choose one)

- ☐ EU defence procurement rules should only regulate the defence-specific aspects of procurement while relying on the general EU rules on public procurement for the non-defence specific aspects.



The EU defence procurement rules should regulate the whole cycle of procurement in the area of defence but should align as much as possible to the general EU rules on public procurement.

- ☒ EU defence procurement rules should regulate the whole cycle of procurement in the area of defence without considering alignment to the general EU rules on public procurement.
- ☐ No opinion

3.b. Please elaborate on your choice if possible.

Part B: Cooperation between Member States, including joint procurement

The current Directive on Defence Procurement does not contain dedicated provisions on cooperation in procurement between Member States; this procedure was detailed in a [guidance note](#) issued by the Commission. Many current EU initiatives, and notably dedicated EU financing for defence, foster [cooperative procurement](#) but are not part of the Defence Procurement Directive.

4.a. To what extent do you think the current defence procurement Directive and EU guidance notice incentivise cooperation in defence procurement between Member States, in terms of: (Scale 1-5, where: 1 = The current rules are counterproductive to facilitating cooperation ; 2 = Current rules do not facilitate cooperation ; 3 = neutral; 4 = Current rules are moderately effective ; 5 = Current rules are very effective ; or no opinion)

	The current rules are counterproductive to facilitating cooperation	Current rules do not facilitate cooperation	Neutral	Current rules are moderately effective	Current rules are very effective	No opinion
Legal clarity	☐	☐	☐	☒	☐	☐
Coherence with other rules	☐	☐	☒	☐	☐	☐
Financial incentives	☐	☐	☒	☐	☐	☐
Procedural flexibility	☐	☐	☒	☐	☐	☐
Procedural support offered by the EU	☐	☐	☐	☒	☐	☐
Exchange of information organised by the EU	☐	☐	☐	☒	☐	☐
Other (please add in free box)	☐	☐	☒	☐	☐	☐

4.b. Please elaborate, if reply “other” is selected, and for other replies if possible.

Cooperation and non-defence procurement: Cooperation in defence procurement is often discussed only in terms of "hard-core" defence projects, whereas in practice a significant part of cooperation needs, including cross-border cooperation, concerns non-defence or dual-use projects that nonetheless raise sensitive security, innovation and industrial-base questions. The current framework and guidance tend to treat "defence" and "other" procurement as separate silos, which does not reflect the reality of joint projects on cyber, critical infrastructure, space or emerging technologies. A more integrated view of cooperation that explicitly addresses non-defence, dual-use and critical infrastructure procurements would better reflect actual cooperation patterns and help avoid fragmentation between the defence and general public procurement regimes.

5.a. To what extent do you agree that the following elements would be effective in facilitating common procurement between Member States? (Scale 1-5, where: 1 = counterproductive; 2 = does not facilitate; 3 = neutral ; 4 = moderately effective ; 5 = very effective ; or no opinion)

	Counterproductive	Does not facilitate	Neutral	Moderately effective	Very effective	No opinion
External (third-party) human, legal and technical support	☐	☐	☒	☐	☐	☐
Structured legal cooperation mechanisms on defence procurements between Member States	☐	☐	☐	☒	☐	☐
Exchange of information between Member States on defence procurement planning	☐	☐	☐	☒	☐	☐
Exchange of information between Member States on existing contracts of defence procurement	☐	☐	☒	☐	☐	☐
Exchange on best practices between defence procurement specialists	☐	☐	☒	☐	☐	☐
Dialogue between multiple Member States and the industry, in view of better understanding the benefits of demand aggregation	☐	☐	☒	☐	☐	☐
Financial incentives	☐	☐	☒	☐	☐	☐
Fiscal incentives	☐	☐	☒	☐	☐	☐
Flexibility to modify existing contracts to allow other/more Member States to join	☐	☒	☐	☐	☐	☐
Flexibility in transparency and reporting requirements (publicity, data reporting)	☐	☐	☒	☐	☐	☐
Flexibility in the setting of value thresholds for the application of the EU rules	☐	☐	☐	☒	☐	☐

Other (please complete below)	☐	☐	☐	☐	☐	☐
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5.b. Please explain your choices and/or complete the list with additional solutions.

Part C: Transparency, openness and procurement procedures

The current Directive on Defence Procurement sets some rules for transparency in defence procurement, which can be different according to the specific contract, notably in terms of publication on the [TED platform](#).

6.a. To what extent do you agree that the following EU-level actions would be effective in improving transparency and openness in defence procurement, while safeguarding Member States' competence and legitimate national security interests? (Scale: 1 to 5, where 1 = counterproductive; 2 = not useful ; 3 = neutral ; 4 = moderately useful ; 5 = very useful; or no opinion)

	Counterproductive	Not useful	Neutral	Moderately useful	Very useful	No opinion
Clarifying the conditions for using security exemptions to disapply the EU rules	☐	☐	☐	☐	☒	☐
Better framing the conditions surrounding the use of exclusions included in the legal framework	☐	☐	☐	☐	☒	☐
Increasing visibility of contract opportunities	☐	☐	☐	☐	☒	☐
Simplifying participation and qualification procedures	☐	☐	☐	☐	☒	☐
Enhancing post-award transparency of key contract information (e.g. value, duration, supplier)	☐	☐	☐	☒	☐	☐
Improving enforcement of the EU rules	☐	☐	☐	☐	☒	☐

6.b. Please explain or indicate alternative solutions if possible.

The options listed focus on clarifying exemptions, improving visibility and strengthening enforcement, all of which are important. However, what is missing is a critical assessment of the introduction of the open procedure in the defence procurement framework. The open procedure, by design, assumes a high level of ex-ante transparency about the subject matter of the contract and the technical requirements and the selection/award conditions. In defence and sensitive security procurement, a significant part of this information is sensitive and classified.

If the open procedure is introduced without robust safeguards and a clear concept of what can and cannot be disclosed, contracting authorities may be pushed to either (i) publish information that should not be public, or (ii) over-classify and strip the procedure of meaningful content, effectively undermining both transparency and competition. In our view, before the open procedure is embedded in the defence regime, the Commission should assess whether this tool is genuinely compatible with security requirements or whether more tailored procedures (restricted, negotiated with prior publication, competitive dialogue) are better suited to balancing transparency and national-security concerns.

The current defence procurement Directive (2009/81/EC) does not apply to contracts when one government is procuring a military or sensitive equipment or service from another government (article 13(f)). This means governments do not need to follow the procedure or publicity requirements of the Directive in this case, which should however be justified, to follow the principles of EU law. The Commission published a [guidance note](#) to provide clarity on this exclusion, its scope and procedure.

7.a. To what extent do you agree that the current defence procurement Directive and the related guidance: (Scale 1 to 5 where: 1 = strongly disagree; 2 = disagree; 3 = neither agree nor disagree; 4 = agree; 5 = strongly agree; no opinion)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	No opinion
Are correctly transposed in all Member States as concerns government-to-government exclusions	☐	☐	☒	☐	☐	☐
Are correctly applied in all Member States as concerns government-to-government exclusions	☐	☐	☒	☐	☐	☐
Provide clear rules on the scope of the exclusion of government-to-government procurement	☐	☐	☒	☐	☐	☐
Provide clear rules on how to justify the use of this exclusion	☐	☐	☒	☐	☐	☐
Provide clear rules on how to organise the procedure surrounding this type of contract	☐	☐	☒	☐	☐	☐
Ensure an adequate protection of government security interests	☐	☐	☐	☒	☐	☐
Ensure an adequate protection of the economic and financial interests of governments	☐	☐	☒	☐	☐	☐
Ensure an adequate protection of the economic interests of the European defence technological and industrial base	☐	☐	☐	☒	☐	☐
Provide for an adequate level of transparency of those specific contracts for the industry	☐	☐	☒	☐	☐	☐
Provide for an adequate transparency of those specific contracts for other governments who might want to join in	☐	☐	☒	☐	☐	☐

7.b. Please explain if possible, and where possible, provide data and examples backing your opinion (please beware you reply will be published).

These instruments (the Directive and guidance note) are not well aligned with the 2014 public procurement directives, especially in the way they conceptualise innovation procurement and R&D. The taxonomy used in the defence procurement directive and its explanatory notes differs significantly from that used in the general public procurement acquis, which creates confusion for contracting authorities and market participants who operate across both frameworks.

We consider it essential that the taxonomy for innovation procurement and R&D is coherent across all EU procurement directives. There may be defence-specific nuances, but the basic concepts and distinction (e.g. between R&D, pre-commercial procurement, and deployment/scale-up phases) should be the same, or at least explicitly mapped, across the defence directive and the 2014 directives. Maintaining completely different taxonomies for innovation and R&D in different directives is a source of legal uncertainty, inconsistent application and, ultimately, a barrier to cross-border collaborative projects that move between civil and defence funding and procurement streams.

8.a. What would be the impact of the following changes in the exception related to government-to-government, if they were integrated in a future EU legislation : (Scale 1 to 5 where: 1 = strong negative impact; 2 = negative impact ; 3 = no particular impact ; 4 = positive impact ; 5 = strong positive impact ; no opinion)

	Strong negative impact	Negative impact	Neutral impact	Moderate positive impact	Very positive impact	No opinion
Make strong and concrete security-based justifications mandatory before using the exception	☐	☐	☐	☒	☐	☐
Make economic justifications for using the exception mandatory before using the exception	☐	☐	☐	☒	☐	☐
Increase transparency of these specific contracts to the industry, to the maximum level possible while preserving national security	☐	☐	☐	☒	☐	☐
Increase transparency of these specific contracts to the industry, to a level adequate with limiting administrative burden for Member State authorities	☐	☒	☐	☐	☐	☐

Increase transparency of these specific contracts to other governments (who might want to join in), to a level necessary for other governments to understand the main aspects useful for them	☐	☒	☐	☐	☐	☐
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8.b. Please explain if possible, and where possible, provide data and examples backing your opinion (please beware you reply will be published).

The underlying rationale for tightening the G2G exception is often presented as the need to tackle the fragmented security and defence market. While this rationale is understandable, we do not consider it a sufficient justification on its own. Fragmentation is primarily driven by national rules and practices, especially in how Member States operationalise security and classification.

One of the main issues we see is the lack of harmonised operational rules for dealing with classified information. A document or technology may have an equivalent classification label (e.g. "state confidential") in several Member States (such as the Netherlands, Ireland and Germany), but the operational impact of that classification - who can access it, under what conditions, how it can be shared with other authorities or companies - can differ drastically. This undermines cross-border cooperation and the functioning of the internal market.

Moreover, the current approach to classified information can actively block the internal market. For example, if the security service of the Dutch Ministry of Defence classifies a technology and effectively restricts access to Dutch actors only, similar decisions by other national services will replicate the same pattern. The result is that promising solutions are locked into national silos and cannot be easily transferred or scaled from one Member State to another.

We therefore suggest that, alongside any changes to transparency requirements for G2G contracts, the EU should promote a more harmonised approach whereby, if a technology or set of information is classified in one Member State, there is a mechanism to ensure equivalent classification and approval standards in other Member States, at least for the purpose of joint or cooperative procurement. Without this, reforms limited to transparency or justification will not resolve the structural fragmentation of the security and defence market.

Most of the digitalisation of the procurement procedures in defence are so far restricted to measures that Member States put in place voluntarily.

9. To what extent do you believe that enabling EU secure digital identity measures in defence procurement could have the following impacts: (Scale: 1-5, where 1 = not at all; 2 = not well; 3 = neutral ; 4 = moderately well ; 5 = very well; or no opinion)

	Not at all	Not well	Neutral	Moderately well	Very well	No opinion
Improve transparency for all tenderers	☐	☐	☐	☒	☐	☐
Improve transparency for small tenderers and new actors	☐	☐	☐	☒	☐	☐

Improve cross-border procedures	☐	☐	☐	☐	☒	☐
Cut administrative burdens	☐	☐	☐	☐	☒	☐
Facilitate the procurement process	☐	☐	☐	☐	☒	☐
Increase cybersecurity risks and data vulnerabilities	☐	☐	☐	☐	☒	☐
Create new challenges due to necessary new investments	☐	☐	☐	☐	☒	☐
Create new challenges due to lack of digital skills	☐	☐	☐	☐	☒	☐

10. To what extent do you believe that enabling EU secure data sharing and communication measures in defence procurement could have the following impacts:
(Scale: 1-5, where 1 = not at all; 2 = not well; 3 = neutral; 4 = moderately well ; 5 = very well; or no opinion)

	Not at all	Not well	Neutral	Moderately well	Very well	No opinion
Improve transparency for all tenderers	☐	☐	☐	☒	☐	☐
Improve transparency for small tenderers and new actors	☐	☐	☐	☒	☐	☐
Improve cross-border procedures	☐	☐	☐	☐	☒	☐
Cut administrative burdens	☐	☐	☐	☐	☒	☐
Facilitate the procurement process	☐	☐	☐	☐	☒	☐
Increase cybersecurity risks and data vulnerabilities	☐	☐	☐	☐	☒	☐
Create new challenges due to necessary new investments	☐	☐	☐	☐	☒	☐
Create new challenges due to lack of digital skills	☐	☐	☐	☐	☒	☐

Some Member States have created digital marketplace for procurements, where contracting authorities can find catalogues of products offered by tenderers, with a variety of possible information given in a secure way.

11.a. What impact do you believe that creating EU secure digital marketplace for defence products for procurement could have? (Scale: 1-5, where 1 = strong negative

impact ; 2 = negative impact ; 3 = neutral; 4 = moderate positive impact ; 5 = very positive impact ; or no opinion)

	Strong negative impact	Negative impact	Neutral impact	Moderate positive impact	Very positive impact	No opinion
On visibility of all tenderers	☐	☐	☐	☒	☐	☐
On the visibility of small tenderers	☐	☐	☐	☒	☐	☐
On the visibility of existing and new actors	☐	☐	☐	☒	☐	☐
On transparency of the market	☐	☐	☐	☒	☐	☐
On innovation	☐	☐	☐	☒	☐	☐
On access to finance for companies listed in this digital marketplace	☐	☐	☐	☒	☐	☐
On speeding up the procurement process for contracting authorities	☐	☐	☐	☒	☐	☐
On speeding up the procurement process for tenderers	☐	☐	☐	☒	☐	☐
On facilitating the procurement process for contracting authorities	☐	☐	☐	☒	☐	☐
On facilitating the procurement process for tenderers	☐	☐	☐	☒	☐	☐
On cybersecurity safety and data protection	☐	☐	☐	☒	☐	☐

11.b. Please elaborate and, if possible, suggest specific features or functionalities that could be usefully applied.

An EU-level secure digital marketplace for defence products could bring clear benefits in terms of visibility, transparency and innovation, particularly for SMEs and new entrants. However, its impact will be constrained as long as classified information cannot be effectively shared across borders. In many cases, the most innovative or sensitive solutions cannot be fully described or advertised because key technical or operational details are classified at national level and not recognised or handled in a harmonised way by other Member

States.

In that sense, a digital marketplace is "nice to have" but will not, on its own, overcome the structural limitations created by divergent classification regimes and restricted cross-border circulation of sensitive information. To be effective, the marketplace would need: (i) robust EU-wide rules and technical solutions for handling classified information and security-cleared users; and (ii) a more harmonised approach to classification so that a solution cleared for use and marketing in one Member State can be made visible and accessible to authorised contracting authorities in others. Without progress on these points, the marketplace risks being under-used precisely for the most critical and innovative capabilities.

Part D: Innovation and the participation of startups, scale-ups, SMEs and midcaps

12.a. To what extent do you agree that the following measures would be effective in promoting innovation through defence procurement within the framework of the EU defence procurement? (Scale: 1-5, where 1 = not effective at all ; 2 = mostly not effective; 3 = neutral ; 4 = moderately effective; 5 = very effective; or no opinion)

	Not effective at all	Mostly not effective	Neutral	Moderately effective	Very effective	No opinion
Encouraging the use of dedicated innovation procurement procedures (e.g. phased contracts with continuation dependent on performance milestones)	☐	☐	☐	☒	☐	☐
Not introducing new dedicated innovation procurement procedures, but making all existing procurement procedures more flexible and innovation-friendly	☐	☐	☐	☐	☒	☐
Supporting demand aggregation or collaborative procurement to achieve sufficient scale	☐	☐	☐	☐	☒	☐
Promoting early market engagement between contracting authorities and industry	☐	☐	☐	☐	☒	☐
Providing EU guidance and examples of best practices of pre-commercial innovative procurement and innovation procurement	☐	☐	☐	☐	☒	☐
Encouraging the use of functional or performance-based specifications	☐	☐	☐	☐	☒	☐
Promoting value-based and outcome-focused evaluation and contract performance monitoring methods (e.g. best price quality ratio award criteria, lifecycle and/or innovation-related contractual performance criteria)	☐	☐	☐	☐	☒	☐
Promote the use of Intellectual Property Rights conditions that balance fostering innovation and commercialisation, and as well as safeguarding defence or sensitive security interests.	☐	☐	☐	☐	☒	☐
Promoting value engineering to enable agile improvement of delivered solutions with new innovations that become available only during contract implementation.	☐	☐	☐	☐	☒	☐

Limiting disproportionate participation requirements (e.g. excessive financial guarantees or turnover thresholds)						
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12.b. Please explain or indicate alternative solutions, and where possible provide data, examples, propositions for improvement, and if possible, estimations of costs and savings of your proposals (please beware that your reply will be published).

13.a. To what extent do you agree that the following measures would be effective in supporting the participation of Startups, Scaleups, SMEs and Mid-Caps in defence procurement procedures under the EU Defence Procurement legal framework? (Scale: 1-5, where 1 = not effective at all; 2 = mostly not effective; 3 = balanced effects ; 4 = moderately effective; 5 = very effective; or no opinion)

	Not effective at all	Mostly not effective	Neutral	Moderately effective	Very effective	No opinion
EU-level targets or benchmarks for startups, scaleups, SME and/or small mid-cap participation	☐	☐	☐	☐	☒	☐
Encouraging the division of contracts into smaller components/lots	☐	☐	☐	☒	☐	☐
Simplifying and harmonising security-clearance and certification procedures	☐	☐	☐	☐	☒	☐
EU-supported guidance, training and matchmaking initiatives	☐	☐	☐	☐	☒	☐
Ensuring better protection of subcontractor rights in public procurements	☐	☐	☐	☐	☒	☐
Faster and more flexible payment schemes, including direct payments to subcontractors and use of pre-financing or any other supply chain finance	☐	☐	☐	☐	☒	☐
EU-supported guidance, training and matchmaking initiatives	☐	☐	☐	☐	☒	☐

13.b. Please explain and provide, if possible, any additional ideas or suggestions you may have to help startups, scaleups, SMEs and/or small mid-caps participate in defence procurement or cross-border supply chains. If possible, please include estimations of costs and savings.

Part E: Security of supply and security of information

The current Directive on Defence Procurement provides for award criteria and exclusions based on the necessity for a contracting authority to have a secured access to the defence products or services offered by tenderers, in view of protecting national security.

14.a. To what extent do you agree that the provisions of the defence procurement Directive effectively safeguard security of supply in the following cases, particularly in cross-border procurements? (Scale: 1 to 5 where 1 = Not at all ; 2 = Not sufficiently ; 3 = neutral ; 4 = Moderately effectively; 5 = Very effectively ; or No opinion)

	Not at all	Not sufficiently	Neutral	Moderately effective	Very effective	No opinion
Ensuring a sufficient level of trust in a non-national supplier	☐	☐	☐	☐	☒	☐
Ensuring continuity of delivery in times of crisis	☐	☐	☐	☐	☒	☐
Ensuring timely delivery of products	☐	☐	☐	☐	☒	☐
Ensuring prioritisation of necessary delivery in times of crisis	☐	☐	☐	☐	☒	☐

14.b. Please explain, provide any additional ideas or suggestions, and where possible, provide data, examples, proposals for improvement, and if possible, estimations of costs and savings of your proposals for an entity such as yours and in your sector (please beware your reply will be published).

The current Directive on Defence Procurement provides for exclusions based on the necessity for Member States to protect sensitive information.

15.a. To what extent do you agree that procurement procedures within the scope of the defence procurement Directive effectively protect sensitive information, while also allowing new entrants to participate to security sensitive procurements? (Scale: 1 to 5 where 1 = Not at all; 2 = Not sufficiently ; 3 = does not affect ; 4 = Moderately effectively; 5 = Very effectively ; or No opinion)

	Not at all	Not sufficiently	Does not affect	Moderately effectively	Very effectively	No opinion
Protecting sensitive information with defence providers already supplying a national authority of the same Member State	☐	☐	☐	☐	☒	☐
Protecting sensitive information with defence providers already supplying another Member State but not the one procuring	☐	☐	☐	☐	☒	☐
Allowing new entrants to participate in security sensitive procedures	☐	☐	☐	☐	☒	☐

15.b. Please explain, provide any additional ideas or suggestions and where possible, provide data, examples, propositions for improvement (please beware that your reply will be published).

Part F: European preference

The 2025 [Joint White Paper for European Defence Readiness 2030](#) announced the introduction of a European preference (measures to prioritise EU suppliers and/or products) in the defence procurement legal framework, as recommended by the [Competitiveness Compass](#) and the [Single Market Strategy](#).

16.a. In your view, which elements of an EU preference would be most effective within the EU defence procurement legal framework to ensure that a larger proportion of the procurement of the EU Member States is addressed to the European Defence Industrial and Technological Base? (Scale 1 to 5: 1 = No contribution ; 2 = Low contribution ; 3 = neutral ; 4 = Moderate contribution 5 = High contribution ; or No opinion)

	No contribution	Low contribution	Neutral	Moderate contribution	High contribution	No opinion
Prioritising bids that include a minimum share of EU-based production	☐	☐	☐	☐	☒	☐
Giving preference to suppliers headquartered within the EU and controlled by EU-based interests	☐	☐	☐	☐	☒	☐
Granting additional points or weighting for EU supply-chain participation in award criteria	☐	☐	☐	☐	☒	☐
Granting additional points or weighting for plans for industrial investment and workforce development in the EU	☐	☐	☐	☐	☒	☐
Including safeguard measures for cases where no reasonable alternative (e. g. in terms of cost, delivery timelines, or technical incompatibility) is offered by an EU supplier	☐	☐	☐	☐	☒	☐
Applying EU preference only in specific strategic capability areas	☐	☐	☐	☐	☒	☐
Introducing a post-award transparency obligation requiring contract authorities to justify the selection of non-EU suppliers	☐	☐	☐	☐	☒	☐
Incentivising procurement within the EU by allowing targeted exceptions from or flexibilities to normal procurement rules	☐	☐	☐	☐	☒	☐

16.b. European preference in EU defence procurement rules:

- ☐ Should be introduced
- ☐ Should not be introduced

16.c. Please elaborate and indicate any other approaches that you consider appropriate. Where possible, provide data, estimates or practical examples illustrating the potential effects and if possible, estimations of costs and savings of your proposals (please beware that your reply will be published)

Part G: Any other comments, attached documents and further contact

17. If you have any other comments or observations with regard to the revision of the EU defence procurement legal framework, please include it here.

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Useful links

European Commission webpage on defence procurement Directive (https://defence-industry-space.ec.europa.eu/defence-industry/defence-procurement_en)

Contact

defis-simplification@ec.europa.eu

