

## **Open Letter to Members of the European Parliament**

### **“EU Defence Fund provisional agreement sets dangerous precedent against democratic functioning of the EU”**

*Brussels, 10 April 2019*

On Wednesday 17 April, you will be asked to approve the provisional agreement on the legislative proposal creating a European Defence Fund ([2018/0254\(COD\)](#)) in the next EU budgetary cycle (MFF 2021-2027).

This agreement sets a dangerous precedent against the democratic functioning of the EU and, in particular, against the oversight role of the Parliament on EU programmes.

It is in your hands to close this Pandora's box while there is still time. If not, it will pave the way for the EU to become merely a cash cow for profit-making companies and national short term interests, and the Parliament reduced to a rubber-stamping body.

This is not what EU citizens are expecting from you ahead of crucial elections, nor will it improve EU's legitimacy to their eyes.

We urge you to oppose the adoption of this provisional agreement and let the next Parliament have the power to decide what to do with 13 billion Euros.

As it currently stands, the compromise text **sets a dangerous precedent against the democratic functioning of the EU and in particular against the oversight role of the Parliament:**

According to article 27 of this agreement, the Commission will adopt the work programmes through implementing acts, thus excluding the European Parliament while Member States are given a de facto veto power through the programme Committee (art. 28.2).

What was supposed to be an exception for a 2-year pilot programme, the EDIDP\*, to respond to a specific time constraint, is to become the norm for the complete budgetary cycle, and not only for a new sensitive area of work. The same is now being proposed for the Connecting Europe Facility, raising the risk of Member States systematically bypassing the European Parliament and undermining EU democratic procedures.

The EP Conference of Presidents had given a clear mandate to the EP negotiators NOT to accept a compromise on the Defence Fund that would undermine EP's traditional involvement in programming. This was ultimately ignored by a majority of them under political and national considerations.

The provisional agreement also raises a number of serious concerns, as EP negotiators gave up on almost all EP requests. In particular:

#### **The ethical review falls short of being transparent and credible.**

Article 7 was presented as a response to civil society concerns; however the compromise further weakens its implementation. It now gives a central role to industry and uses 'national security' as an excuse for blanket secrecy.

- Ethical screenings will happen only before the signature of the agreement (and not for “*all proposals systematically*” as stated in the initial proposal); moreover this will happen on the basis of prior ethical self-assessments by the industry itself and only “*where appropriate*”;

- Activities raising ethically sensitive issues will not be discarded but conditions for their implementation shall be specified in the funding agreement;
- Experts to assist the European Commission shall be independent with various backgrounds, but in particular expert on 'defence ethics', that is probably from the defence ministry or industry. As the list of experts will not be made public, it will be impossible to check for possible conflicts of interest;
- The possibility to carry out ethical checks during the implementation of a project has been removed, as well as the possibility to terminate an on-going project on ethical grounds.

**It will exacerbate the global arms race and the proliferation of small arms and light weapons.**

Contributing to the industry competitiveness and “*creating new market opportunities across the Union and beyond*” are part of the award criteria.

As the European military industry makes a large share of its sales outside Europe, subsidizing arms industry R&D to boost its global competitiveness will inevitably increase EU arms exports to areas where there is tension or conflict; in turn weapons proliferation encourages the use of force rather than peaceful solutions.

The EU will have no say on the export of EU-funded military goods as Member States, with divergent practices, will keep full control of the licensing of EU-funded arms exports. Oversight on the transfer of the results of EU-funded R&D projects outside the EU will be limited, and the reimbursement of the funding is not deterrent enough for this not to happen.

And all EP attempts to exclude from the scope of the Fund the development of small arms and light weapons (SALWs) when mainly intended for export purposes were systemically rejected by Member States, even though their proliferation in areas under conflict or tension is a major factor of violence. If encouraging exports is not an objective then why such limitation should be problematic?

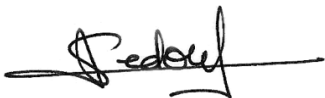
**It will still contribute to the development of controversial weapons.**

While the exclusion of lethal autonomous weapons without the possibility of human control over critical functions is to be welcomed, R&D for other types of unmanned or autonomous systems is allowed, including armed drones and fully autonomous systems “for “defensive purpose only”.

Also, not all types of weapons of mass destruction, including incendiary weapons or depleted uranium ammunition, are excluded. In a context where ‘obvious’ international treaties can suddenly be put into question by superpowers, it is a concern that the EU avoids defining reliable standards when it comes to developing new weaponry.

For all these reasons we urge you to oppose to this provisional agreement, as the issue at stake goes far beyond the Defence Fund itself.

We thank you for your attention.



*Laëticia Sédou, EU programme officer, on behalf of European Network Against Arms Trade members listed below*

Agir pour la Paix, *Belgium*

Aktion Aufschrei, *Germany*

Campaign Against Arms Trade, *United Kingdom*

Centre Delàs for Peace Studies, *Spain*

Committee of 100 in Finland, *Finland*

Gruppe für eine Schweiz ohne Armee (GsoA), *Switzerland*

Human Rights Institute, *Slovakia*

International Peace Bureau, *Switzerland*

Nesehnuti, *Czech Republic*

Norwegian Peace Association, *Norway*

Observatoire des armements, *France*

Rete Italiana per il Disarmo, *Italy*

Peace Union of Finland, *Finland*

Stop Wapenhandel, *the Netherlands*

Swedish Peace and Arbitration Society (SPAS), *Sweden*

Urgewald, *Germany*

Vredesactie, *Belgium*

War Resisters' International, *United Kingdom*

## **Further reading**

A Q&A by the European Network Against Arms Trade (ENAAAT) on the European Defence Fund:

<http://enaat.org/eu-defence-fund>

A report by the Belgian peace organisation Vredesactie about how the European Defence Fund was influenced by the defence industry:

[http://istopthearmstrade.eu/en/mapping-arms-trade?securing\\_profits](http://istopthearmstrade.eu/en/mapping-arms-trade?securing_profits)

## **Relevant Opinions, articles and PR:**

[European Defence Fund on track for vote in April](#), Euractiv, 26-28/03/2019

[EU Defence Fund provisional agreement sets dangerous precedent against democratic functioning of the EU](#), Press release, 26/03/2019, in [English](#), [French](#), [Spanish](#)

[European Defence Fund could be breaching European treaties, legal opinion says](#), Euractiv, 14/12/2018

[Rise of killer robots seems inevitable at EU conference](#), EU Observer, 30/11/2018

[European Defence Fund - the militarisation of EU science](#), Opinion, EU Observer, 27/06/2018

[Over 700 researchers call on colleagues to speak out against EU military research programme](#) Press Release, 27 June 2018 (EN, FR, IT, SP)

[The European Defence Fund will merely benefit the industry and trigger arms race in autonomous weapons, says ENAAAT](#) Press, Release, 13/06/2018 (DE, EN, FR, IT)

[Support for the arms industry will not make the world a safer place](#), Opinion, Euractiv, 16/11/2017