



**2017/0125(COD)**

24.11.2017

# **AMENDMENTS**

## **31 - 365**

### **Draft opinion**

**Ioan Mircea Pa cu**

Establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry

Proposal for a regulation

(COM(2017)0294 – C8-0180/2017 – 2017/0125(COD))



## Amendment 31

Arne Lietz, Jens Geier, Martina Werner, Eugen Freund, Constanze Krehl

### Proposal for a regulation

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#### *Proposal for rejection*

***The Committee on Foreign Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to propose rejection of the Commission proposal.***

Or. en

#### *Justification*

*After a thorough analysis and discussion of the Commission's proposal on the EDIDP, we have serious doubts about the legal basis for this programme. The Commission chose article 173 TFEU as the single legal basis for this regulation. This choice by the Commission neglects that the programme has two goals, one being to reinforce the competitiveness and innovation capacity of the defence industry, the other being the improvement of the strategic autonomy of the European Union. The Commission's choice of article 173 TFEU omits the second goal of the programme. As both goals are inextricably linked and none of them could be identified as inferior, the programme would need to have a dual legal basis, namely articles 173 TFEU and article 41 (2) TEU. This is supported by EJC ruling C-411/06 which clearly points out that a dual legal basis has to be taken as a starting point when two purposes are equal to each other.*

## Amendment 32

Sabine Lösing, Paloma López Bermejo, Neoklis Sylikiotis, Rina Ronja Kari, Sofia Sakorafa, Patrick Le Hyaric, Malin Björk, Marisa Matias, Merja Kyllönen, Miguel Urbán Crespo, João Pimenta Lopes, Martina Anderson, Matt Carthy, Lynn Boylan, Liadh Ní Riada, Nikolaos Chountis, João Ferreira, Miguel Viegas

### Proposal for a regulation

#### Title 1

*Text proposed by the Commission*

*Amendment*

Proposal for a

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

establishing the European Defence  
Industrial Development Programme aiming  
at supporting the competitiveness and  
innovative capacity of the EU defence

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***rejects the*** Proposal for a

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

establishing the European Defence  
Industrial Development Programme aiming  
at supporting the competitiveness and  
innovative capacity of the EU defence

PE613.555v01-00

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**XM**

*Justification*

*The prior aim of the regulation is the development of EU - defence capabilities in the framework of CSDP/CFSP. According to Article 41 (2) TEU any expenditure arising from actions having military or defence implications must not be charged to the Union budget. Therefor the legal reference to Article 173 must not apply.*

**Amendment 33****Bodil Valero**

on behalf of the Verts/ALE Group

**Proposal for a regulation****Title 1***Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
establishing the European Defence  
Industrial Development Programme  
*aiming at supporting the competitiveness  
and innovative capacity of the EU defence  
industry*

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
establishing the European Defence  
Industrial Development *Cooperation*  
Programme *for an efficient* defence sector

**Amendment 34****Jonás Fernández****Proposal for a regulation****Citation 1 a (new)***Text proposed by the Commission**Amendment*

*Having regard to the Permanent  
Structured Cooperation in Security and  
Defence agreed by 23 Member States of  
the European Union on 13th November  
2017, as outlined in the Treaty of the EU,  
Articles 42 (6) and 46, as well as Protocol  
10,*