

The EU commission and the management of the defense market

An additional bigger step forward was taken in 2009 thanks to two Directives: the Directive 2009/43/EC and Directive 2009/81/EC, both effective after August 2011.

The first one simplified the rules for transferring defence-related products among EU member states, simplifying the export authorisation procedures inside the EDEM (through the creation of general licences instead of individual ones), thus aiming to restructure the defence companies in Europe in a more communitarian fashion (it should facilitate the creation of EU companies that would have production facilities located in various EU member states).

The aim of the second Directive is to open the market in defence and security procurement, forcing in most cases EU Ministers of Defence to publish EU announcements for their tender, in order to reduce the exclusivity of national companies and create a common market (between 2000 and 2004, less than 13% of all opportunities to tender for European defence procurement were published (EDA, 2010)).

Furthermore these two Directives ratify the entrance of the European Commission (and its non-intergovernmental spirit) into the management of the defence market, after a long period in which its intervention was very limited. (It has been wary of denouncing the state in front of the Court for cases related to Art. 296).