

THE LAW OF COLLABORATIVE DEFENCE PROCUREMENT IN THE EUROPEAN UNION

States increasingly cooperate to buy expensive defence equipment, but the management and legal aspects of these large collaborative procurement programmes are complex and not well understood. *The Law of Collaborative Defence Procurement in the European Union* analyses how these programmes are managed and highlights areas that require improvement. The book addresses the law applicable to these programmes, which is built upon a four-layer ‘matryoshka doll’ of legal relationships at the crossroads of public international law, EU law and domestic law. Using practical examples, the book makes proposals for clarifying the legal basis and improving the efficiency of defence equipment cooperation among EU member states. By covering a broad scope of legal issues, this analysis goes beyond the defence sector and is relevant to centralised or joint purchasing and to the procurement activities of international organisations, providing invaluable information for practitioners, policy-makers and academics aiming to analyse or improve these projects.

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ABBREVIATIONS

AECA	US Arms Export Control Act
ASB	NSPO Agency Supervisory Board
BENESAM	Belgium–Netherlands Cooperation
BoS	OCCAR Board of Supervisors
CDP	EDA Capability Development Plan
CEPMO/CEPMA**	NATO Central Europe Pipeline Management Organisation/Agency
CJEU	Court of Justice of the EU
CNAD	NATO Conference of National Armaments Directors
CODABA	EDA Collaborative Database
CSDP	EU Common Security and Defence Policy
CSO	NATO STO Collaboration Support Office
DCS	Direct Commercial Sales (US)
DFARS	US Department of Defence FAR Supplement
ECHR	European Court of Human Rights (Council of Europe)
ECR	European Court Reports (EU)
EDA	European Defence Agency (EU)
EDEM	European Defence Equipment Market
EDIR-FA	European Defence Industry Restructuring Framework Agreement
EDTIB	European Defence Technological and Industrial Base
EPM	EDA Effective Procurement Methods
EU	European Union
FAR	US Federal Acquisition Regulation
FMS	US Foreign Military Sales
ICJ	International Court of Justice of the United Nations Organisation
ICTM***	NATO Headquarters Information and Communication Technology Service
IEPG*	Independent European Programme Group
LOA	FMS Letter of Offer and Acceptance
LoI	Letter of Intent

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LOR	FMS Letter of Request
MNFP	F-16 Multinational Fighter Programme
NAD	National Armaments Director
MOU	Memorandum of Understanding
NAC	North Atlantic Council (NATO)
NACMO/NACMA ***	NATO Air Command and Control System Management Organisation/Agency
NAGSMO/NAGSMA	NATO Alliance Ground Surveillance Management Organisation/Agency
NAHEMO/NAHEMA	NATO Helicopters Management Organisation/Agency
NAMEADSMO/NAMEADSMA	NATO Medium Extended Air Defence System Management Organisation/Agency
NAMO/NAMA **	NATO Airlift Management Organisation/Agency
NAMSO/NAMSA **	NATO Maintenance and Supply Organisation/Agency
NAPMO/NAPMA	NATO Airborne Early Warning and Control Program Organisation/Agency
NATO	North Atlantic Treaty Organisation
NCIO/NCIA	NATO Communications and Information Organisation/Agency
NC3O/NC3A ***	NATO Consultation, Command and Control Organisation/Agency
NCSO/NCSA ***	NATO Communication and Information Systems Services Organisation/Agency
NETMO/NETMA	NATO Eurofighter and Tornado Management Organisation/Agency
NFR	NATO Financial Regulations
NPLSO	NATO Procurement, Logistics or Service Organisations
NSO/NSA	NATO Standardisation Organisation/Agency
NSPO/NSPA	NATO Support and Procurement Organisation/Agency
OCCAR	Joint Organisation for Armaments Cooperation
OCCAR-EA	Executive Administration of OCCAR
OMP	OCCAR Management Procedure
PAPS	NATO Phased Armaments Programming System
pMS	EDA Participating Member State
R&D	Research and Development
RTO/RTA ****	NATO Research and Technology Organisation/Agency
SAMM	FMS Security Assistance Management Manual

LIST OF ABBREVIATIONS

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SB	EDA Steering Board
SHAPE	Supreme Headquarters Allied Powers Europe (NATO)
STO	NATO Science and Technology Organisation
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the EU
UK	United Kingdom
US	United States of America
WEAG*	Western European Armaments Group (WEU)
WEU*	Western European Union

- * Defunct entity
- ** Organisation/agency integrated in NSPO/NSPA
- *** Organisation/agency integrated in NCIO/NCIA
- **** Organisation/agency integrated in STO/STA