

# *Legal Aspects of European Union Armaments Cooperation: Challenges and Opportunities for Integration*

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**Abstract** — European armaments cooperation is governed by a complex legal framework, integrating international agreements, EU regulations, and national laws. Given the evolving geopolitical situation in Europe, marked by active and frozen conflicts near EU borders, the need for efficient and transparent legal mechanisms in defense cooperation has become more urgent. The paper explores the legal aspects of cooperative armament programs, assessing key regulatory challenges and institutional mechanisms, such as the European Defence Fund, Permanent Structured Cooperation, and the European Defence Agency. It examines the interplay between EU law and national sovereignty, focusing on Article 346 Treaty on the Functioning of the European Union and its implications for defense procurement and competition rules. By identifying legal uncertainties and proposing solutions to enhance transparency and effectiveness, the study highlights the necessity of legal harmonization to strengthen Europe's strategic autonomy and security resilience in the current geopolitical climate.

**Keywords** — *Armaments cooperation, Legal framework, European Union, Common Security and Defence Policy.*

## I. INTRODUCTION

The ongoing war in Ukraine and US President Donald Trump's call for European partners to increase their defense spending and contribution to security in Europe demonstrate the need to find approaches to achieving strategic autonomy in EU defense. Over the years, a number of successful European armaments cooperation (EAC) projects have been developed: Eurofighter Typhoon, FREMM (Fregata Europea Multi-Missione) program, Meteor Beyond Visual Range Air-to-Air Missile (BVRAAM), A400M Atlas, etc. These programs illustrate Europe's efforts to foster defense collaboration and technological innovation in armaments. In light of

evolving security challenges and external pressures, many European nations reassessed and increased their defense budgets. Between 2021 and 2024, EU member states' total defense expenditure rose by more than 30%, reaching an estimated €326 billion in 2024. The growing trend of the last years was confirmed in 2024, when defence equipment procurement spending reached beyond €90 billion, with 88.2% of defence investments allocated to the procurement of new defence products [1]. The escalation in EU defense spending brings to the forefront critical legal considerations that must be addressed to enhance armaments cooperation. By adapting budgetary regulations, harmonizing procurement laws, and strengthening the overarching legal framework, the EU can foster a more integrated and resilient defense posture. In the context of evolving security challenges, huge defense expenditure, and the need for efficient defense capabilities EAC has become increasingly significant. Collaborative programs among European nations aim to enhance interoperability, reduce costs through economies of scale, and strengthen the European defense technological and industrial base (EDTIB). EAC is a cornerstone of the EU defense strategy, aiming to enhance military capabilities, bolster industrial competitiveness, and ensure strategic autonomy. However, these cooperative efforts are governed by a complex legal framework that encompasses international agreements, EU regulations, and national laws. This paper provides a comprehensive analysis of the legal aspects surrounding cooperative programmes in EAC, highlighting the challenges and proposing solutions to enhance legal clarity and effectiveness.

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## II. MATERIALS AND METHODS

### A. *International Legal Framework*

To effectively encompass the multilateral legal environment governing the EAC, it is necessary to analyse both international agreements and specific EU legal instruments. Firstly, we will consider international agreements. An international treaty is an agreement between subjects of international law, usually concluded in writing, regardless of its name and regardless of whether it consists of one or several related documents. The law of international treaties is a well-codified part of public international law. It also includes a significant number of specific international treaties, such as the founding acts of international organizations [2]. EU armaments cooperation is governed by a complex legal framework, integrating EU treaties and international agreements. The Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) establish the foundation and legal principles for EU defense policy, while the Letter of Intent (LoI) Framework Agreement facilitates industrial collaboration.

The Treaty on European Union (TEU) defines the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), outlining the EU's role in international peace and security. Articles 42 to 46 allow for the progressive framing of a common defense policy, enabling member states to undertake joint defense-related actions [3]. Permanent Structured Cooperation (PESCO), under Article 46, provides a framework for deeper collaboration among willing members. Despite these provisions, sovereignty concerns remain a challenge, as defense remains a sensitive national competency. Decision-making within CFSP and CSDP requires unanimous agreement, which can slow down cooperative initiatives.

The Treaty on the Functioning of the European Union (TFEU) complements the TEU by detailing EU competencies, including defense industry regulations. Article 346 TFEU allows member states to exempt defense contracts from standard procurement rules when essential security interests are at stake [4]. However, the European Court of Justice (ECJ) has ruled that this provision must be narrowly interpreted, limiting its misuse.

The Letter of Intent (LoI) Framework Agreement for European Defence Industrial Restructuring is a treaty signed by six European countries in 2000, and facilitates defense industry restructuring and collaboration. Its objectives include harmonizing regulations, promoting cross-border industrial cooperation, and strengthening the EDTIB. By addressing legal and administrative barriers, the LoI enhances multinational defense cooperation. However, the UK's departure from the EU raises questions about its future role. Additionally, aligning LoI provisions with EU policies, particularly in competition and procurement, remains a challenge. Although the LoI is intergovernmental, EU member states must ensure it complies with EU law, particularly in cases of conflict

where EU law takes priority. The EU treaties provide a legal foundation for defense cooperation, balancing national sovereignty with collective objectives. The LoI complements this framework by fostering industrial cooperation, ensuring greater integration of European defense capabilities.

### B. *European Union Legal Instruments*

When you search the term "armament" on official site of EU [5] you will find 1381 results. That mean almost 14 hundred documents related with it – Legal acts, Treaties, Law making procedures, International agreements, Case-law etc. This demonstrates that EAC operates within a complex legal framework, encompassing multiple EU legal instruments. These regulations facilitate collaboration, ensuring transparency, competition, and security while addressing challenges like national sovereignty and market fragmentation.

The Defence Procurement Directive (2009/81/EC), adopted in 2009, regulates procurement procedures for defense and sensitive security equipment, works, and services within the EU [6]. It harmonizes national procurement laws, enhances transparency, and opens the internal market for defense products while permitting exemptions to safeguard essential security interests under Article 346 TFEU. The Directive promotes fair competition by reducing legal barriers for cross-border cooperation among companies. However, differences in its interpretation and implementation may lead some states to favor national suppliers, limiting competition. Although exemptions are allowed, overreliance can undermine market objectives. The European Commission monitors the Directive's application and has initiated infringement proceedings against states that misuse exemptions. Additionally, ECJ rulings have clarified that any exemptions must be justified, proportionate, and narrowly interpreted, thereby establishing binding legal precedent for member states.

The Intra-Community Transfers Directive (2009/43/EC), adopted in 2009, simplifies the terms and conditions for the transfer of defense-related products within the EU [7]. It optimizes the transfer of defense-related products within the EU by harmonizing and simplifying licensing procedures. It aims to reduce administrative burdens, facilitate industrial cooperation, and support the integration of the European defense market, while ensuring that security remains uncompromised. The Directive introduces general transfer licenses, allowing specific defense products to move without individual licensing, and global licenses, enabling multiple transfers to designated recipients. A certification system ensures companies meet responsibility criteria to access general licenses, while member states must publish national licensing requirements and exchange certification data to enhance transparency. For cooperative programs, the Directive accelerates supply chains, reduces delays in defense projects, and promotes industrial collaboration by easing transfers between companies. However, inconsistent implementation among member states

weakens its effectiveness, and security concerns must be managed to prevent risks. Recognition of certifications also remains a challenge, as differing national standards hinder mutual acceptance and create regulatory obstacles.

The European Defence Fund (EDF), launched in 2017, is an EU initiative designed to support collaborative defense Research and Development (R&D) among member states. Under the Multiannual Financial Framework (MFF) 2021-2027, it has been allocated €16.4 billion to enhance innovation and competitiveness within the European defense industry [1, 8]. This allocation encompasses various programs, including the EDF, which has a budget of €9,5 billion for the same period. The EDF aims to promote cooperation, reduce duplication of efforts, and strengthen the EDTIB by fostering investment in joint defense capabilities. The EDF offers full grants for research projects and co-financing of up to 20% for prototype development. Eligible projects must include at least three entities from three member states, ensuring broad European participation. The fund is managed by the European Commission, which, in collaboration with member states, sets priorities and issues funding calls. For cooperative programs, the EDF reduces financial strain on member states, aligning national R&D priorities and integrating Small and Medium-sized enterprises (SMEs) into defense innovation. Despite this, many SMEs encounter difficulties in accessing EDF funding due to complex eligibility criteria, limited administrative capacity, and the dominance of major defense firms in consortium-building. This raises concerns about unequal participation and the risk of market concentration in a few industrially advanced Member States. However, complex administrative requirements make application and management time-consuming. State aid compliance, ensuring fair distribution among smaller member states, and balancing strategic autonomy with market openness remain key challenges in its implementation. Another EU legal instrument is the European Peace Facility (EPF), which is an off-budget funding mechanism established by the EU in March 2021 to enhance its capacity to prevent conflicts, build peace, and strengthen international security. With a financial ceiling of over €17 billion for the 2021-2027 period, the EPF enables the EU to finance actions with military and defense implications under the CFSP [9]. In the context of EAC programmes, the EPF plays a significant role by financing the provision of military equipment and support to partner countries. This includes the supply of lethal military equipment, marking a shift in the EU's approach to security assistance.

The European Defence Agency (EDA), established under Council Joint Action 2004/551/CFSP, facilitates defense cooperation within the EU [10]. Operating under the CSDP, it plays a key role in legal harmonization by supporting the standardization of defense procurement laws and developing common military requirements, certification frameworks, and legal templates for cooperative programs. The Agency significantly impacts multinational defense initiatives by coordinating collaborative projects, providing legal and administrative

support, and assisting in accessing EU funding mechanisms such as the European Defence Fund (EDF). As a key institutional actor, the agency influences the creation, interpretation, and implementation of legal frameworks governing armaments cooperation. However, the EDA faces several legal challenges, like Intellectual Property Rights (IPR) management, that remains complex in multinational projects involving proprietary technologies. Also, compliance with EU competition law must balance market fairness with strategic cooperation. Additionally, the Agency must navigate responsibility allocation and dispute resolution in international projects. Export control and licensing harmonization also pose difficulties, as varying national regulations hinder seamless defense cooperation.

In addition to primary legal instruments, several other EU initiatives and regulations contribute to the legal framework governing European armaments cooperation. These instruments support defense collaboration by addressing procurement, investment, mobility, cybersecurity, and arms export controls.

Permanent Structured Cooperation (PESCO) was established under Article 46 of the Treaty on European Union (TEU) and enables willing and capable member states to deepen their defense cooperation [11]. Participating states make binding commitments to invest in defense capabilities and develop joint projects in areas such as armaments cooperation. PESCO enhances collaborative development and procurement but requires compliance with EU regulations and alignment with the European Defence Fund (EDF) to ensure effective coordination.

The Coordinated Annual Review on Defence (CARD) is a mechanism through which member states share information on defense spending and capabilities. It aims to identify opportunities for cooperation and reduce fragmentation and duplication in defense investments. Participation in CARD is voluntary, and while information sharing is encouraged, it must respect confidentiality and national security considerations [10].

The Action Plan on Military Mobility addresses legal and infrastructural barriers to the movement of military personnel and equipment within the EU [12]. Its legal measures include the harmonization of regulations and procedures, facilitating rapid deployment across borders. Cooperation with NATO and non-EU countries is also considered to ensure interoperability with broader security frameworks.

The Cyber Defence Policy Framework establishes guidelines for cyber defense cooperation among member states [13]. It includes legal considerations related to compliance with EU cybersecurity regulations and the protection of critical infrastructure. Given the increasing importance of cyber warfare, this framework seeks to enhance collective resilience against cyber threats targeting military and defense assets.

Beyond these instruments, several other EU legal measures shape armaments cooperation. EU Common Position 2008/944/CFSP establishes guidelines on arms export controls, ensuring that defense exports comply with international security and human rights standards. The European Defence Action Plan (EDAP) outlines strategies for strengthening the competitiveness of the European defense industry. Interpretative Communications from the European Commission provide guidance on defense procurement and the application of Article 346 TFEU, clarifying the conditions under which exemptions from internal market rules are justified. Additionally, the Guidelines on State Aid for Defense establish rules for government support in the defense sector, ensuring compliance with EU competition law while promoting strategic investments in military capabilities. Ensuring the balance between national security and internal market rules remains a legal and political challenge.

### *C. NATO and EU Armaments cooperation*

European armaments cooperation extends beyond the European Union (EU), involving partnerships with non-EU countries, primarily through NATO. As of 2025, NATO consists of 32 member states, including 30 European nations and 23 EU members, fostering interoperability, standardization, and collective defense capabilities. A key element in this collaboration is the implementation of NATO Standardization Agreements (STANAGs), which establish common military procedures and standards [14]. NATO influences European defense coordination by ensuring compatibility and efficiency in joint operations. The North Atlantic Treaty defines NATO's security principles, while Article 5 enshrines collective defense, treating an attack on one member as an attack on all. NATO also facilitates joint training, defense planning, and technological advancements. Cooperation with non-EU members, such as the United States, Canada, Turkey, Norway, and the United Kingdom, remains vital for European security. The NATO Status of Forces Agreement (SOFA) regulates legal protections and operational clarity, while the Partnership for Peace (PfP) Framework enables non-NATO states to engage in military collaboration. STANAGs ensure interoperability by aligning equipment, logistics, and operational strategies across NATO allies. Covering communications, logistics, medical support, and weapons systems, they promote joint procurement and defense standardization. While not legally binding unless integrated into national legislation, STANAGs play a crucial role in harmonizing procurement policies and ensuring compliance with EU defense regulations, particularly the Defence Procurement Directive. Legal challenges arise due to varying national legal frameworks, complicating uniform STANAG adoption. IPR must be clearly defined in joint development agreements, and technology transfers must comply with export control laws to prevent unauthorized distribution. Next, Legal responsibility in cooperative defense programs is another issue, as liability and dispute resolution mechanisms

remain subject to national laws rather than a unified NATO legal system. Furthermore, Brexit also complicates NATO-EU defense relations. While the UK remains a NATO member, its exit from the EU requires new legal arrangements to maintain defense cooperation. STANAGs provide a framework for continued UK participation in European defense initiatives, ensuring compatibility with EU forces. However, the UK must balance NATO commitments while renegotiating its defense agreements with the EU.

### *D. National Legal considerations*

European armaments cooperation operates within a complex legal framework, integrating international agreements, EU regulations, and national laws. While EU treaties and directives establish the foundation for collaboration, national legal considerations significantly impact the implementation of cooperative defense programs. Key areas influenced by national laws include sovereignty and national security, Article 346 TFEU exemptions, export controls, procurement regulations, IPR, and dispute resolution mechanisms.

Firstly, defense and national security are core elements of state sovereignty, granting EU member states full control over their defense policies, military capabilities, and defense industries [15]. Many nations have constitutional provisions or national laws prioritizing security interests, ensuring strategic autonomy in defense matters. Sovereignty concerns often lead to unwillingness in fully integrating defense industries or sharing sensitive technologies. Divergent threat perceptions among EU states shape their willingness to engage in cooperative programs, as national security priorities vary based on geopolitical factors. While the EU promotes deeper defense integration, states must balance collective security objectives with national sovereignty, creating challenges in harmonizing policies across the Union.

Next, Article 346 of the Treaty on the Functioning of the European Union (TFEU) allows member states to exempt defense contracts from standard EU procurement rules when essential security interests are at stake. However, its application must be justified, necessary, and proportionate, as excessive reliance on exemptions can hinder the EU's goal of an integrated defense market. Legal uncertainties surrounding Article 346 create obstacles to cooperation, as unclear obligations may deter potential partners. Overuse of exemptions fragments the market, reduces efficiency, and increases duplication in defense procurement. The European Court of Justice (ECJ) has ruled in cases like *Commission v. Spain (C-414/97)* that Article 346 should be narrowly interpreted, setting limits on its application. Different EU states apply Article 346 inconsistently. Germany has used it for strategic defense programs but has faced scrutiny. France invokes it for high-tech and nuclear programs while balancing EU obligations. However, divergent interpretations of "essential security interests" create legal inconsistencies and transparency challenges across the EU.

As regards Export Controls and Licensing, each EU member state regulates the export of military and dual-use goods through its national laws, maintaining sovereign control over defense exports. These laws are shaped by international agreements, such as the Wassenaar Arrangement and the Missile Technology Control Regime (MTCR), which establish global arms export standards. Differences in national export controls create legal complexities and delays in technology transfers within cooperative defense programs. Export policies toward non-EU countries further complicate joint projects, as some states impose stricter controls. For instance, post-Brexit, the UK enforces an independent export control system, affecting its EU partnerships, while Sweden applies strict human rights-based restrictions, limiting participation in some joint programs. Efforts to harmonize export controls within the EU include the Intra-Community Transfers Directive (2009/43/EC) which aims to harmonize arms transfers within the EU, but inconsistent national implementation remains a challenge [7]. Balancing security interests with industrial competitiveness is crucial, as strict controls enhance security but may restrict market opportunities for defense manufacturers.

In addition, each EU member state follows distinct defense procurement policies, varying in procedures, evaluation criteria, and transparency standards. National laws governing defense contracts often include mechanisms like offset agreements and industrial participation requirements, favoring domestic industries. While these policies support national defense sectors, they also create barriers to cross-border cooperation. Ensuring legal compliance with EU directives and international agreements remains a challenge. Companies operating across multiple states face administrative burdens, higher costs, and procurement delays due to varying national requirements. Aligning national and EU regulations demands careful legal coordination, as inconsistencies hinder joint procurement efforts and defense market integration.

Furthermore, National laws regulate Intellectual Property Rights, including patents, trademarks, and trade secrets, which are essential in defense cooperation, particularly in R&D and technology-sharing agreements. However, variations in IPR protection across EU member states create legal uncertainties, affecting joint defense projects and shared technology development. Effective IPR management requires clear agreements on ownership, licensing, and access rights for jointly developed technologies. Without a harmonized framework, disputes over usage rights and royalties may arise, complicating defense collaboration. Different EU countries approach IPR protection differently. France enforces strict national control over defense innovations, while Spain supports collaborative R&D but applies specific registration rules. These differences highlight the need for standardized legal frameworks to facilitate cooperation while protecting proprietary technologies. Another challenge is confidentiality obligations. Protecting sensitive military

research from unauthorized access must be balanced with transparency in cooperation, making IPR management a key legal issue in European armaments programs.

Moreover, National legal systems establish responsibility in defense contracts through contractual responsibility and tort law. Contractual responsibility defines liability for breaches, performance failures, and damages, while tort law covers non-contractual liability, such as negligence or product defects in defense manufacturing. In multinational defense programs, legal uncertainty arises due to differing national laws, complicating liability, contract enforcement, and performance disputes. This legal uncertainty stems primarily from the fragmentation of national legal standards regarding liability, the use of Article 346 TFEU to bypass EU procurement rules, and the absence of harmonised enforcement mechanisms for multinational contracts. Defense contracts must include choice of law and forum selection clauses to ensure disputes are resolved under a unified legal framework. Arbitration is often the preferred method for international dispute resolution, offering neutral venues and standardized procedures. Litigation in national courts raises concerns over impartiality and jurisdictional conflicts, while enforcing judgments across multiple jurisdictions remains a challenge. Sovereign immunity further complicates liability, as some states limit legal actions against government entities, making it difficult for contractors and partners to seek redress. Standardized legal frameworks addressing responsibility, liability, and dispute resolution are crucial for building trust and ensuring the efficiency of cooperative defense programs.

### III. RESULTS AND DISCUSSION

#### A. *Legal challenges in EAC*

Cooperative programmes in European armaments cooperation are essential for enhancing defense capabilities, promoting interoperability, and strengthening the EDTIB. However, these programmes face numerous legal challenges that can hinder their effectiveness. Some of the key legal challenges associated with cooperative armaments programmes in Europe include IPR management, competition law and antitrust issues, responsibility and dispute resolution mechanisms, export controls and third-country participation, divergent national legal frameworks, procurement and contractual complexities, standardization and interoperability, security of supply and classified information, and state aid and funding regulations.

Effective IPR management is essential in cooperative defense programs, where multiple nations contribute to research, development, and production. Legal uncertainties regarding ownership, licensing, and technology sharing can hinder collaboration. Clear IPR agreements specifying ownership structures, licensing terms, and dispute resolution mechanisms help mitigate these challenges. Harmonizing IPR policies across participating nations reduces legal inconsistencies and

enhances cooperation. Existing frameworks, such as the Organisation for Joint Armament Cooperation (OCCAR) IPR policy, offer guidelines for managing intellectual property in multinational defense programs, ensuring legal certainty.

European competition law prevents anti-competitive practices and ensures fairness in the defense sector. However, cooperative armaments programs require balancing security concerns with legal restrictions, as exclusivity agreements and industrial cooperation are often necessary. Early engagement with competition authorities helps clarify acceptable practices and prevent violations. Thorough legal assessments ensure compliance with EU and national laws, while in some cases, security needs justify exemptions, allowing defense cooperation without breaching antitrust regulations.

Establishing clear responsibility arrangements and dispute resolution mechanisms is crucial in managing risks associated with cooperative defense programs. Contracts should specify responsibilities, liability limitations, and indemnities, while defining applicable law and dispute resolution forums to prevent jurisdictional conflicts. International arbitration, under institutions like the International Chamber of Commerce (ICC) or the London Court of International Arbitration (LCIA), is often preferred for impartial resolutions. In some cases, governments may grant limited waivers of sovereign immunity to ensure legal accountability in cooperative agreements.

Export control regulations pose significant legal challenges in cooperative armaments programs, particularly when they involve third-country participation. Divergent national policies create uncertainties and delays in technology transfers. Early identification of export control issues helps develop compliance strategies, while harmonizing policies reduces inconsistencies and simplifies licensing. Organizations must implement strong compliance programs to meet national and international legal requirements effectively.

Challenges in aligning international agreements, EU instruments, and national laws persist in defense cooperation. Efforts to harmonize national defense laws within the EU face resistance due to sovereignty concerns, as member states prioritize national control over defense regulations. The EDA promotes legal standardization but lacks binding authority over national laws. Balancing national autonomy with EU integration remains a key issue. While the EU seeks greater efficiency and strategic autonomy, states continue to prioritize national security and industrial interests. Operating across multiple legal systems adds administrative burdens, requiring specialized legal expertise to navigate complex regulations effectively. Variations in national legal frameworks complicate cooperative defense projects, as each country follows distinct procurement, technology transfer, and security regulations. Developing unified legal frameworks, such as common contractual templates, can reduce inconsistencies. Aligning national laws with

EU directives and international standards enhances legal harmonization, while legal experts help navigate multi-jurisdictional complexities.

Cooperative armaments programs face legal challenges due to differences in national procurement laws. Establishing joint procurement entities, such as OCCAR, centralizes processes and ensures compliance with EU regulations. Standardized procurement procedures improve transparency and efficiency, while open communication and transparent negotiations help secure agreements on contractual and financial obligations.

Regarding Standardization and Interoperability, one of the key challenges in cooperative armaments programs is ensuring that different national defense systems and technologies are compatible. Lack of standardization can reduce efficiency and create technical complications. To address this, programs should adopt common standards like NATO STANAGs or European defense standards to align requirements. Mutual recognition agreements for certifications and approvals can ease integration, while early coordination in development ensures that specifications meet the needs of all participating nations.

Security of supply and the protection of classified information present significant legal and strategic challenges in cooperative defense programs. Ensuring a stable supply chain for critical military equipment requires legal agreements that define security protocols and supply guarantees. International security agreements should be established to regulate the handling and sharing of classified information between program participants, ensuring that sensitive data remains protected. Legal safeguards must also be in place to enforce compliance with security requirements, particularly when dealing with defense-related intellectual property or proprietary technologies. Contracts should include provisions that secure alternative sources of supply to mitigate risks associated with political or economic disruptions.

EU state aid rules prevent market distortions but pose challenges for defense projects requiring public investment. Governments supporting national defense companies must navigate state aid regulations carefully. To ensure compliance, exemptions for defense-related projects must be properly applied. Cooperative programs should adopt structured funding mechanisms aligned with EDF requirements, ensuring EU regulation compliance. Engaging legal experts early in funding negotiations helps prevent legal infringements and ensures financial assistance remains sound.

#### *B. Proposed solutions and recommendations for future integration*

European armaments cooperation strengthens defense capabilities and supports strategic autonomy but faces legal challenges due to divergent national laws, complex EU regulations, and sovereignty concerns. Overcoming these obstacles requires legal harmonization, streamlined procurement rules, and structured collaboration

frameworks to ensure effective and legally sound cooperative programs.

a) Harmonization of Regulations

Improving armaments cooperation requires harmonizing regulations across EU member states. Efforts should focus on aligning key legal areas, fostering trust among stakeholders, and demonstrating the benefits of harmonization. The EU can provide financial and technical support, including through the European Defence Fund (EDF). Creating forums for legal experts and policymakers facilitates dialogue, addresses concerns, and ensures that harmonization efforts align with practical defense needs.

b) Clear Contractual Agreements

Standardized contractual frameworks are crucial for avoiding legal disputes and ensuring effective collaboration. Developing contract templates for defense cooperation can integrate best practices from previous programs. Engaging experienced legal professionals helps draft agreements that address the complexities of multinational defense projects. Early legal issue resolution prevents misunderstandings, aligns expectations, and establishes clear obligations for all parties.

c) Strengthening EU Legal Instruments

Enhancing existing EU directives and regulations can address current legal gaps and adapt to the evolving nature of defense technologies and cooperation. The European Commission and Parliament should prioritize legal reforms, engaging stakeholders to ensure practicality. Strengthening compliance monitoring and taking corrective actions will maintain legal integrity and build trust among member states. Additionally, involving industry representatives, national governments, and legal experts in the legislative process can ensure that new regulations are realistic and responsive to the defense sector's needs.

d) Enhanced Legal Support

Legal support is vital for successful defense cooperation. Adequate resources should be allocated to legal advisory services to assist with compliance, dispute resolution, and contractual obligations. Establishing online platforms and helpdesks can simplify legal navigation for participants. Collaboration with defense law professionals strengthens the legal framework, ensuring projects comply with EU and national regulations.

e) Strengthening International Cooperation

Legal cooperation between the EU and international organizations, including NATO and non-EU defense partners, is essential for ensuring compatibility in multinational defense projects. Establishing formal mechanisms for legal alignment can reduce regulatory conflicts. Policies that allow non-EU countries to participate in EU defense initiatives, while balancing openness and security, can enhance European security. Additionally, promoting the exchange of legal expertise

and best practices at international forums and conferences can enhance understanding and improve legal interoperability among defense partners.

f) Addressing National Legal Challenges

Many legal barriers to EAC originate from national laws that are not fully aligned with EU defense objectives. Legal barriers often stem from national laws misaligned with EU defense objectives. Encouraging member states to review and amend restrictive laws, possibly through national action plans, can improve cooperation. The EU can provide technical assistance and guidelines to help align legal frameworks with common defense goals. Open communication between national governments and EU institutions is essential, while monitoring mechanisms can track legal reforms and ensure progress toward greater legal alignment.

g) Promoting Mutual Trust and Confidence

Mutual trust among member states is fundamental to the success of cooperative defense programs. Regular meetings among legal and defense officials can facilitate discussions on challenges and solutions. Joint initiatives, such as pilot projects and multinational defense research, can showcase the benefits of collaboration. Raising awareness of different legal systems fosters better communication, reducing misunderstandings in multinational agreements.

#### IV. CONCLUSION

European armaments cooperation is vital for strengthening defense capabilities and ensuring strategic autonomy. However, legal complexities, including divergent national laws, EU regulations, sovereignty concerns, and procurement challenges, continue to hinder efficient collaboration. Key legal obstacles such as IPR, export controls, competition law, and national procurement policies create fragmentation and inefficiencies in multinational defense projects. To address these issues, harmonization of regulations, standardized contractual agreements, stronger legal mechanisms, and enhanced NATO integration are necessary. Strengthening PESCO, the EDF, and the EDA, alongside improving dispute resolution, compliance monitoring, and mutual recognition of standards, can facilitate smoother cooperation. Success in European defense cooperation depends on legal clarity, trust, and strategic coordination. By fostering greater legal alignment and collaboration, Europe can enhance its collective defense capabilities, streamline joint armaments projects, and establish a more secure, efficient, and autonomous defense framework.

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