



How the European Commission ensures that there are no conflicts of interest with external experts involved in evaluating project proposals under the European Defence Fund

Case opened

Case SI/6/2022/KR - Opened on 09/12/2022 - Institution concerned European Commission |

Ms Ursula von der Leyen

President

European Commission

Dear President,

Public spending on military and defence matters is of great public interest. The European Defence Fund [1] provides support to private sector and research bodies in the EU to develop defence technology and equipment. The Defence Fund amounts to approximately EUR 8 billion during the current EU budgetary period, from 2021 to 2027.

The European Commission is responsible for deciding how to allocate funding under the Defence Fund, and has now completed the selection of the first round of projects [2]. In doing so, it is assisted by external experts, who contribute to the evaluation, ethics review and budget estimate assessment of proposals. These external experts come from the public and private sector, as well as from academia and research institutes, and are selected based on their skills and relevant experience and knowledge.

The Commission appoints these experts, and must ensure that they do not evaluate, advise or assist on matters in relation to which they may have a conflict of interest. While this is true of all public funding, given the sensitive nature of defence matters, it is all the more important to ensure there are no risks or perceptions of conflicts of interest in the evaluation and allocation of funds.

Normally, when the Commission selects and remunerates external experts to assist in the evaluation of proposals, lists of the experts are published on the Funding & Tenders Portal of



the Commission, [3] thus allowing for some public scrutiny. The EU legislation establishing the Defence Fund explicitly derogates from this general rule. [4] This lack of public information around these experts makes it even more important that the Commission conducts a robust internal conflicts of interest assessment of the appointed experts. I am also mindful, in this context, that the outcome of the ethics screenings of Defence Fund project proposals is not public.

In light of this, it would be helpful if the Commission could reply to the following questions, relating to the first round of project selection.

- Could the Commission please set out the measures in place to ensure that the involvement of external experts in the ethics screening and the evaluation of projects does not give rise to risks of conflicts of interest?
- Which of the codes of conduct included in the model expert contract [5] referred to in the call for applications of candidate experts applies to experts involved in the Defence Fund?

I would further welcome any additional comments from the Commission on this important matter.

I would be grateful if the Commission could reply to these questions by **31 March 2023**. Should the Commission require any further information, please contact the inquiries officer responsible, Mr Koen Roovers.

Thank you in advance for your cooperation.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 09/12/2022

[1] Regulation (EU) 2021/697 of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0697&from=EN> .

[2] See:

<https://defence-industry-space.ec.europa.eu/funding-and-grants/calls-proposals/european-defence-fund>

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[3] In line with Article 237 of the EU Financial Regulation.

[4] See Article 26(2) of Regulation 2021/697, which provides in its relevant parts that “[b]y way of derogation from Article 237 of the Financial Regulation, the list of independent experts shall not be made publi c”.



[5] See:

https://ec.europa.eu/research/participants/data/ref/h2020/experts_manual/h2020-experts-mono-contr

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