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**SIMPL 118**  
**ANTICI 129**  
**INDEF 98**  
**MAP 66**  
**CSC 477**  
**ENV 915**  
**COMPET 937**  
**ENT 189**  
**MI 708**  
**CHIMIE 90**  
**CODEC 1386**  
**INST 264**  
**PARLNAT 109**  
**PARLNAT**

## COVER NOTE

From:	The National Assembly of Bulgaria
date of receipt:	23 September 2025
To:	The President of the Council of the European Union
Subject:	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement [10527/25 -COM(2025)823 final] - Reasoned Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find enclosed the opinion<sup>1</sup> of the Bulgarian National Assembly on the above.

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<sup>1</sup> The translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: <https://secure.ipex.eu/IPEXL-WEB/document/COM-2025-0823>

The Commission reply will be available at the following address: <https://national-parliaments-opinions.ec.europa.eu/home>



**REPUBLIC OF BULGARIA  
NATIONAL ASSEMBLY**

***PRESIDENT***

**TO  
MRS. METTE FREDERIKSEN  
PRESIDENT OF THE COUNCIL  
OF THE EUROPEAN UNION**

**RE** Reasoned opinion of the National Assembly on the Proposal for a Directive of the European Parliament and of the Council amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intraEU transfers of defence-related products and the simplification of security and defence procurement, COM(2025)823.

**DEAR MRS FREDERIKSEN,**

At its meeting held on September 18, 2025, the Committee on European Affairs and Control of European Funds (CEACEF) discussed a proposal for a Directive of the European Parliament and of the Council amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intraEU transfers of defence-related products and the simplification of security and defence procurement, COM(2025) 823.

After careful consideration of the draft act and taking into account the framework position expressed by the Council on European Affairs in the Council of Ministers of the Republic of Bulgaria and the opinion of the Defense Committee in the National Assembly, the members of the CEACEF agreed on the need to exercise the powers granted to the National Assembly under Article 6 of Protocol No. 2 to the Treaty on the Functioning of the European Union, by expressing a reasoned opinion (attached hereto) on the above-mentioned proposal for a Regulation.

In accordance with the established procedure, I hereby submit for your consideration the adopted report and the reasoned opinion accompanying it, reflecting the position of the Bulgarian Parliament on the matter.

Attachment: According to the text.

**PRESIDENT  
OF THE NATIONAL ASSEMBLY  
OF THE REPUBLIC OF BULGARIA**

**NATALIYA KISELOVA**

## **REASONED OPINION**

### **OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA THROUGH THE COMMITTEE ON EUROPEAN AFFAIRS AND CONTROL OF EUROPEAN FUNDS ON THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVES 2009/43/EC AND 2009/81/ REGARDING THE SIMPLIFICATION OF TRANSFERS OF DEFENSE-RELATED PRODUCTS WITHIN THE EU AND REGARDING THE SIMPLIFICATION OF PUBLIC PROCUREMENT IN THE FIELD OF SECURITY AND DEFENCE**

At its regular meeting on 18 September 2025, the Committee on European Affairs and Oversight of European Funds (CEAOEF) examined a proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/ 81/EC as regards the simplification of transfers of defense-related products within the EU and as regards the simplification of public procurement in the field of security and defence, COM/2025/0823; COD/2025/0177.

Following the discussion on the above-mentioned Proposal for a Directive, CEAOEF expresses the following **REASONED OPINION**, to be sent to the European institutions:

1. CEAOEF welcomes the European Commission's efforts to optimize efficiency and strategic coordination in the field of innovation, defense, and public procurement, especially in the context of transnational initiatives and actions in crisis situations.

2. CEAOEF expresses its support in principle for the proposed amendments to Directives 2009/43/EC and 2009/81/EC, taking into account their importance for strengthening the structural sustainability and increasing the competitiveness of the Bulgarian defence industry. The implementation of these regulatory changes is expected to facilitate the integration of the Bulgarian defense industry into European supply chains and to support its participation in strategic EU initiatives. The proposed measures are generally balanced, do not impose unnecessary administrative burdens, and provide flexibility and choice. At the same time, it notes the existence of certain risks with regard to compliance with the principles of subsidiarity and proportionality, with a view to ensuring legal compatibility and institutional balance within the Union.

3. CEAOEF considers that the principle of subsidiarity, as provided for in Article 5(3) of the Treaty on European Union (TEU), has not been duly taken into account, insofar as certain delegated acts and extended definitions could affect areas falling within the scope of national competence, due to:

3.1. Insufficient reasoning regarding the inclusion of the possibility for the adoption of delegated acts, including the supplementation of the Directive by the EC and the setting of minimum parameters for general licenses (Article 1 concerning Article 4(3) and (8a), as well as Article 5, §2b)).

3.2. The planned extension of the cases in which a transfer may be carried out without prior authorization, as well as the introduction of new categories such as "emergency situation," "structured cross-border industrial partnership," and "necessary transfer", without clearly established regulatory definitions and criteria for their application, raises concerns about legal certainty and creates conditions for divergent interpretations of the relevant provisions (Article 1 concerning Article 4§ 2).

3.3. The proposal is not supported by a sufficiently comprehensive and analytical impact assessment to justify the need for a uniform European approach in all cases. Key elements such as an analysis of cross-border implications, an assessment of possible alternatives, and an assessment of the scale of the impact and the accompanying administrative burden for the various stakeholders are missing. This raises legitimate questions about the appropriateness of certain provisions, including the proposed licensing system outside the scope of program funding, which limits national discretion

and introduces a unified regulatory framework without a clearly established need (Article 1 regarding Article 5a, § 2).

4. CEAOEF considers that the **proposal does not fully comply with the principle of proportionality** established in Article 5, paragraph 4 of the TEU, given the existence of separate provisions that pose a risk of excessive regulatory harmonization without providing a sufficiently reasoned justification for the need for such an approach. In this regard, the following considerations should be taken into account:

4.1. Risk of excessive regulatory intervention through delegated acts: The possibility for the EC to extend the scope of the directive through delegated acts is legally permissible and compatible with the principles of EU law, in accordance with Article 290 TFEU. However, the lack of clearly defined limits and control mechanisms creates conditions for exceeding the necessary level of intervention, which could affect the balance between the objectives of regulatory harmonization and the preservation of national regulatory autonomy. (Article 1 concerning Article 4, § 3).

4.2. The unification of licenses, including in cases that do not fall within the scope of European Union funding, may be considered a legally permissible option under current legislation. At the same time, such regulatory intervention could lead to a restriction of national discretion and the application of a uniform regulatory framework without there being a convincing argument for the need for such a degree of harmonization.

This raises questions about compliance with the principle of minimum intervention, which is fundamental to the application of the principle of proportionality (*Article 1 concerning Article 5a, § 2*).

5. In conclusion, CEAOEF expresses its expectation that the upcoming negotiations on the proposed directive will achieve legal clarity, a high degree of precision, and consistency of provisions.

In this context, it emphasizes the importance of proportionality between the regulatory ambition and the objectives set, taking due account of the specific characteristics of the defence and security sectors.