

(English version)

Question for written answer E-003012/25
to the Commission
Marc Botenga (The Left)
(18 July 2025)

Subject: Access to the technologies and intellectual property rights of third-country participants in projects funded by the European Defence Fund

Investigate Europe and Reporters United have revealed that the European Defence Fund is subsidising Intracom Defense, a Greek company. However, according to Intracom's financial reports, since 2023 it has actually been controlled by Israel Aerospace Industries (IAI), an Israeli state-owned company, which holds 94.5% of its shares and 100% of its voting rights ⁽¹⁾.

The technologies and results of EU projects could thus end up in the hands of a government-owned company of a third country. The Commission's response was that the projects could not be controlled by, or transferred to, a third-country government, neither while they were in progress nor after they had ended ⁽²⁾.

1. Does this ban apply to non-EU public companies, such as IAI, which are owned or controlled by the government of a third country?
2. Intracom is currently developing technologies as part of the ACTUS project. Given that Intracom is controlled by IAI, a non-EU state-owned company, can the Commission guarantee that the latter has absolutely no access to the technologies developed, and if so, how is it able to give that guarantee?
3. Who will own the intellectual property rights for the results of the ACTUS project?

Submitted: 18.7.2025

Answer given by Mr Kubilius on behalf of the European Commission
(8 September 2025)

The European Defence Fund (EDF) ⁽¹⁾ supports the EU strategic autonomy by funding only entities established in the EU and Norway. Israel-based entities are not eligible ⁽²⁾.

EU-based entities controlled by non-EU companies, such as INTRACOM DEFENSE may participate only if robust safeguards are in place ⁽³⁾.

EDF rules require submitting guarantees, approved by the Member State of establishment, ensuring that the non-EU parent cannot access sensitive information, and that results and intellectual property rights remain with the EU entity.

It is for the competent authorities in the Member State to approve the guarantee and for applicants to submit it to the Commission. The Commission assessed the submitted guarantees and concluded compliance with the EDF Regulation.

Moreover, any transfer of ownership of results of EDF actions outside the EU or Norway requires prior notification to the Commission and may trigger recovery of funds if it conflicts with the security and defence interests of the EU, its Member States, or the objectives of the EDF ⁽⁴⁾.

The Commission holds the right to audit projects, launch European Anti-Fraud Office investigations, terminate grants, and recover funds in case of non-compliance.

Under EDF, the results of an action are owned by the beneficiary that generated them. Regarding the Advanced capabilities & certification for tactical unmanned aerial vehicle systems (ACTUS) project, the intellectual property rights will remain with INTRACOM DEFENSE as the EU-based beneficiary.

The applicable safeguards ensure that the non-EU parent entity cannot access or exploit the technologies or results developed under the EDF-funded action.

¹ <https://www.investigate-europe.eu/posts/european-defence-fund-millions-benefiting-israeli-state-owned-drone-manufacturer>

² <https://agenceurope.eu/fr/bulletin/article/13657/18>

⁽¹⁾ <https://eur-lex.europa.eu/eli/reg/2021/697/oj/eng>.

⁽²⁾ Article 9(1) of the EDF Regulation.

⁽³⁾ Article 9(4) of the EDF Regulation.

⁽⁴⁾ Article 23 of the EDF Regulation.