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The structuring of the European armament market Thesis defended by M Jean-Barthélémy Maris under the supervision of Marc Blanquet Irdeic

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A b s t r a c t

The structuring of the European armament market should be considered as an additional and important step in European integration and the accomplishment of the internal market. This result is first of all that of the inter-governmental cooperation with regard to armament that has ensured that all the elements necessary for the construction of a European armament market integrated into the internal market were fulfilled. The armament sector is both economic and strategic and it was originally excluded from the Treaty of Rome. The former article 223 TEC (article 346 TFEU) included a clause that allowed the member States to exempt from European Community laws the subject. European cooperation with regard to armament started relatively early outside the community framework but it was only with the creation of the European Union and the common security and defence policy that questions linked to armament could be included within the legal framework of the European Union. The cooperation undertaken in the context of the former second pillar laid down the foundations for the construction of the European armament market. The latter is established through the application of the European market rules in the sector. Through its rulings the Court of Justice supported the Commission in its will to ensure that the rules on the European armament market were applied. Economic and financial reasons were strong arguments for this structuring. The application of these rules initially took place indirectly before the initiation of directives applicable to public defence markets and to transfer of defence products between member states.

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