

Strengthening Defence Ethics in the European Defence Fund (EDF): Contribution to the Interim Evaluation of the EDF

Summary:

The objective of the European Defence Fund (EDF) is double: 1) Providing the EU's armed forces with the most advanced capabilities, relying on the European Defence Technological and Industrial Base (EDTIB); 2) improving the competitiveness and strategic autonomy of the EDTIB.

Crucially, the projects funded by the EDF must remain compliant with European regulations and laws, in particular regarding the ethics compliance of systems - most of them weapon systems with lethal effects.

In that regard, we propose two improvements to the EDF regarding ethics compliance:

1. The design of a specific ethics assessment grid including at least three new specific domains dedicated to the 'ethics by design' compliance of the deliveries;
2. An additional award criterion dedicated to compliance with the 'ethics-by-design' approach.

1. Towards an Idiosyncratic Approach to Ethics in the EDF

The EDF and its predecessors, the PADR and the EDIDP, have tried to push participating companies and consortia to consider and address the ethical concerns related to their proposals through the 'Ethics Self-Assessment' and, in some cases, through the technical and functional requirements of the call. These measures, as well as the understanding of ethics in the EDF, are mostly inherited from the Horizon Europe programmes.

Nonetheless, the defence domain, as whole, and each defence-related technology need to have very particular ethical considerations. These considerations need to be specific to each system and the final use for which it is designed - accounting consequently for the specific rules, regulations and laws attached to this final use.

Bluntly, none of the Horizon Europe projects is developing lethal solutions, while most of EDIDP and EDF projects are participating in the improvement of the strength and efficiency of EU armed Forces by providing solutions with lethal effects.

The current ethics self-assessment table of the EDF is consistent enough to ensure the compliance of the work of research and engineer teams during the project itself; however, it is not specific/tailored-made enough to address the 'ethics-by-design' compliance of the final solution itself.

We consider that, in order to be consistent with the EDF award criteria, the 'ethics-by-design' compliance screening of a given technology must address the following additional issues:

- Consequences on the protection of populations:
 - o It is imperative that legal considerations, in particular the law of armed conflict, are taken into account from the earliest stages of system design. At the same time, the incorporation of moral, societal and environmental considerations is crucial (with particular emphasis on maximizing the protection of civilians and their environment) as well as the relentless pursuit of minimizing collateral damage.

- Consequences for decision-making responsibility and control:
 - o We must always ensure the human control and the understanding (i.e. ability to justify) of decisions regarding the use of any capability (particularly autonomous systems).
 - o In order to ensure this without jeopardizing the operational advantages of certain technologies, it will be necessary to increase the involvement of end-users in the technology reflection and development processes in order to develop systems that meet their specific needs.

- Consequences on the ability to control the use of the solution when exported outside the EU:
 - o Particular attention must be paid to ensuring that the systems developed comply with export regulations, including those related to ethical considerations.

The ethics measures applied within the European Defence Fund cannot be limited to safeguarding the integrity of the funded R&D activities (as it is perfectly done for Horizon Europe programmes). The EDF but must also provide assessments of the operational ethical compliance of EDF deliveries. Therefore, we should promote regular ethical and legal assessments of the design and the deliveries throughout an EDF project.

2. The Implementation of an 'Ethics-by-Design' Approach as an Award Criterion

For the future evaluation of EDF proposals, it is essential that EU armed forces have the possibility of being equipped with the most advanced capabilities that guarantee, as a minimum military requirement, the quasi-absence of collateral damage in complex situations, as well as human responsibility and control of decision-making.

In addition, there is a need to improve the competitiveness of the EDITB while ensuring the ability to control the use of solution exported outside EU.

Ethics compliance can be considered a key factor of success for the armed forces, ensuring competitiveness, sustainable development and social responsibility for our European Defence Technological Industrial Base.

Given this perspective, it would be consistent and key for the performance of the EDF to create a specific award criterion related to the 'ethics-by-design' approach of the project. Such criterion should be included as a specific section in the templates and evaluation of proposals.

The introduction of such an award criterion would

- Ensure that consortia take the concept of 'ethics-by-design' approach seriously;
- Incentivize and normalize serious reflections in the industry regarding the ethics of the technologies being developed and their use;
- Reward innovative proposals in the field of ethics;
- Increase the probability of success of the projects (acquisition of the developed systems).

Conclusion:

We propose two main improvements for the EDF regarding ethics compliance:

1. The design of a specific ethics assessment grid including at least three new specific domains dedicated to the 'ethics-by-design' compliance of the deliveries;
2. An additional award criterion dedicated to compliance with the 'ethics-by-design' approach.

Lastly and significantly, data protection, in particular the protection of sensitive and classified data, is a vital challenge both in terms of ethics and the strategic autonomy of the European Union. To be consistent with the expectations mentioned in the EDF regulation, the European Commission should



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consider promoting and using existing secure communication platforms, and collaborative information exchange tools, developed by EU companies and approved by EU National Security Authority.