

Stefano CONT

Director Capability, Armament and Planning

CAP@eda.europa.eu

T. +32 2 504 28 50

**PRELIMINARY MARKET CONSULTATION LOITERING MUNITION (LM)
WEAPONS AND SYSTEMS**

Reference: [EDA Press release, dated 19 November 2024](#)

Annexes: A. Instructions on participation in the Preliminary Market Consultation.
B. Non-Disclosure Agreement (TEMPLATE)

INTRODUCTION

Recently, seventeen EU Member States (MS) expressed interest (ref.) in the field of Loitering Munitions (LM). In this respect, EDA takes concrete steps towards aggregation of MS' demands towards joint procurement, including by mapping the industrial landscape offering ready-to-use LM weapons and systems.

PURPOSE OF THE PRELIMINARY MARKET CONSULTATION (PMC)

The objective of this Preliminary Market Consultation (PMC) is to identify Economic Operators (EOs) capable to manufacture and deliver LM ready for operational employment, as well as to gather technical information on the products and systems.

COMMUNICATION

TARGET AUDIENCE

This consultation is directed at EOs of the Member States of EU and members of the European Free Trade Association (EFTA) which are members of the European Economic Area (EEA)¹.

CONFIDENTIALITY

The information individually provided by the EOs, in reply to this PMC, is treated with confidentiality and it shall not be disclosed to other EOs or any other third parties. Such data will be processed by EDA in accordance with Regulation (EU) No 2018/1725, pursuant to Article 31 of Council Decision (CSFP) 2015/1835.

PROCESS AND PARTICIPATION

This PMC consists of two phases: as a first phase, EDA calls for EOs producing and supplying off-the-shelf LM to express interest to participate to this PMC. All interested EOs are encouraged to submit their responses by following the instructions provided at Annex A **not later than 14/03/2025** at 12:00 (Central European Time/CET). In a second phase, EOs having expressed the interest to participate to this PMC will be provided a detailed questionnaire, to be answered **not later than 30/04/2025** at 12:00 (CET).



TERMS OF REFERENCE – IMPORTANT NOTE

The following information should be considered by the interested EOs (respondents) when preparing their responses to this PMC:

- a. This PMC is for **planning and information purposes** only. It does not commit EDA or any of its MS to initiate any procurement procedure or to conclude any contract,

¹ EOs shall not be subject to control by a non-associated third country or by a non-associated third-country entity or, alternatively, they shall have been subject to screening within the meaning of Regulation (EU) 2019/452 of the European Parliament and of the Council (22) and, where necessary, to mitigation measures, taking into account the objectives set out in Article 3 of this Regulation.

COMMUNICATION

- b. Participation by the EOs in this PMC is completely **voluntary** and as such all **costs** to develop the response are to be borne by the participating EOs,
- c. Respondents should each submit only **one response**²,
- d. Respondents to the present PMC will **not receive** any advantage or any preferential treatment in the context of possible future competitive tendering,
- e. EDA and its MS may use the **responses** in discussion at governmental level free of charge.

PROTECTION OF PERSONAL DATA

If processing your reply to the PMC involves the recording and processing of personal data (e.g. name, address, personal data), such data will be processed by EDA in accordance with Regulation (EU) No 2018/1725, pursuant to Article 31 of Council Decision (CSFP) 2015/1835. The personal data that you will provide will be processed solely for that purpose by EDA responsible staff members. Details concerning processing of your personal data are available in the privacy statement at the page: <http://www.eda.europa.eu/docs/default-source/procurement/privacy-statement.pdf>.

Stefano CONT

² Joint submissions (from multiple economic operators) can be accepted.

Instructions on participation in the Preliminary Market Consultation

EOs producing and supplying off-the-shelf LM may express interest to participate in this PMC **not later than 14/03/2025** at 12:00 (Central European Time/CET), by:

1. Expressing the interest via email to jplm-rfi@eda.europa.eu.
2. Attaching to the expression of interest email the following documentation:
 - a. the duly filled and signed *applicable* Legal Entity File (LEF), available for download at the following link: https://commission.europa.eu/publications/legal-entities_en.
 - b. the duly filled and signed Non-Disclosure Agreement (NDA), available in **Annex B**.
 - c. the Power of Attorney (or equivalent document) attesting that the signatory of the LEF and NDA have the legal power to represent the EO for this PMC.

Non-Disclosure Agreement (TEMPLATE)

Please, fill in the parts in [squared brackets and highlighted in grey] and do not modify the template

The European Defence Agency, with offices at Rue des Drapiers 17-23, B-1050 Brussels, Belgium;

(hereinafter referred to as "EDA"),

and

[Name of the Economic Operator receiving information], with offices at [address];

(hereinafter referred to as "the Recipient"),

Have agreed as follows:

1. In the frame of the Preliminary Market Consultation (PMC) on Loitering Munitions Weapons and Systems (the *Purpose*), EDA intends to disclose the following *confidential information* to the Recipient.
 - *Questionnaire on Loitering Munitions Weapons and Systems.*
2. The Recipient undertakes to use the *confidential information* solely for preparing its reply (the *Use*) for the *Purpose* and in accordance with the terms of this Agreement.
3. The Recipient undertakes to keep the *confidential information* secure and not to disclose it to any third party, except to its employees (and subcontractors and their respective employees) who need to be granted access to the *confidential information* and who have a need-to-know for the *Use* in the frame of the *Purpose*. The said employees are fully aware they owe a duty of confidence to EDA and are bound by obligations equivalent to those in paragraph 2 above and this paragraph 3.
4. The undertakings in paragraphs 2 and 3 above apply to all of the information disclosed by EDA to the Recipient, regardless of the way or form in which it is disclosed or recorded but they do not apply to:
 - a) any information which is or in future comes into the public domain (unless as a result of the breach of this Agreement); or
 - b) any information which is already known to the Recipient and which was not subject to any obligation of confidence before it was disclosed to the Recipient by EDA.
5. Nothing in this Agreement will prevent the Recipient from making any disclosure of the *confidential information* as required by law.
6. The Recipient will destroy all copies and records of the *confidential information* following the submission of the *Questionnaire on Loitering Munitions Weapons and Systems*.
7. Neither this Agreement nor the supply of any information grants the Recipient any license, interest or right in respect of any intellectual property rights of EDA except the right to copy the *confidential information* solely for the *Purpose*.
8. Any dispute between the parties in relation to the interpretation, application or validity of the present Agreement which cannot be settled amicably shall be settled before the courts of Brussels, Belgium and in accordance with Belgian law.

COMMUNICATION

9. This Agreement shall remain in effect for a term of until such time as the *Purpose* is considered achieved by both parties. Notwithstanding the foregoing, the Recipient's duty to hold *confidential information* which was disclosed under this Agreement in confidence will remain in effect indefinitely, unless otherwise agreed.

In witness hereof, the Parties have agreed to execute this Agreements as of the date of signature.

On behalf of [Legal name of the Recipient],

[Name and work title of the Recipient's legal representative]

Done at [place of the Recipient], on [date in DD/MM/YYYY format]

[Signature of the Recipient's legal representative]