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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on transposition of Directive 2009/43/EC simplifying terms and conditions for transfer
of defence-related products within the EU**

(Text with EEA relevance)

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on transposition of Directive 2009/43/EC simplifying terms and conditions for transfer of defence-related products within the EU

(Text with EEA relevance)

1. INTRODUCTION

The objective of the Directive is to simplify the rules and procedures applicable to the intra-EU transfer¹ of defence-related products in order to ensure the proper functioning of the internal market.

So far, the legislation in Member States concerning the transfer of defence related products within the Union contained disparities. This might impede the movement of products and distort competition within the internal market, thereby hampering innovation, industrial cooperation and the competitiveness of the defence industry in the European Union.

The implementation of the Directive is expected to break down trade barriers for defence-related products, stimulate common production projects, make EU defence companies more competitive and contribute to the consolidation of the internal market. As a result, defence system integrators would have the possibility to open their supply chains in more predictable conditions, increase economies of scale and optimise the defence manufacturing chain. The new rules can also create opportunities for SMEs in the sector to enter into the supply chain in other Member States. The EU defence industrial and technological basis would be strengthened. The Directive will also contribute to the reduction of the administrative burden for economic operators and for Member States' administrations. The efficiency of export controls in the EU would increase as Member States' control authorities could focus resources on the most sensitive transfers and therefore maintain high security levels. Finally, the Directive will increase assurance against the risk of illicit transfers, allowing traceability and reporting on re-exports, as well as enhancing mutual trust with like minded third countries.

The Directive had to be transposed by Member States by 30 June 2011 at the latest and should be applied from 30 June 2012 onwards. The Directive sets up in its Article 14, a Committee encompassing representatives of Member States that plays a role in amending non-essential elements of the Directive (such as its Annex). The Committee also assists the Commission when accompanying Member States in the process of transposition and implementation of the Directive.

This report implements Article 17(1) of the Directive, which requests the Commission to present a report on the transposition by Member States. This report was drafted on the basis of

¹ The text of the Directive mentions "intra-Community transfer". After the adoption of the Treaty on the Functioning of the European Union the (term) Community is replaced by the Union.

national legal texts transposing the Directive communicated to the Commission, the full list of which can be found in the Annex, and gives also a first indication of the challenges ahead.

2. TRANSPOSITION BY THE MEMBER STATES

Although the Directive contained a transposition period of more than two years after its publication in the Official Journal of the EU, a timely transposition seemed to have been difficult for several Member States.

The Commission received an official notification of the national legislation transposing the Directive from a majority of Member States (20) (details in Annex). Other Member States have informed the Commission that they are in advanced stages of the procedure.

The Commission launched infringement procedures for non-communication under article 258 TFEU against the Member States which did not communicate the national rules transposing the Directive. At the moment 7 Member States have not yet communicated transposition. 1 Member State has communicated partially.

3. THE SCOPE OF THE DIRECTIVE: DEFENCE-RELATED PRODUCTS

The Directive applies to defence-related products as set out in its Annex, which was already amended twice, namely through Commission Directive 2010/80/EU of 22 November 2010² and Commission Directive 2012/10/EU of 22 March 2012.³

These amendments are the consequence of Article 13(1) of the Directive, which foresees that the Commission will update the list of defence-related products set out in the Annex of the Directive, so that it strictly corresponds to the Common Military List of the European Union.

This Common Military List of the EU is adopted in the context of the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment⁴. This Common Position obliges Member States to ensure that their national legislation enables them to control the export of the technology and equipment listed in the Common Military List of the EU. According to the Common Position, the Common Military List of the EU act as a reference point for Member States' national military technology and equipment lists, but shall not directly replace them.

It is updated annually by the Council, usually as a consequence of an amendment to the 'Munitions List' adopted in the framework of the 'Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies'⁵ which contains 22 main entries on items designed for military use, including certain items within the categories such as (but not limited to) small arms and light weapons (and related ammunition), tanks and

² OJ L 308, 24.11.2010, p. 11.

³ OJ L 85, 24.03.2012, p. 3.

⁴ OJ L335, 13.12.2008, p. 99.

⁵ The Wassenaar Arrangement is composed by 41 countries with a Secretariat in Vienne. Its objective is to contribute to regional and international security, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, preventing destabilising accumulations.

other military armed vehicles, combat vessels (surface or underwater), armoured/protective equipment, aircraft and unmanned airborne vehicles, etc.

4. THE PRINCIPLE OF PRIOR AUTHORISATION

4.1. The transfers of defence-related products between Member States must be subject to prior authorisation...

The Directive specifies that the transfer of defence related products between Member States must be subject to prior authorisation (licence) (Article 4). The transfer is defined as ‘any transmission or movement of a defence-related product from a supplier to a recipient in another Member State’. A licence is the authorisation by a national authority of a Member State for suppliers to transfer defence-related products to a recipient in another Member State.

All Member States that have transposed the Directive, fully or partially, have the requirement of prior authorization incorporated in their national legislation.

4.2. ...but exemptions are possible

4.2.1. Transfers to or from governmental bodies and armed forces, by international organisations or for cooperative armament programmes

Member States are allowed to exempt transfers of defence-related products from the obligation of prior authorisation where the supplier or the recipient is a governmental body or part of the armed forces, or for supplies made by the European Union, NATO, IAEA or other intergovernmental organisations for the performance of their tasks. Transfers which are necessary for the implementation of a cooperative armament programme between Member States may also be exempted (Article 4(2)).

Bulgaria, Czech Republic (only in the case of armed forces or cooperative programmes), Germany (only in the case of governmental bodies and armed forces), Estonia, Greece, France, Lithuania, Hungary (except for cooperative programmes), Malta, the Netherlands, Slovenia, Slovakia and Sweden have made use of these exceptions.

4.2.2. Transfers linked to humanitarian aid and emergency situations

Moreover, Member States can exempt transfers of defence-related products from the obligation of prior authorisation for transfers linked to humanitarian aid in the case of disaster or as a donation in an emergency.

Bulgaria, Estonia, Greece, Spain, France, Lithuania, Hungary, Malta, Austria, Slovenia, Slovakia and Sweden have made use of this exception.

4.2.3. Transfers for repair, maintenance, exhibition or demonstration

Since the Directive aims at substantially reducing the administrative burden for licensing authorities and the defence industry within the EU, Member States can also exempt transfers of defence-related products which are necessary for or after repair, maintenance, exhibition or demonstration.

Bulgaria, Estonia, Greece, France, Malta, Austria, Slovenia, Slovakia and Sweden have made use of this exception.

4.2.4. Additional exemptions

The Directive authorizes the Commission, at the request of a Member State or on its own initiative, to include additional exemptions where the transfer takes place under conditions which do not affect public policy or public security, where the obligation of prior authorisation has become incompatible with international commitments of the Member States subsequent to the adoption of this Directive, or if it is necessary for intergovernmental cooperation.

At the moment, the Commission neither received such a request, nor identified a specific need for additional exemptions.

4.3. Passage and entrance licences for defence-related products entering or crossing the territory of a Member State

One of the novelties of the Directive is the abolition of the licences for the ‘passage through’ and ‘entrance’, i.e. the transport of defence-related products through one or more Member States other than the originating and receiving Member States, without prejudice to the application of provisions necessary on grounds of public security or public policy such as, *inter alia*, the safety of transport. This means that a general, global or individual licence (see details in point 5 below) from the Member State of origin should suffice for intra-EU transfers of defence-related products

In all Member States that have transposed the Directive, passage and entrance licences will not be required for intra-EU transfers, apart from the exceptions envisaged in the Directive. For example, Germany will require a general licence for entrance and passage of only war weapons. The Netherlands will set up a previous notification system. Hungary will require passage licences only for certain categories of products and maintain entrance licences.

This reduction in licences and related administrative procedures is expected to simplify significantly the intra-EU transfer of defence related products, reduce administrative requirements for companies and improve security of supply of Member States.

4.4. Components

Components of defence-related products occupy a particular place in the Directive. Many transactions between defence-related undertakings in the EU relate to components transferred from a supplier (often an SME) to an integrator that incorporates the received component in a larger sub-system (e.g. a sonar) or in a larger system (e.g. a submarine). Integrating companies usually produce large weapon systems incorporating components sourced from a supplier possibly located in another Member State (e.g. connectors to be incorporated in an aircraft).

Although components are not formally defined by the Directive, Article 4(7) requires that Member States determine the terms and conditions of transfer licences for components on the basis of an assessment of the sensitivity of the transfer in the light of, *inter alia*, the nature of the components in relation to the products in which they are to be incorporated and any end-use of the finished products which might give rise to concern, and the significance of the components in relation to the products in which they are to be incorporated.

Except where they consider that the transfer of components is sensitive, Member States must refrain, from imposing any export limitations for components where the recipient provides a declaration of use in which it declares that the components subject to that transfer licence are integrated or are to be integrated into its own products and cannot at a later stage be transferred or exported as such, unless for the purposes of maintenance or repair (Article 4(8)).

Member States that have fully transposed the Directive have taken these provisions into consideration in the national measures adopted.

5. GENERAL, GLOBAL AND INDIVIDUAL TRANSFER LICENCES

5.1. Three types of transfer licences

Before the adoption of the Directive, individual licensing was the most common administrative tool in the majority of Member States. An individual authorisation was required prior to every transfer with the associated procedures and costs. This is why the Directive introduces two new categories of licences, the general and global licences that will simplify the procedures associated to the transfers. Through these new types of licences, the European defence industry will benefit from an efficient, seamless and reliable supply chain whenever acquiring equipment in another Member State.

All Member States that have transposed the Directive have incorporated into their legislation the 3 types of licences: general, global and individual, with the related conditions foreseen by the Directive.

5.2. General transfer licences

5.2.1. Suppliers that will benefit from general transfer licences

General transfer licences authorises suppliers established in a Member State to perform transfers of defence-related products, which are specified in the licence, to categories of recipients located in another Member State (Article 5). The suppliers must either fulfil the terms and conditions attached to the general licence, or request a global or individual licence.

A general transfer licence is published and does not require an individual request for the transfer. It allows suppliers that comply with these conditions to transfer products without further formalities at that stage. Member States will control the transfers ex post.

This type of licence will fundamentally simplify procedures for suppliers for the less sensitive transfers. It will allow Member States to focus the control efforts to more sensitive transfers, as a case by case analysis will not be required for all transactions.

5.2.2. Categories of recipients receiving defence-related products under a general transfer licence

General transfer licences should determine the categories of recipients located in another Member State. These categories of recipients include ‘certified undertakings’, the armed forces of a Member State or a contracting authority in the field of defence, purchasing for the exclusive use by the armed forces of a Member State. General transfer licences shall also be used where the transfer is made for the purposes of demonstration, evaluation or exhibition, or

for the purposes of maintenance and repair, if the recipient is the originating supplier of the defence-related products (Article 5(2)).

However, the Directive offers the Member States the flexibility to broaden these categories of recipients, or to add transfers made for other purposes.

General licences will be available in all Member States that have fully transposed the Directive for the categories mentioned above. Thus, Slovenia envisages general licences only for armed forces and certified recipients, while in other cases there will be an exception from licence; Spain also envisages general licences for transfers related to operations of NATO and NAMSA; Bulgaria, Greece, Cyprus, and Malta envisage general licences for cooperation programmes, provided for in Article 5(3).

5.2.3. Types of defence-related products which may be transferred under a general transfer licence

Member States are entitled to determine the type of transfer licence for defence-related products or categories of defence-related products (Article 4(5)).

Several Member States such as Estonia, Spain, France, Cyprus, Netherlands and Portugal have already communicated their general licences list to the Commission. Nevertheless, Member States are expected to publish the lists with the scope of products and other conditions of their general licence by the latest on 30 June 2012, i.e. the deadline for the implementation of the Directive.

5.2.4. Registration prior to first use of a general transfer licence

Member States may lay down the conditions for registration prior to first use of a general transfer licence (Article 5(4)). For example, Bulgaria, Czech Republic, Spain, France, , Greece, Austria, Malta, the Netherlands, Portugal and Slovenia have introduced this requirement in the legislation.

In addition, suppliers have to inform, within a reasonable time, the competent authorities of the Member State from whose territory they wish to transfer defence-related products of their intention to use a general transfer licence for the first time (Article 8(2)). Several Member States, for example Greece, France, Cyprus, Latvia, Austria, Slovakia, Slovenia and Sweden will request such a registration.

Member States may determine the additional information that may be required regarding defence-related products transferred under a general transfer licence. This provision can help Member States to identify the suppliers that are actually using the general licences so that competent authorities can check the records of the supplier, if necessary.

5.3. Global transfer licences

A global transfer licence is a prior authorisation granted by a national authority of a Member State to an individual supplier, at its request, for transferring specified products without quantitative limits to specified recipients for a renewable period of 3 years (Article 6). Its simplification potential resides in the fact that global transfer licences do not relate to a single shipment but they can be used to cover several transfers over a longer period. They can be particularly helpful in the case of routine shipments to habitual customers or for SMEs with a limited catalogue.

Experience in certain Member States has shown the substantial simplification potential of global licences. For example when France introduced in 2002 the option of global licences based on the catalogue of participating companies (targeting more specifically SMEs), the first 35 licences delivered replaced 1,250 individual licences, thus representing a significant cut in red-tape.

Global transfer licences, as requested by the Directive, will be available in all Member States that have transposed the Directive. No information about which categories of products will be subject to global licences has been provided to the Commission.

5.4. Individual transfer licences

Individual transfer licences are an authorisation granted by a national authority of a Member State to an individual supplier for one single transfer and a specified quantity of products. They should be used only in the cases set out in Article 7: when it is limited to one transfer, when it is necessary for the protection of essential security interest of the Member State or on grounds of public policy, or when it is necessary for compliance with international obligations and commitments of Member States. Individual transfer licences may also be used where a Member State has serious reason to believe that a supplier will not be able to comply with the terms and conditions of global or general transfer licences.

The criteria allowing individual transfer licensing are therefore restrictive. Individual transfer licences are meant to remain for a limited number of cases. In the future it is expected that a majority of intra-EU transfers can take place under general and global licences, while individual licensing will only remain for the most sensitive items.

No information about which categories of products will be subject to individual licences has been provided to the Commission

5.5. Information to be provided by suppliers

Suppliers shall provide information to recipients and authorities and to keep relevant records about the transfers in order to facilitate adequate control.

All Member States that have fully transposed the Directive have included provisions about information, reporting and record keeping in their national legislation. For example, suppliers in Spain and the Netherlands are required to provide information to the concerned authorities every 6 months and suppliers in Hungary every 3 months. As regards record keeping, the period varies from 3 years in Sweden, to 7 years in Ireland and Cyprus, up to 10 years in Bulgaria and France.

5.6. Licensing authorities

The licensing role is granted to different institutions in different Member State, not only to Ministries of Defence such as in Portugal or France, but also other institutions such as the Trade Licensing Office in Hungary, the Ministry of Economic Affairs in the Netherlands, or the Agency for Non-Proliferation and Export Controls in Sweden.

6. CERTIFICATION OF RECIPIENT UNDERTAKINGS

6.1. Objective of certification

Certification is one of the core elements of the Directive and introduces a new approach in the system of control of defence transfers. The objective of the certification of recipients is to establish their reliability for receiving defence-related products under a general transfer licence published in another Member State. It is a confidence-building measure and a tool to reinforce the ex-post controls. It will reduce the risk of illicit transfers and enhance the traceability of the defence-related products transferred under a general transfer licence.

6.2. Certification criteria

The Directive provides for common certification criteria across the EU (Article 9(2)). The certification aims at providing Member States and suppliers with ‘guarantees’ concerning the recipient undertaking’s experience in defence activities, its record of compliance to relevant legal requirements (notably in the field of re-exports), and the reliability and quality of its internal control programmes and structure. In particular, certification acknowledges that appropriate risk prevention measures are implemented to protect goods, including intangibles (technologies, know-how, software etc.).

These provisions generate the need for a new legal and institutional framework in Member States. In order to facilitate the transposition of the Directive, the Commission adopted Recommendation 2011/24/EU of 11 January 2011 on the certification of defence undertakings under Article 9 of Directive 2009/43/EC⁶ which provides for guidelines on the certification criteria. Its main objective is to ensure a convergent interpretation and application of the certification criteria so that, for example, the certificates can be mutually recognised more swiftly. The Recommendation invites Member States to apply it by 30 June 2012 at the latest.

6.3. Transposition of key elements of certification

According to the national measures of transposition communicated, the Member States that have fully transposed have put in place the necessary elements to certify defence recipients. Those Member States have appointed competent authorities as required by Article 9(1) and established the reliability criteria foreseen by Article 9(2). In general, national legislations foresee the recognition of certificates adopted by other Member States (Article 9(6)). Furthermore, Member States that have fully transposed the Directive have put in place the necessary mechanisms to monitor the compliance with the certification criteria and to apply the necessary corrective measures, as required by Article 9(5) and 9 (7).

6.4. Publication of information on certified recipients

Member States must publish and regularly update the list of certified recipients and inform the Commission, the European Parliament and the other Member States. It also provides that a central register of recipients certified by Member States should be made available by the Commission on its web site (Article 9(8)).

For this purpose, the Commission created the database CERTIDER. This system was designed in cooperation with a dedicated working group composed of representatives from

⁶ OJ L11 of 15.1.2011, p.62.

the Member States. The system was tested and validated by Member State representatives who will feed the register with information about the certified recipient undertakings. CERTIDER is available at the following address <http://www.ec.europa.eu/enterprise/sectors/defence/certider/>.

6.5. Certification authorities

Member States shall designate competent authorities to carry out the certification of recipients established on their territory of defence-related products under general transfer licences published by other Member States.

This role has been granted to different institutions in different Member States, not only Ministries of Defence such as in Greece, France, Slovenia and Portugal, but also Ministries of Industry in the Czech Republic and Spain, and Ministries of Economy in Austria, the Netherlands, Slovakia and Lithuania.

6.6. Safeguard measures

The Directive offers the possibility to provisionally suspend a general licence with regard to a certified recipient in another Member States in certain specific cases and under certain conditions (Article 15). It also provides for a mechanism to inform the other Member States and the Commission.

Several Member States such as Bulgaria, Ireland, Greece, Spain, Cyprus, Malta, Austria, Slovenia, Slovakia and Sweden have decided to incorporate these provisions into their national legislation.

7. EXPORTS AFTER TRANSFER

Exports of defence-related products are governed by the provisions of the Council Common Position 2008/944/CFSP. The Directive expressly specifies that it does not affect the discretion of Member States as regards policy on the export of defence-related products (Article 1(2)).

However, transfer licences may contain specific restrictions on exports to third countries. In this respect, Article 4(6) requires Member States to determine all the terms and conditions of transfer licences, including any limitations on the export of defence-related products to legal or natural persons in third countries, having regard, inter alia, to the risk for the preservation of human rights, peace, security and stability created by the transfer.

Member States have to ensure that recipients of defence-related products, when applying for an export licence, declare to their competent authorities, in case where such products have export limitations attached to them that they have complied with the terms of those limitations including, as the case may be having obtained the required consent from the originating Member States (Article 10). Member States that have fully transposed the Directive have incorporated these provisions into their national legislation.

Member States must ensure that, when completing the formalities for export at the customs office, the exporters furnishes proof that any necessary export licence has been obtained (Article 11(1)). The required customs procedures are in place in all Member States that have transposed the Directive.

Several Member States such as Bulgaria, Ireland, Greece, Cyprus, Hungary, Portugal or Slovenia have made use of the possibility of Article 11(2) to suspend the process of the export from its territory for a period of maximum 30 days.

Member States which provide that customs formalities for the export of defence-related products can be completed only at certain customs offices should inform the Commission of the relevant customs offices (Article 11(4)). The Commission must publish that information in the C series of the Official Journal of the European Union. At the moment only Bulgaria, Greece, and Sweden have availed themselves of this option in their legislation.

8. PENALTIES

Finally, Member States shall have in place rules on penalties applicable to infringements of the provisions resulting from implementation of the Directive (Article 16). Effective, proportionate and dissuasive penalties are valuable measures that are necessary for the progressive building of mutual trust and confidence among Member States, but should also be sufficient to ensure enforcement of the provisions of the Directive, in particular as regards compliance with common criteria for certification and with limitations of further use of defence-related products following a transfer.

All Member States that have transposed the Directive have encompassed in the national legislation provisions on penalties. Penalties consist of either administrative fines (in Hungary and the Czech Republic) or a combination of administrative fines with imprisonment (Ireland, Malta and Sweden).

9. CHALLENGES OF TRANSPOSITION

As previously mentioned, challenges still lie ahead in finalising the transposition in all Member States and, most important, in ensuring proper implementation of the Directive. This will result in the simplification of rules and procedures of transfer of the defence-related products within the EU and consequently ensure the proper functioning of the internal market in the sector of defence.

As regards the Annex of the Directive, although it should be identical at all times to the Common Military List of the EU, practice shows that the procedure for amendment of the Annex takes at least seven months. Consequently, it differs from the Common Military List of the EU during at least seven months of the year. Moreover, the Commission Directive amending the Annex must be transposed by Member States and requires a national legislative or administrative procedure. Therefore, one can assume that national legislations transposing the Annex will never be identical to the Common Military List of the EU that applies at that moment, unless the Member States transposes the Common Military List of the EU without awaiting the amendment of the Annex. These discrepancies lead to legal and administrative divergences for national authorities and defence-related undertakings within the EU and goes against the intention of the legislator for a strict correspondence between the Annex of the Directive and the Common Military List of the EU.

The Commission is of the opinion that it is necessary to simplify the procedure for aligning the Annex of the Directive and the Common Military List of the EU. This issue will be further analysed by the Commission, in cooperation with the Council and the European Parliament.

10. CONCLUSION

Directive 2009/43/EC applies to a field within the internal market, so far subject to frequent exceptions by Member States due to its security implications. The Directive will contribute to strengthening the internal market, reducing administrative burden, strengthening the EU defence industrial base, and increasing integration and security of supply. It will also improve efficiency of export control, taking into account the Member States' security objectives.

The transposition of the Directive in most Member States is a significant step forward in the integration of an internal market for defence. Timely transposition proved challenging for Member States. Nevertheless, the level of transposition indicates a good integration into national law of the key features of the Directive, namely a simplified licencing system coherent across the EU, a Common Military List replacing previous different ammunition lists established at national level, and certification of defence companies resulting in increased mutual trust and common recognition of defence companies' reliability.

The Commission will closely monitor the transposition and the implementation of the Directive with the support of the Committee, with the view to assisting Member States throughout the process and timely identifying their needs. The Commission will review the implementation and report thereon to the European Parliament and the Council by 30 June 2016⁷.

⁷ As foreseen by Article. 17 (2)

Annex

List of national transposition measures⁸

| Member State | National transposition measure as communicated to the Commission | Latest status of transposition as communicated to the Commission |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Belgium | - | In the Brussels Capital region the legislation was expected to be sent to Parliament in April 2012 In the Flemish region, the legislative procedure was concluded on 6 June 2012 In the Walloon region the legislation was expected to be sent to Parliament in April 2012 |
| Bulgaria | Decree no 56 on Export Controls on defence related products and dual-use items Act of 25 March 2011 | Complete |
| Czech Republic | Act amending Act No 38/1994 on foreign trade in military goods and amending Act No 455/1991, on licenced trades (the Trade Licensing Act), as amended, and Act No 140/1961, the Criminal Code, as amended of 20 July 2011 | Complete |
| Denmark | Act No 413 amending the Weapons and explosives Act and the Military Equipment Act of 9 May 2011 | Partial |
| Germany | Act transposing Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community of 27 July 2011 | Complete |

⁸ National execution measures communicated by Member States can be found at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72009L0043:EN:NOT>

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| Estonia | Strategic goods Act of 12 July 2011 | Complete |
| Ireland | S.I. No. 346 of 2011 European Communities (Intra-Community Transfers of Defence Related Products) Regulation 2011 | Complete |
| Greece | Law No 4028 of 11 Novembre 2011 with Amendments to provisions of Law 2168/1993 regulating matters pertaining to weapons, ammunition, explosive substances and explosive devices and other provisions | Complete |
| Spain | Royal Decree 844/2011, of 17 June modifying Royal Decree 2061/2008, of 12 December, approving the control Regulation on foreign trade in defence material, other material and dual-use items and technologies. | Complete |
| France | Law n°2011-702 of 22 June 2011 related to import and export control of defence related products, to the simplification of defence related transfers in the EU and to the defence and security markets Decree n° 2011-1467 of 9 November 2011 concerning import and exports outside the EU and intra EU transfers of defence-related products Secondary legislation publishing general licences | Complete |
| Italy | - | Legislative procedure was concluded on 30 May 2012 but national measures not communicated |
| Cyprus | Controlled Goods (transfers of defence-related products within the Community) Regulations of 2011. | Complete |
| Latvia | Amendments to Cabinet Regulation No 657 of 20 July 2010 on the procedures for issuing or refusing to issue strategic goods licences and other documents relating to the circulation of strategic goods of 28 June 2011 | Complete |

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| <p>Lithuania</p> | <p>Law of the Republic of Lithuania amending the law of the Republic of Lithuania on the Control of Strategic Goods, No XI-1616 (Official Gazette, 2011, No 128-6052) of 11 October 2011.</p> <p>Criminal Code of the Republic of Lithuania No VIII-1968 (Official Gazette, 2000, No 89-2741</p> <p>Law amending the criminal code of the Republic of Lithuania No IX-1495 (Official Gazette 2003, No 38-1733)</p> <p>Law No IX-2511 amending and supplementing the Code of Administrative Offences (Official Gazette, 2004, No 166-6060) (hereinafter – the Lithuanian Code of Administrative Offences)</p> <p>Order No V-766 of the Lithuanian Minister of National Defence of 7 July 2011 amending Order No V-1216 of 29 December 2009 on the approval of the Common Military List (Official Gazette, 2011, No 92-4400)</p> <p>Order No 1B-393 of the Director General of the Lithuanian Customs Department of 11 June 2010 amending Order No 1B-351 of 25 June 2009 on the approval of classifier of customs authorities (Official Gazette, 2010, No 70-3528)</p> | <p>Complete</p> |
| <p>Luxemburg</p> | | <p>Adoption of national measures by the Parliament was scheduled for 13 June 2012</p> |
| <p>Hungary</p> | <p>Government Decree No. 160/2011 of 18 August 2011 on the authorisation of the export, import, transfer and transit of military</p> | <p>Complete</p> |

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| | equipment and services and the certification of enterprises | |
| Malta | Supply and Services act of 8 November 2011 | Complete |
| Netherlands | Decree amending the Strategic equipment decree of 30 September 2011 Strategic equipment implementing regulation of 8 November 2011 Act of 22 June 1950 prosecuting and trying economic offences Regulations of the Secretary of State for Economic Affairs, Agriculture and Innovation of 28 October 2011 publishing general licences | Complete |
| Austria | Foreign Trade Act 2011 of 28 April 2011 | Complete |
| Poland | - | The legislative procedure was on-going as of March 2012 |
| Portugal | Law 37/2011 of 22 June 2011 | Complete |
| Romania | - | Not communicated |
| Slovenia | Regulation on production consents and trade permits for military weapons and equipment, and on preliminary permits for import, export, transit and transfer of defence products of 20 July 2011 | Complete |
| Slovakia | Act on trade in defence-related products and on amendments to certain acts of 19 October 2011 | Complete |
| Finland | - | Legislative procedure was concluded on 14 June 2012 but national measures not communicated |
| Sweden | Act amending the Military Equipment Act (1992:1300) of 9 June 2011 Customs' regulations and guidelines (TFS 1997:35) of munitions | Complete |

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| | Ordinance SFS 2011:850 amending Ordinance 1992:1303 on military equipment | |
| United Kingdom | Export Control Order 2008 | The UK existing legislation partially complies with Directive |