



Council of the
European Union

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To:	General Secretariat of the Council
No. Cion doc.:	D59086/01
Subject:	COMMISSION DIRECTIVE (EU) .../... of XXX amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products

Delegations will find attached document D59086/01.

Encl.: D59086/01



Brussels, **XXX**
D059086/01
[...](2017) **XXX** draft

COMMISSION DIRECTIVE (EU) .../...

of **XXX**

amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products

(Text with EEA relevance)

COMMISSION DIRECTIVE (EU) .../...

of XXX

amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 Community¹, and in particular Article 13 thereof,

Whereas:

- (1) Directive 2009/43/EC covers all defence-related products listed in its Annex, which should correspond to the Common Military List of the European Union, originally adopted by the Council on 19 March 2007.
- (2) On 26 February 2018, the Council adopted an updated Common Military List of the European Union².
- (3) The Annex to Directive 2009/43/EC should therefore be amended accordingly.
- (4) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents³, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee on EU Transfers of Defence-related Products,

¹ OJ L 146, 10.6.2009, p.1.

² OJ C 98 15.3.2018, p. 1.

³ OJ C 369, 17.12.2011, p. 14.

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 2009/43/EC is replaced by the text set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by [OP: please insert date of last day of the 3rd month following publication in the OJ] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [OP: please insert date corresponding to 5 working days following the date provided in the first subparagraph].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission
The President
Jean-Claude Juncker*