



Brussels, 1 December 2023  
(OR. en)

16176/23

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IND 644  
COMPET 1221  
POLARM 10  
CFSP/PESC 1626  
COARM 319  
DELECT 196

#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. Cion doc.: ST 13580/23 + ADD 1 - C(2023) 6149 Final

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Subject: Commission Delegated Directive (EU) .../... of 27.9.2023 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the updating of the list of defence-related products in line with the updated Common Military List of the European Union of 20 February 2023  
- Intention not to raise objections to a delegated act

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1. On 28 September 2023, the Commission submitted the above draft Delegated Directive to the Council, which, pursuant to Article 13 and 13a(4) of Directive 2009/43/EC<sup>1</sup>, amends its Annex, which must correspond strictly to the Common Military List of the European Union.
2. On 2 October 2023, delegations were asked to indicate their possible opposition to the above draft Delegated Directive by 14 November 2023. No delegation raised any relevant grounds for opposition. The official three-month deadline expires on 29 December 2023, after which the delegated act will be adopted.

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<sup>1</sup> 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, (OJ L 146, 10.6.2009, p. 1–36), Last consolidated version: 07/06/2023.

5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Directive, as set out in document ST 13580/23 + ADD 1 as an item without discussion at one of its forthcoming meetings. This implies that unless the European Parliament objects to it, the delegated act shall be published and adopted after 29 December 2023, in accordance with Article 13a(4)<sup>2</sup> of Directive 2009/43/EC.
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<sup>2</sup> Of the consolidated version.