

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 (Text with EEA relevance)

CHAPTER VI

FINAL PROVISIONS

Article 15

Safeguard measures

1 Where a licensing Member State considers that there is a serious risk that a recipient certified in accordance with Article 9 in another Member State will not comply with a condition attached to a general transfer licence, or where a licensing Member State considers that public policy, public security or its essential security interests could be affected, it shall inform that other Member State and request verification of the situation.

2 Where the doubts referred to in paragraph 1 persist, the licensing Member State may provisionally suspend the effect of its general transfer licence with regard to such recipients. It shall inform the other Member States and the Commission of the reasons for that safeguard measure. The Member State which adopted that measure may decide to lift it where it considers that it is no longer justified.

Article 16

Penalties

Member States shall lay down rules on penalties applicable to infringements of the provisions adopted in implementation of this Directive, in particular in the event of false or incomplete information required under Article 8(1) or Article 10 being provided as regards compliance with export limitations attached to a transfer licence. The Member States shall take all measures necessary to ensure that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Article 17

Review and reporting

1 By 30 June 2012, the Commission shall report on the measures taken by the Member States with a view to the transposition of this Directive, and in particular Articles 9 to 12 and Article 15 thereof.

2 By 30 June 2016, the Commission shall review the implementation of this Directive and report thereon to the European Parliament and the Council. It shall evaluate in particular whether, and to what extent, the objectives of this Directive have been achieved, with regard, *inter alia*, to the functioning of the internal market. In its report, the Commission shall review the application of Articles 9 to 12 and Article 15 of this Directive, and shall evaluate the impact of this Directive on the development of a European defence equipment market and a European

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defence technological and industrial base, having regard, *inter alia*, to the situation of small and medium-sized enterprises. If necessary, the report shall be accompanied by a legislative proposal.

Article 18

Transposition

1 Member States shall adopt and publish, no later than 30 June 2011, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

They shall apply those measures from 30 June 2012.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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 19

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 20

Addressees

This Directive is addressed to the Member States.