

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 I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

- 1 The aim of this Directive is to simplify the rules and procedures applicable to the intra-Community transfer of defence-related products in order to ensure the proper functioning of the internal market.
- 2 This Directive does not affect the discretion of Member States as regards policy on the export of defence-related products.
- 3 The application of this Directive is subject to Articles 30 and 296 of the Treaty.
- 4 This Directive does not affect the possibility for Member States to pursue and further develop intergovernmental cooperation, whilst complying with the provisions of this Directive.

Article 2

Scope

This Directive applies to defence-related products as set out in the Annex.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. ‘defence-related product’ means any product listed in the Annex;
2. ‘transfer’ means any transmission or movement of a defence-related product from a supplier to a recipient in another Member State;
3. ‘supplier’ means the legal or natural person established within the Community who is legally responsible for a transfer;
4. ‘recipient’ means the legal or natural person established within the Community who is legally responsible for the receipt of a transfer;
5. ‘transfer licence’ means an authorisation by a national authority of a Member State for suppliers to transfer defence-related products to a recipient in another Member State;
6. ‘export licence’ means an authorisation to supply defence-related products to a legal or natural person in any third country;

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7. 'passage through' means the transport of defence-related products through one or more Member States other than the originating and receiving Member States.