

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 II

TRANSFER LICENCES

Article 5

General transfer licences

1 Member States shall publish general transfer licences directly granting authorisation to suppliers established on their territory, which fulfil the terms and conditions attached to the general transfer licence, to perform transfers of defence-related products, to be specified in the general transfer licence, to a category or categories of recipients located in another Member State.

2 Without prejudice to Article 4(2), general transfer licences shall be published at least where:

- a the recipient is part of 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;
- b the recipient is an undertaking certified in accordance with Article 9;
- c the transfer is made for the purposes of demonstration, evaluation or exhibition;
- d the transfer is made for the purposes of maintenance and repair, if the recipient is the originating supplier of the defence-related products.

3 Member States participating in an intergovernmental cooperation programme concerning the development, production and use of one or more defence-related products may publish a general transfer licence for such transfers to other Member States which participate in that programme as are necessary for the execution of that programme.

4 Without prejudice to the other provisions of this Directive, Member States may lay down the conditions for registration prior to first use of a general transfer licence.