



STATUTORY INSTRUMENTS.

S.I. No. 268 of 2023

EUROPEAN COMMUNITIES (INTRA-COMMUNITY TRANSFERS OF
DEFENCE RELATED PRODUCTS) (AMENDMENT) REGULATIONS
2023

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I, SIMON COVENEY, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Commission Directive (EU) 2023/277 of 5 October 2022¹ 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 21 February 2022², hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2023.

2. Regulation 2 of the European Communities (Intra-Community Transfers of Defence Related Products) Regulations 2011 (S.I. No. 346 of 2011) is amended, in paragraph (1), by the substitution of the following definition of ‘Directive’:

‘Directive’ means Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009² simplifying the terms and conditions of transfers of defence-related products within the Community as amended by –

- (a) Commission Directive 2010/80/EU of 22 November 2010³ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (b) Commission Directive 2012/10/EU of 22 March 2012⁴ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (c) Commission Directive 2012/47/EU of 14 December 2012⁵ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (d) Commission Directive 2014/18/EU of 29 January 2014⁶ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,

¹ OJ L42, 10.2.2023, p.1

² OJ L146, 10.06.2009, p.1

³ OJ L308, 24.11.2010, p.11

⁴ OJ L85, 24.3.2012, p.3

⁵ OJ L31, 31.1.2013, p.43

⁶ OJ L40, 11.2.2014, p.20

- (e) Commission Directive 2014/108/EU of 12 December 2014⁷ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (f) Commission Directive (EU) 2016/970 of 27 May 2016⁸ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (g) Commission Directive (EU) 2017/433 of 7 March 2017⁹ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (h) Commission Directive (EU) 2017/2054 of 8 November 2017¹⁰ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products,
- (i) Commission Directive (EU) 2019/514 of 14 March 2019¹¹ amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products.
- (j) Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019¹² adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union Commission.
- (k) Directive (EU) 2021/1047 of 5 March 2021¹³ 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 17 February 2020.
- (l) Commission Delegated Directive (EU) 2023/277 of 5 October 2022¹⁴ 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 21 February 2022.

3. European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2021 (S.I. No. 514 of 2021) are revoked.

⁷ OJ L359, 16.12.2014, p.117

⁸ OJ L163, 21.06.2016, p.1

⁹ OJ L70, 15.03.2017, p.1

¹⁰ OJ L311, 25.11.2017, p.1

¹¹ OJ L89, 29.03.2019, p.1

¹² OJ L198, 25.07.2019, p.241

¹³ OJ L225, 25.06.2021, p.69

¹⁴ OJ L42, 10.2.2023, p.1



GIVEN under my Official Seal,
24 May, 2023.

SIMON COVENEY,
Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

The purpose of the Intra Communities Transfer Directive (Directive 2009/43/EEC of the European Parliament and of the Council of 6 May 2009) is to simplify the rules and procedures applicable to the intra-Community transfer of defence related products.

The list of products covered by Directive 2009/43/EEC is the “EU Common Military List”. As the common military list is updated regularly, the Directive is also updated with an amended list. These Regulations implement and give effect to Commission Delegated Directive (EU) 2023/277 of 5 October 2022 to reflect the amendments made in the EU Common Military List.

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