

## Evaluation of Directive 2009/43/EC on the Transfers of Defence-Related Products within the Community

### Welcome to the Industry Consultation

#### 1.1 Basic details

1. Please provide the following information about your organisation:

Your organisation's name (optional)	
Location (country)	
Main defence activities	
Approximate % of your company's turnover that is defence-related	

2. Is your organisation an SME (i.e. with <250 employees and either turnover or annual balance sheet of <€50m)?

Yes	
No	
Don't know	

#### 1.2 Familiarity with the Transfers Directive

Directive 2009/43/EC (the '**Transfers Directive**') was adopted in 2009 as part of a wider 'Defence Package'. It sought to simplify the terms and conditions for the transfer of defence-related products within the EU. All Member States and other EEA countries have now transposed or adopted the directive into national legislation.

The Directive establishes **three main types of transfer licence** (general, global and individual) for transferring defence-related products. It also establishes at least four types of **general transfer licence**.

The Commission has also created a central register of certified enterprises on the **CERTIDER** website (<http://ec.europa.eu/growth/tools-databases/certider/>)

3. Please rate your knowledge of each of these aspects:

	None	Low	Medium	High
National legislation transposing the Transfers Directive				
General transfer licences for armed forces				
General transfer licences for certified defence enterprises				
General transfer licences for demonstration, evaluation or exhibition purposes				
General transfer licences for repair or maintenance				
Global transfer licences				
Individual transfer licences				
The CERTIDER website				

4. Has the European Commission, your government, or another body provided your company with information about the provisions of the Directive and its implementation:

Yes – without you requesting it	
Yes – in response to a request from you	
No	

5. Do you feel that you have sufficient information on the provisions of the Directive and its implementation?

Yes	
No	
Don't know	

### 1.3 Common Military List

The material scope of the Directive is specified by a list of defence-related products that corresponds to the EU's **Common Military List**.

6. In your opinion, is the Common Military List sufficiently clear and specific for your use?

Yes – it is sufficiently clear	
No – it is not sufficiently clear	
Don't know	

7. If the Common Military List is not sufficiently clear, please explain why not:

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### 1.4 Licencing schemes for the transfer of defence-related products

8. Please estimate the average number of times in a year that your organisation transfers defence-related products to another EU country (i.e. the number of 'shipments'), and the total value of the goods concerned:

Number of intra-EU transfers annually	
Value of annual intra-EU transfers (currency and value)	

9. Please estimate the number of times that your organisation has been granted or refused a Global Transfer Licence, between January 2012 and June 2015 (inclusive):

Global Transfer Licences granted	
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Global Transfer Licences refused	
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10. Please estimate the number of times that your organisation has been granted or refused an Individual Transfer Licence, between January 2012 and June 2015 (inclusive):

Individual Transfer Licences granted	
Individual Transfer Licences refused	

11. Where you have experience of obtaining transfer licences, please estimate the average cost to your organisation of obtaining this licence (in terms of staff time and any additional costs)?

	Staff effort (working days)	Any additional costs (currency + value)
A general transfer licence		
A global transfer licence		
An individual transfer licence		

### 1.5 Your use of licencing schemes for the transfer of defence-related products

12. How has your company's use of each type of transfer licence changed over the past few years:

	Decreased significantly	Decreased somewhat	Remained constant	Increased somewhat	Increased significantly	Never used
General transfer licences						
Global transfer licences						
Individual transfer licences						

13. To what extent are these changes (if any) due to the Directive and national legislation transposing this (as opposed to other factors)?

	(n/a - no change in use)	Not at all	To a small extent	To a large extent
General transfer licences				
Global transfer licences				
Individual transfer licences				

14. Please provide any further explanation of the reasons for your changing use of different types of transfer licence:

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### 1.6 Reporting requirements

15. To what extent do you agree or disagree with the following statements regarding the reporting that is required of transfer licence users:

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree	Don't know
Your organisation is able to meet the requirements						
The extent of the requirements are reasonable						
The requirements appear to be relevant						

### 1.7 General Transfer Licences

16. The next set of questions asks about General Transfer Licences. Please confirm whether your organisation has used this type of licence.

<u>Have not</u> used any type of General Transfer Licence		<a href="#">[→ go to section 1.8]</a>
<u>Have</u> used one or more types of General Transfer Licence		<a href="#">[→ go to section 1.9]</a>
Don't know		<a href="#">[→ go to section 1.17]</a>

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### 1.8 General Transfer Licences – Non Users

[For those who [have not used](#) general licences]

17a. Please briefly explain why your organisation has not sought to use general licences, and / or why it might not consider doing so in the future?

17b. What might encourage you to consider using general transfer licences in the future?

[\[→ go to section 1.17\]](#)

**1.9 General Transfer Licences for Armed Forces**

[For those who have used general licences]

Has your organisation used a General Transfer Licence for Armed Forces?

Yes		<a href="#">[→ go to section 1.10]</a>
No		<a href="#">[→ go to section 1.11]</a>
Don't know		<a href="#">[→ go to section 1.11]</a>

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**1.10 General Transfer Licences for Armed Forces –Users**

[For those who have used general transfer licences for Armed Forces]

17a. Please estimate the number and value of transactions (i.e. shipments) your organisation has undertaken in recent years, through the use of general licences for armed forces:

	Number of transactions	Value (and currency)
2010		
2011		
2012		
2013		
2014		

17b. Please briefly explain the main reason(s) why your organisation uses general licences for armed forces (i.e. what are the benefits)

17c. Please briefly explain any drawbacks or issues relating to the use of general licences for armed forces?

17d. How do the costs and benefits of using general licences for armed forces compare?

Costs significantly outweigh benefits	
Costs slightly outweigh benefits	
Costs are in line with benefits	
Benefits slightly outweigh costs	
Benefits significantly outweigh costs	

**1.11 General Transfer Licences for Certified Defence Enterprises**

Has your organisation used a General Transfer Licence for Certified Defence Enterprises?

Yes		<a href="#">[→ go to section 1.12]</a>
No		<a href="#">[→ go to section 1.13]</a>
Don't know		<a href="#">[→ go to section 1.13]</a>

**1.12 General Transfer Licences for Certified Defence Enterprises –Users**

[\[For those who have used general transfer licences for Certified Defence Enterprises\]](#)

17a. Please estimate the number and value of transactions (i.e. shipments) your organisation has undertaken in recent years, through the use of general licences for certified defence enterprises:

	Number of transactions	Value (and currency)
2010		
2011		
2012		
2013		
2014		

17b. Please briefly explain the main reason(s) why your organisation uses general licences for certified defence enterprises (i.e. what are the benefits)

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17c. Please briefly explain any drawbacks or issues relating to the use of general licences for certified defence enterprises?

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17d. How do the costs and benefits of using general licences for certified defence enterprises compare?

Costs significantly outweigh benefits	
Costs slightly outweigh benefits	
Costs are in line with benefits	
Benefits slightly outweigh costs	
Benefits significantly outweigh costs	

**1.13 General Transfer Licences for Demonstration, Evaluation or Exhibition Purposes**

Has your organisation used a General Transfer Licence for Demonstration, Evaluation or Exhibition Purposes?

Yes		<a href="#">[→ go to section 1.14]</a>
No		<a href="#">[→ go to section 1.15]</a>
Don't know		<a href="#">[→ go to section 1.15]</a>

**1.14 General Transfer Licences for Demonstration, Evaluation or Exhibition Purposes –Users**

[\[For those who have used general transfer licences for Demonstration, Evaluation or Exhibition Purposes\]](#)

17a. Please estimate the number and value of transactions (i.e. shipments) your organisation has undertaken in recent years, through the use of general licences for demonstration, evaluation or exhibition purposes:

	Number of transactions	Value (and currency)
2010		
2011		
2012		
2013		
2014		

17b. Please briefly explain the main reason(s) why your organisation uses general licences for demonstration, evaluation or exhibition purposes (i.e. what are the benefits)

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17c. Please briefly explain any drawbacks or issues relating to the use of general licences for demonstration, evaluation or exhibition purposes?

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17d. How do the costs and benefits of using general licences for demonstration, evaluation or exhibition purposes compare?

Costs significantly outweigh benefits	
Costs slightly outweigh benefits	
Costs are in line with benefits	
Benefits slightly outweigh costs	
Benefits significantly outweigh costs	

### 1.15 General Transfer Licences for Repair or Maintenance

Has your organisation used a General Transfer Licence for Repair or Maintenance?

Yes		<a href="#">[→ go to section 1.16]</a>
No		<a href="#">[→ go to section 1.17]</a>
Don't know		<a href="#">[→ go to section 1.17]</a>

### 1.16 General Transfer Licences for Repair or Maintenance –Users

[\[For those who have used general transfer licences for Repair or Maintenance\]](#)

17a. Please estimate the number and value of transactions (i.e. shipments) your organisation has undertaken in recent years, through the use of general licences for repair or maintenance:

	Number of transactions	Value (and currency)
2010		
2011		
2012		
2013		
2014		

17b. Please briefly explain the main reason(s) why your organisation uses general licences for repair or maintenance (i.e. what are the benefits)

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17c. Please briefly explain any drawbacks or issues relating to the use of general licences for repair or maintenance?

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17d. How do the costs and benefits of using general licences for repair or maintenance compare?

Costs significantly outweigh benefits	
Costs slightly outweigh benefits	
Costs are in line with benefits	
Benefits slightly outweigh costs	
Benefits significantly outweigh costs	

### 1.17 Certification

The Transfers Directive requires that Member States publish a General Licence for Certified Defence Enterprises, which can only be used if the *recipient* of defence-related products is Certified.

18. Please confirm whether your organisation has been certified under this system.

Organisation <u>has not</u> been certified		<a href="#">[→ to section 1.18]</a>
Organisation <u>has</u> been certified		<a href="#">[→ to section 1.19]</a>
Don't know		<a href="#">[→ to section 1.20]</a>

### 1.18 Certification - Non-Certified Enterprises

[For enterprises that are not certified]

19a. Please briefly explain why your organisation has not sought certification, and / or why it might not consider doing so in the future?

19b. What might encourage you to consider seeking certification in the future?

[→ to section 1.20]

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### 1.19 Certification - Certified Enterprises

[For enterprises that are certified]

19a. Please explain the main reason(s) why your organisation sought certification?

19b. Please estimate the average cost (staff effort and financial cost) to your organisation of obtaining certification?

Staff effort (working days)	
Direct charges or fees (currency + value)	
Other financial costs (currency + value)	

19c. Do you have any suggestions for how the certification process itself could be improved?

19d. Please estimate the number and value of transactions (i.e. shipments) your organisation has undertaken in recent years, through the use of its certified status:

	Number of transactions	Total value of transactions (€)
2010		
2011		
2012		
2013		
2014		

19e. Are there examples where your certified status was not recognised by a Member State?

Yes	
No	

19f. If 'yes', please provide further details:

19g. Please briefly explain what the impact of certification has been for your company, quantifying these benefits where possible?

19h. How do the costs and benefits of certification compare?

Costs significantly outweigh benefits	
Costs slightly outweigh benefits	
Costs are in line with benefits	
Benefits slightly outweigh costs	
Benefits significantly outweigh costs	

### 1.20 Assessment of the Transfers Directive – Relevance & Coherence

20. In your opinion, to what extent is the Directive (and its national transposition) an appropriate response to your company's needs?

Not appropriate	
Somewhat appropriate	
Entirely appropriate	
Don't know	

If 'not appropriate', please explain why:

21. Have you encountered any issues as a result of the Directive being interpreted differently in different countries? Please explain:

22. Are you aware of any overlap or incoherence between the Transfers Directive (and national legislation transposing this) and other pieces of legislation? Please explain:

**1.21 Assessment of the Transfers Directive – Benefits for your organisation**

23. In your opinion, to what extent has the Transfers Directive had a beneficial impact on your organisation in the following areas?

	Not at all	Minor benefit	Major benefit	No opinion
Access to other defence markets in Europe				
Optimised production processes				
Economies of scale				
Better guarantees of supply				
Shorter delivery times				
Diversification of supply chains				

24. Could you (broadly) estimate the overall financial benefit to your organisation from the introduction of the Transfers Directive?

25. Overall, how would you assess the impact of the Transfers Directive on your organisation?

Very detrimental	
Somewhat detrimental	
Little or no impact	
Somewhat beneficial	
Very beneficial	
Don't know	

**1.22 Assessment of the Transfers Directive – Impact**

26. In your opinion, to what extent has the Transfers Directive had a beneficial impact in the following areas?

	Not at all	To a small extent	To a large extent	No opinion
Reducing the complexity of licencing procedures				
Reducing the administrative burden of licensing				
Increasing MS willingness to purchase from suppliers in other EU MS				
Increasing willingness of primes to work with suppliers from other EU MS				

27. Please briefly describe any other benefits resulting from the introduction of the Directive?

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28. Please briefly describe any downsides (if any) resulting from the introduction of the Directive?

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29. In light of your previous answers, to what extent do you believe the Transfers Directive has achieved its objectives:

	Not at all	To a small extent	To a large extent	No opinion
Achieving greater security of supply				
Establishing an open and competitive European Defence Equipment Market				
Developing the European defence technological and industrial base				
Improving the international competitiveness of the European defence sector				

30. How could the impact of the Directive be increased?

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**1.23 Thank You**

If you would like to make any further comments, please do so here:

If you would be happy to discuss your responses further, please provide your contact details below, so that the study team can contact you to arrange a convenient time for a discussion.

Your name	
Your job title and department	
Your email	
Your phone number	