

MINISTRY OF FOREIGN AFFAIRS OF ROMANIA
NATIONAL AGENCY FOR EXPORT CONTROLS

A photograph of a main battle tank, likely a Romanian TR-87, in a dry, grassy field. The tank is positioned diagonally, facing towards the right. It has a long barrel and various sensors and antennas on top. In the background, another tank is visible, partially obscured. The sky is overcast.

Arms Export Controls

annual report

JANUARY – DECEMBER 2008

ANCEX

Edited by:

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Conventional Arms Division

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1. PERMANENT EXPORTS PER DESTINATION

AFGHANISTAN

	ML 1	ML 2	ML 3	ML 4	Total per destination
a ¹	5	2	3	0	10
b	860 776	125 884	3 055 336	0	4 041 996
c	996 320	410 083	1 401 958	27 604	2 835 965
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

sniper rifle (478) (1 licence)
 submachine gun (18 164) (3 licences)
 assault rifle (350) (1 licence)
 grenade launcher (257) (2 licences)
 small arms ammunition

Military goods exported:

submachine gun (8 000)
 sniper rifle (878)
 machine gun (457)
 assault rifle (350)
 grenade launcher (797)
 small arms ammunition
 smoke and illuminating bomb

Footnote: Licences issued pursuant to UN Security Council resolution for use in Afghanistan by the governmental forces.

AUSTRALIA

	ML 1	ML 15	Total per destination
a	4	1	5
b	17 859	14 112	31 971
c	9 217	4 704	13 921
d	0	0	0
e	-	-	-

Licences issued for:

¹ Key: (a) = number of licences issued; (b) = value of licences issued in Euros; (c) = value of arms exports in Euros; (d) = total EU number of licence refusals (small discrepancies may appear between breakdowns and totals due to denials concerning more than one ML item or denials for items other than those appearing in the ML); (e) = criteria numbers of the EU Code of Conduct on arms exports on which refusals are based (the approximate number of times each criterion is invoked is indicated in brackets)..

2008 Exchange Rates:

1 EUR = 1,47080 USD

1 EUR = 0,79628 GBP

1 EUR = 1,58740 CHF

hunting riflescopes
weapon night sights

Military goods exported:

hunting riflescopes
weapon night sights

AUSTRIA

	ML 1	ML 2	Total per destination
a	4	3	7
b	124 071	19 699	143 770
c	123 905	3 182	127 087
d	0	0	0
e	-	-	-

Licences issued for:

sniper rifle (600) (2 licences)
submachine gun (1 000) (1 licence)
machine gun (785) (1 licence)
signal pistol (1 526) (2 licences)
hunting riflescopes
gun (10) (1 licence)

Military goods exported:

sniper rifle (600)
submachine gun (1 500)
machine gun (903)
signal pistol (1 526)

AZERBAIJAN

	ML 2	ML 18	ML 22	Total per destination
a	2	1	1	4
b	267 495	112 306	203 971	583 772
c	52 159	112 306	203 971	368 436
d	0	0	0	0
e	-	-	-	-

Licences issued for:

sights for mortars and spare parts for sights
tools for sight mounting
technical assistance for mortar

Military goods exported:

sights for mortars and spare parts for sights
tools for sight mounting
technical assistance for mortar

BELGIUM

	ML 1	ML 6	ML 13	ML 15	ML 17	Total per destination
a	2	4	3	4	5	18
b	112 860	38 241	10 904	43 760	390 925	596 690
c	104 269	8 637	6 042	11 747	23 477	154 172
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

sniper rifle (5) (1 licence)
 submachine gun (55) (1 licence)
 assault rifle (5) (1 licence)
 components and accessories for small arms
 components for military ground vehicle
 bulletproof vest and components therefor
 components for night vision equipment
 military cables with connector

Military goods exported:

components for small arms
 components for military ground vehicle
 bulletproof vest and components therefor
 components for night vision equipment
 military cables with connector

BULGARIA

	ML 2	ML 3	ML 4	ML 5	ML 8	Total per destination
a	5	2	1	2	1	11
b	379 804	49 429	7 000	231 000	196 100	863 333
c	197 100	183 778	7 000	0	142 835	530 713
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

smoke grenade launcher (1) (1 licence)
 components for smoking grenade launcher
 sights for mortar and components therefor
 primer
 links for machine gun ammunition
 central cartridge for reactive bomb
 laser warning and protection system
 military explosive

Military goods exported:

sights for mortar and components therefor
 primer
 links for machine gun ammunition
 central cartridge for reactive bomb

military explosive

BURKINA FASO

	ML 1	ML 2	ML 3	ML 4	Total per destination
a	3	1	7	2	13
b	142 990	5 099	392 147	608 784	1 149 020
c	124 558	5 099	392 147	1 632	523 436
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

submachine gun (940) (3 licences)
 assault rifle (200) (1 licence)
 machine gun (5) (1 licence)
 accessories for small arms
 grenade launcher (10) (1 licence)
 small arms ammunition
 antitank grenade
 defensive hand grenade
 reactive projectile

Military goods exported:

submachine gun (800)
 assault rifle (205)
 antitank grenade
 small arms ammunition
 defensive hand grenade
 grenade launcher (10)

CAMEROON

	ML 10	Total per destination
a	1	1
b	2 147 927	2 147 927
c	2 147 927	2 147 927
d	0	0
e	-	-

Licences issued for:

transport military helicopter (1) (inward processing repair)

Military goods exported:

transport military helicopter (1) (inward processing repair)

CANADA

	ML 1	Total per destination
a	1	1
b	4 242	4 242
c	4 242	4 242
d	0	0
e	-	-

Licences issued for:
hunting riflescope

Military goods exported:
hunting riflescope

CROATIA

	ML 10	Total per destination
a	8	8
b	825 074	825 074
c	822 422	822 422
d	0	0
e	-	-

Licences issued for:
components and spare parts for military combat aircraft

Military goods exported:
components and spare parts for military combat aircraft

CZECH REPUBLIC

	ML 3	Total per destination
a	2	2
b	1 009 655	1 009 655
c	1 009 655	1 009 655
d	0	0
e	-	-

Licences issued for:
small arms ammunition

Military goods exported:
small arms ammunition

DENMARK

	ML 1	ML 13	Total per destination
a	1	2	3
b	15 000	51 528	66 528
c	4 178	30 838	35 016
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope
bulletproof vest

Military goods exported:

hunting riflescope
bulletproof vest

EGYPT

	ML 3	ML 10	Total per destination
a	0	5	5
b	0	877 937	877 937
c	98 586	759 111	857 697
d	0	0	0
e	-	-	-

Licences issued for:

aero-engine for military combat aircraft (inward processing repair)

Military goods exported:

aero-engine for military combat aircraft (inward processing repair)
fuses

ESTONIA

	ML 1	Total per destination
a	1	1
b	25 000	25 000
c	0	0
d	0	0
e	-	-

Licences issued for:

hunting riflescope

Military goods exported: -

ETHIOPIA

	ML 18	Total per destination
a	1	1
b	35 355	35 355
c	0	0
d	0	0
e	-	-

Licences issued for:

laboratory equipment for military training aircraft

Military goods exported: -

FINLAND

	ML 1	ML 10	Total per destination
a	1	2	3
b	25 000	38 714	63 714
c	18 640	34 286	52 926
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope

components for military transport helicopter

Military goods exported:

hunting riflescope

components for military transport helicopter

FRANCE

	ML 1	ML 6	ML 10	ML 11	ML 13	Total per destination
a	4	2	14	2	3	25
b	38 162	233 205	786 014	29 500	46 903	1 133 784
c	48 172	233 205	709 958	29 500	36 740	1 057 575
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

submachine gun (158) (2 licences)

machine gun (2) (1 licence)

hunting riflescope

accessories for small arms

components for military vehicle

components and spare parts for military transport and attack helicopter

electronic component for military aircraft

bulletproof vest

Military goods exported:

submachine gun (35)
 hunting riflescope
 components and accessories for small arms
 components for military vehicle
 components and spare parts for military transport and attack helicopter
 electronic component for military aircraft
 bulletproof vest

GABON

	ML 10	Total per destination
a	1	1
b	2 030 539	2 030 539
c	0	0
d	0	0
e	-	-

Licences issued for:

military transport helicopter (1) (inward processing repair)

Military goods exported: -**GEORGIA**

	ML 1	ML 3	ML 4	ML 6	Total per destination
a	2	11	1	0	14
b	109 328	18 850 242	591 515	0	19 551 085
c	109 328	7 996 479	717 157	826 434	9 649 398
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

machine gun (41) (2 licences)
 antitank grenade
 small arms ammunition
 hand grenade

Military goods exported:

machine gun (40) (2 licences)
 antitank grenade
 small arms ammunition
 hand grenade
 component for military ground vehicle

GERMANY

	ML 1	ML 10	Total per destination
a	1	23	24
b	85 550	680 103	765 653
c	1 292	690 447	691 739
d	0	0	0
e	-	-	-

Licences issued for:

rifle (154) (1 licence)
 sniper rifle (25) (1 licence)
 hunting rifle (299) (1 licence)
 components for small arms
 military helicopter (2) (2 licences) (inward processing repair)
 wing parachute
 components for parachute

Military goods exported:

rifle (8)
 wing parachute
 components for parachute
 military helicopter (2) (inward processing repair)

HUNGARY

	ML 3	ML 10	Total per destination
a	1	1	2
b	73 430	77 226	150 656
c	5 726	43 590	49 316
d	0	0	0
e	-	-	-

Licences issued for:

hunting ammunition
 spare parts for military training aircraft

Military goods exported:

hunting ammunition
 spare parts for military training aircraft

ICELAND

	ML 13	Total per destination
a	1	1
b	3 000	3 000
c	3 000	3 000
d	0	0
e	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

INDIA

	ML 10	Total per destination
a	2	2
b	15 012 136	15 012 136
c	4 719 506	4 719 506
d	0	0
e	-	-

Licences issued for:

aero-engine for military combat aircraft

Military goods exported:

aero-engine for military combat aircraft

INDONESIA

	ML 10	Total per destination
a	1	1
b	300 000	300 000
c	300 000	300 000
d	0	0
e	-	-

Licences issued for:

components for military transport helicopter (inward processing repair)

Military goods exported:

components for military transport helicopter (inward processing repair)

IRAQ

	ML 1	ML 2	ML 3	Total per destination
a	1	0	0	1
b	875 410	0	0	875 410
c	893 116	561 421	1 870 082	3 324 619
d	0	0	0	0
e	-	-	-	-

Licences issued for:

machine gun and accessories therefor (1 419) (1 licence)

Military goods exported:

machine gun (1 419)

rifle with scope (29)

antitank grenade launcher (1 000)

components for grenade launcher
 antitank grenade
 small arms ammunition
 links, cartridge and loading device for cartridge charger

Footnote: Licences issued pursuant to UN Security Council resolution for use in Iraq by the governmental forces.

IRELAND

	ML 1	Total per destination
a	1	1
b	1 104	1 104
c	0	0
d	0	0
e	-	-

Licences issued for:

bulletproof vest

Military goods exported: -

ISRAEL (1/2)

	ML 2	ML 4	ML 5	ML 6	ML 10	ML 11
a	3	12	10	91	42	40
b	274 351	5 343 905	222 726	5 173 040	796 901	2 079 781
c	273 608	5 367 956	17 694	2 826 581	735 124	765 079
d	0	0	0	0	0	0
e	-	-	-	-	-	-

ISRAEL (2/2)

	ML 15	ML 16	ML 17	ML 18	Total per destination
a	27	0	2	2	229
b	506 023	0	1 037 527	20 941	15 455 195
c	290 072	238 477	730 938	9 899	11 255 428
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

rocket launcher (1) (1 licence)
 sight for rocket launcher
 components for air to air missile
 rocket
 components for rocket
 container for rocket

components for military apparatus
 equipment for transfer and processing data
 components for military ground vehicle
 components for military aircraft
 components for parachute
 components for emission reception equipment
 components for military computer
 components for temperature control equipment
 components for night vision equipment
 test transmitter equipment
 military cables with connector
 in-circuit test adaptor

Military goods exported:

rocket launcher (1)
 sight for rocket launcher
 components for air to air missile
 rocket
 components for rocket
 container for rocket
 components for military ground vehicle
 decommissioned military transport helicopter for helicopter simulator (1)
 components for military aircraft
 bomb parachute
 components for parachute
 components for emission reception equipment
 components for military computer
 components for night vision equipment
 unfinished product
 military cables with connector
 in-circuit test adaptor

ITALY

	ML 1	ML 10	ML 13	Total per destination
a	1	1	0	2
b	45 000	1 425 000	0	1 470 000
c	25 309	676 382	72 310	774 001
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope
 components for parachute

Military goods exported:

hunting riflescope
 components for parachute
 bulletproof vest

KOREA, REPUBLIC OF

	ML 1	ML 3	Total per destination
a	2	2	4
b	11 864	78 537	90 401
c	8 587	78 537	87 124
d	0	0	0
e	-	-	-

Licences issued for:

submachine gun (100) (2 licences)
small arms ammunition

Military goods exported:

submachine gun (70)
small arms ammunition

LEBANON

	ML 3	Total per destination
a	3	3
b	519 452	519 452
c	440 577	440 577
d	0	0
e	-	-

Licences issued for:

small arms ammunition

Military goods exported:

small arms ammunition
antitank grenade

LIBERIA

	ML 1	ML 2	ML 3	Total per destination
a	1	1	1	3
b	61 976	21	3 647	65 644
c	0	0	0	0
d	0	0	0	0
e	-	-	-	-

Licences issued for:

pistol (250) (1 licence)
submachine gun (500) (1 licence)
assault rifle (100) (1 licence)
antitank grenade launcher (50) (1 licence)
small arms ammunition

Military goods exported: -

Footnote: Licences issued pursuant to UN Security Council resolution for use in Liberia by governmental forces. The goods represent donations made by Romanian Government and US Government to Liberian Government.

MALAYSIA

	ML 2	Total per destination
a	1	1
b	8 110	8 110
c	8 110	8 110
d	0	0
e	-	-

Licences issued for:

riflescope

Military goods exported:

riflescope

MOLDOVA, REPUBLIC OF

	ML 1	ML 10	Total per destination
a	2	1	3
b	19 235	9 995	29 230
c	16 075	381 040	397 115
d	0	0	0
e	-	-	-

Licences issued for:

semi-automatic pistol (51) (2 licences)

military transport aircraft (1) (1 licence)

Military goods exported:

semi-automatic pistol (43)

military transport aircraft (7)

NETHERLANDS

	ML 4	ML 9	ML 13	ML 16	Total per destination
a	1	1	2	0	4
b	38 919	685 523	11 173	0	735 615
c	31 248	685 523	24 138	3 000	743 909
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

components for rocket launcher

warship superstructure

bulletproof vest and components therefor

Military goods exported:

components for rocket launcher
 warship superstructure
 bulletproof vest and components therefor
 steel sample

NEW ZEALAND

	ML 1	Total per destination
a	2	2
b	3 368	3 368
c	3 120	3 120
d	0	0
e	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

NORWAY

	ML 1	ML 10	Total per destination
a	1	0	1
b	36 540	0	36 540
c	10 440	730	11 170
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope
 equipment for military attack helicopter

OMAN

	ML 10	Total per destination
a	4	4
b	1 156 808	1 156 808
c	367 350	367 350
d	0	0
e	-	-

Licences issued for:

components and spare parts for military transport helicopter

Military goods exported:

components and spare parts for military transport helicopter

PAKISTAN

	ML 10	Total per destination
a	19	19
b	1 092 666	1 092 666
c	623 848	623 848
d	0	0
e	-	-

Licences issued for:

components and spare parts for military transport and attack helicopter

Military goods exported:

components and spare parts for military transport and attack helicopter

POLAND

	ML 1	Total per destination
a	8	8
b	76 014	76 014
c	43 018	43 018
d	0	0
e	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

SAUDI ARABIA

	ML 1	Total per destination
a	0	0
b	0	0
c	942 562	942 562
d	0	0
e	-	-

Licences issued for: -
Military goods exported:

sectioned submachine gun (40)
spare parts for submachine gun

SLOVAKIA

	ML 1	Total per destination
a	1	1
b	29 400	29 400
c	2 804	2 804
d	0	0
e	-	-

Licences issued for:
 hunting riflescope

Military goods exported:
 hunting riflescope

SLOVENIA

	ML 1	Total per destination
a	1	1
b	1 266	1 266
c	0	0
d	0	0
e	-	-

Licences issued for:
 hunting riflescope

Military goods exported: -

SWEDEN

	ML 1	ML 4	Total per destination
a	2	2	4
b	11 482	407 222	418 704
c	1 433	162 070	163 503
d	0	0	0
e	-	-	-

Licences issued for:
 hunting riflescope
 components and spare parts for naval missile

Military goods exported:
 hunting riflescope
 components and spare parts for naval missile

SWITZERLAND

	ML 2	ML 4	ML 6	ML 10	ML 15	Total per destination
a	1	2	1	1	0	5
b	3 284	2 782 285	9 837	224 675	0	3 020 081
c	3 284	1 347 305	34 811	242 013	41 436	1 668 849
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

hunting riflescope
 components for bomb and rocket
 components for grenade launcher
 components for military armoured vehicle
 military transport helicopter (1) (inward processing repair)

Military goods exported:

hunting riflescope
 components for bomb and rocket
 components for grenade launcher
 components for military armoured vehicle
 military transport helicopter (1) (inward processing repair)
 thermal observation equipment

THAILAND

	ML 2	ML 3	ML 10	Total per destination
a	2	2	2	6
b	296 173	772 029	20 407	1 088 609
c	296 173	776 403	20 407	1 092 983
d	0	0	0	0
e	-	-	-	-

Licences issued for:

spare parts for aviation gun
 training cartridge for aviation gun
 components for military training aircraft

Military goods exported:

spare parts for aviation gun
 training cartridge for aviation gun
 components for military training aircraft

UNITED ARAB EMIRATES

	ML 10	ML 22	Total per destination
a	18	0	18
b	17 105 098	0	17 105 098
c	21 350 087	102	21 350 189
d	0	0	0
e	-	-	-

Licences issued for:

military transport helicopter (3) (1 licence) (repair and modernization)
components and spare parts for military transport helicopter

Military goods exported:

military transport helicopter (6) (repair and modernization)
components and spare parts for military transport helicopter
fly handbook

UNITED KINGDOM (1/2)

	ML 1	ML 2	ML 3	ML 10	ML 13
a	8	0	0	25	3
b	209 070	0	0	376 302	173 102
c	144 583	7	13 705	385 671	568 541
d	0	0	0	0	0
e	-	-	-	-	-

UNITED KINGDOM (2/2)

	ML 22	Total per destination
a	1	37
b	1 059	759 533
c	0	1 112 507
d	0	0
e	-	-

Licences issued for:

machine gun (12) (2 licences)
submachine gun (19) (1 licence)
assault rifle (100) (1 licence)
hunting riflescope
accessories for small arms
cargo parachute
parachute for recovering target plane
components for parachute
components and spare parts for maritime surveillance aircraft
ballistic protection for bulletproof vest
handbook for machine gun

Military goods exported:

machine gun (12)
 hunting riflescope
 accessories for small arms
 sight for antitank grenade launcher
 small arms ammunition
 components for parachute
 components and spare parts for maritime surveillance aircraft
 ballistic protection for bulletproof vest

UNITED STATES OF AMERICA (1/2)

	ML 1	ML 2	ML 3	ML 4	ML 6
a	46	2	12	1	0
b	12 712 908	200 999	6 468 280	46 701	0
c	7 218 235	267 947	3 953 620	46 701	25 205
d	0	0	0	0	0
e	-	-	-	-	-

UNITED STATES OF AMERICA (2/2)

	ML 9	ML 18	Total per destination
a	1	1	63
b	18 670	456	19 448 014
c	18 670	6 833	11 537 211
d	0	0	0
e	-	-	-

Licences issued for:

rifle (7 784) (1 licence)
 sniper rifle (83 673) (12 licences)
 semi-automatic carbine (629) (2 licences)
 submachine gun (21 613) (4 licences)
 pistol (42 462) (7 licences)
 machine gun (409) (2 licences)
 assault rifle (404) (2 licences)
 hunting riflescope
 components and accessories for small arms
 loading device for cartridge chargers
 small arms ammunition
 reactive bomb
 fuse for illuminating bomb
 defensive hand grenade
 components for naval equipment
 headspace gauge set

Military goods exported:

sniper rifle(57 649)
 submachine gun (5 314)
 assault rifle (600)
 rifle (7 784)
 pistol (9 093)

semi-automatic carbine (582)
 hunting riflescope
 components and accessories for small arms
 machine gun (50)
 antitank grenade launcher (69)
 signal pistol (1 244)
 small arms ammunition
 reactive bomb and illuminating bomb
 defensive hand grenade
 components for military vehicle
 components for naval equipment
 headspace gauge set

TURKEY

	ML 1	ML 3	ML 4	Total per destination
a	2	3	0	5
b	332 047	211 319	0	543 366
c	332 047	211 319	744	544 110
d	0	0	0	0
e	-	-	-	-

Licences issued for:

components and spare parts for small arms
 components for reactive bomb
 accessories for small arms
 small arms ammunition

Military goods exported:

components and spare parts for small arms
 components for reactive bomb
 accessories for small arms
 small arms ammunition
 proximity fuse

VIETNAM

	ML 10	Total per destination
a	1	1
b	3 361 885	3 361 885
c	548 801	548 801
d	0	0
e	-	-

Licences issued for:

military training aircraft (10) (1 licence)
 components for military training aircraft

Military goods exported:

military training aircraft (10)
 components for military training aircraft

1. PERMANENT EXPORTS PER CATEGORY OF PRODUCTS

(1/3)	ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
a ¹	108	23	49	22	12	98
b	15 987 522	1 580 919	31 483 503	9 826 331	453 726	5 454 323
c	11 185 450	2 078 173	18 432 572	7 709 417	17 694	3 954 873
d	0	0	0	0	0	0
e	-	-	-	-	-	-

(2/3)	ML 8	ML 9	ML 10	ML 11	ML 13	ML 15
a	1	2	172	42	14	32
b	196 100	704 193	48 345 407	2 109 281	296 610	563 895
c	142 835	704 193	35 558 700	794 579	741 609	347 959
d	0	0	0	0	0	0
e	-	-	-	-	-	-

(3/3)	ML 16	ML 17	ML 18	ML 22	Total
a	0	7	5	2	589
b	0	1 428 452	169 058	205 030	118 804 350
c	241 477	754 415	129 038	204 073	82 997 057
d	0	0	0	0	0
e	-	-	-	-	-

¹ Key: (a) = number of licences issued; (b) = value of licences issued in Euros; (c) = value of arms exports in Euros; (d) = total EU number of licence refusals (small discrepancies may appear between breakdowns and totals due to denials concerning more than one ML item or denials for items other than those appearing in the ML); (e) = criteria numbers of the EU Code of Conduct on arms exports on which refusals are based (the approximate number of times each criterion is invoked is indicated in brackets).

2008 Exchange Rates:

1 EUR = 1,47080 USD

1 EUR = 0,79628 GBP

1 EUR = 1,58740 CHF

1. BROKERING ACTIVITIES

Brokering activities – activities carried out by a natural or legal person regarding:

- negotiations or the arrangement of transactions involving the transfer of military goods included in the lists approved by the Government decision from a third country to any other third country; or
- buy, sale or arrange the transfer of military goods in their ownership from a third country to any other third country

ARGENTINA

	Exporter	Importer	
	South Africa	Argentina	Total per destination
	ML 10		
a ¹	1		1
b	32 924		32 924
c	32 924		32 924
d	0		0
e	-		-

Licences issued for:

military aircraft equipment

Military goods exported:

military aircraft equipment

¹ Key: (a) = number of licences issued; (b) = value of licences issued in Euros; (c) = value of arms exports in Euros; (d) = total EU number of licence refusals (small discrepancies may appear between breakdowns and totals due to denials concerning more than one ML item or denials for items other than those appearing in the ML); (e) = criteria numbers of the EU Code of Conduct on arms exports on which refusals are based (the approximate number of times each criterion is invoked is indicated in brackets).

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GEORGIA

Exporter

Importer

South Africa

Georgia

Total per destination

ML 10

a	1	1
b	112 720	112 720
c	112 720	112 720
d	0	0
e	-	-

Licences issued for:

military aircraft equipment

Military goods exported:

military aircraft equipment

1. EXPORT LICENCES BY RECIPIENT REGION AND COUNTRY

SUB-SAHARAN AFRICA

		ML 1	ML 2	ML 3	ML 4	ML 10	ML 18	Total per destination
BURKINA FASO	a ¹	3	1	7	2			13
	b	142 990	5 099	392 147	608 784			1 149 020
	c	124 558	5 099	392 147	1 632			523 436
CAMEROON	a					1		1
	b				2 147 927			2 147 927
	c				2 147 927			2 147 927
ETHIOPIA	a						1	1
	b						35 355	35 355
	c						0	0
GABON	a					1		1
	b				2 030 539			2 030 539
	c					0		0
LIBERIA	a	1	1	1				3
	b	61 976	21	3 647				65 644
	c	0	0	0				0
Total per category	a	4	2	8	2	2	1	19
	b	204 966	5 120	395 794	608 784	4 178 466	35 355	5 428 485
	c	124 558	5 099	392 147	1 632	2 147 927	0	2 671 363

¹ Key: (a) = number of licences issued; (b) = value of licences issued in Euros; (c) = value of arms exports in Euros; (d) = total EU number of licence refusals (small discrepancies may appear between breakdowns and totals due to denials concerning more than one ML item or denials for items other than those appearing in the ML); (e) = criteria numbers of the EU Code of Conduct on arms exports on which refusals are based (the approximate number of times each criterion is invoked is indicated in brackets).

2008 Exchange Rates:

1 EUR = 1,47080 USD

1 EUR = 0,79628 GBP

1 EUR = 1,58740 CHF

NORTH AMERICA

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 9	ML 18
CANADA	a	1						
	b	4 242						
	c	4 242						
UNITED STATES OF AMERICA	a	46	2	12	1	0	1	1
	b	12 712 908	200 999	6 468 280	46 701	0	18 670	456
	c	7 218 235	267 947	3 953 620	46 701	25 205	18 670	6 833
Total per category	a	47	2	12	1	0	1	1
	b	12 717 150	200 999	6 468 280	46 701	0	18 670	456
	c	7 222 477	267 947	3 953 620	46 701	25 205	18 670	6 833
		Total per destination						
CANADA	a							1
	b							4 242
	c							4 242
UNITED STATES OF AMERICA	a							63
	b							19 448 014
	c							11 537 301
Total per category	a							64
	b							19 452 256
	c							11 541 543

NORTH – EAST ASIA

		ML 1	ML 3	Total per destination
KOREA, REPUBLIC OF	a	2	2	4
	b	11 864	78 537	90 401
	c	8 587	78 537	87 124
Total per category	a	2	2	4
	b	11 864	78 537	90 401
	c	8 587	78 537	87 124

SOUTH – EAST ASIA

		ML 2	ML 3	ML 10	Total per destination
INDONESIA	a			1	1
	b			300 000	300 000
	c			300 000	300 000
MALAYSIA	a	1			1
	b	8 110			8 110
	c	8 110			8 110
THAILAND	a	2	2	2	6
	b	296 173	772 029	20 407	1 088 609
	c	296 173	776 403	20 407	1 092 983
VIETNAM	a			1	1
	b			3 361 885	3 361 885
	c			548 801	548 801
Total per category	a	3	2	4	9
	b	304 283	772 029	3 682 292	4 758 604
	c	304 283	776 403	869 208	1 949 894

SOUTH ASIA

		ML 1	ML 2	ML 3	ML 4	ML 10	Total per destination
AFGHANISTAN	a	5	2	3	0		10
	b	860 776	125 884	3 055 336	0		4 041 996
	c	996 320	410 083	1 401 958	27 604		2 835 965
INDIA	a					2	2
	b					15 012 136	15 012 136
	c					4 719 506	4 719 506
PAKISTAN	a					19	19
	b					1 092 666	1 092 666
	c					623 848	623 848
Total per category	a	5	2	3	0	21	31
	b	860 776	125 884	3 055 336	0	16 104 802	20 146 798
	c	996 320	410 083	1 401 958	27 604	5 343 354	8 179 319

EUROPE UNION (1/3)

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
AUSTRIA	a	4	2				
	b	124 071	19 699				
	c	123 905	3 182				
BELGIUM	a	2					4
	b	112 860					38 241
	c	104 269					8 637

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
BULGARIA	a		5	2	1	2	
	b		379 804	49 429	7 000	231 000	
	c		197 100	183 778	7 000	0	
CZECH REPUBLIC	a			2			
	b			1 009 655			
	c			1 009 655			
DENMARK	a	1					
	b	15 000					
	c	4 178					
ESTONIA	a	1					
	b	25 000					
	c	0					
FINLAND	a	1					
	b	25 000					
	c	18 640					
FRANCE	a	4					2
	b	38 162					233 205
	c	48 172					233 205
GERMANY	a	1					
	b	85 550					
	c	1 292					
HUNGARY	a			1			
	b			73 430			
	c			5 726			

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
IRELAND	a	1					
	b	1 104					
	c	0					
ITALY	a	1					
	b	45 000					
	c	25 309					
NETHERLANDS	a				1		
	b				38 919		
	c				31 248		
POLAND	a	8					
	b	76 014					
	c	43 018					
SLOVAKIA	a	1					
	b	29 400					
	c	2 804					
SLOVENIA	a	1					
	b	1 266					
	c	0					
SWEDEN	a	2			2		
	b	11 482			407 222		
	c	1 433			162 070		
UNITED KINGDOM	a	8	0	0			
	b	209 070	0	0			
	c	144 583	7	13 705			

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
Total per category	a	36	7	5	4	2	6
	b	798 979	399 503	1 132 514	453 141	231 000	271 446
	c	517 603	200 289	1 212 864	200 318	0	241 842

EUROPE UNION (2/3)

		ML 8	ML 9	ML 10	ML 11	ML 13	ML 15
AUSTRIA	a						
	b						
	c						
BELGIUM	a					3	4
	b					10 904	43 760
	c					6 042	11 747
BULGARIA	a	1					
	b	196 100					
	c	142 835					
CZECH REPUBLIC	a						
	b						
	c						
DENMARK	a					2	
	b					51 528	
	c					30 838	
ESTONIA	a						
	b						
	c						

		ML 8	ML 9	ML 10	ML 11	ML 13	ML 15
FINLAND	a			2			
	b			38 714			
	c			34 286			
FRANCE	a			14	2	3	
	b			786 014	29 500	46 903	
	c			709 958	29 500	36 740	
GERMANY	a			23			
	b			680 103			
	c			690 447			
HUNGARY	a			1			
	b			77 226			
	c			43 590			
IRELAND	a						
	b						
	c						
ITALY	a			1		0	
	b			1 425 000		0	
	c			676 382		72 310	
NETHERLANDS	a		1			2	
	b		685 523			11 173	
	c		685 523			24 138	
POLAND	a						
	b						
	c						

		ML 8	ML 9	ML 10	ML 11	ML 13	ML 15
SLOVAKIA	a						
	b						
	c						
SLOVENIA	a						
	b						
	c						
SWEDEN	a						
	b						
	c						
UNITED KINGDOM	a			25		3	
	b			376 302		173 102	
	c			385 671		568 541	
Total per category	a	1	1	66	2	13	4
	b	196 100	685 523	3 383 359	29 500	293 610	43 760
	c	142 835	685 523	2 540 334	29 500	738 609	11 747

EUROPE UNION (3/3)

		ML 16	ML 17	ML 22	Total per destination
AUSTRIA	a				6
	b				143 770
	c				127 087
BELGIUM	a		5		18
	b		390 925		596 690
	c		23 477		154 172

		ML 16	ML 17	ML 22	Total per destination
BULGARIA	a				11
	b				823 333
	c				530 713
CZECH REPUBLIC	a				2
	b				1 009 655
	c				1 009 655
DENMARK	a				3
	b				66 528
	c				35 016
ESTONIA	a				1
	b				25 000
	c				0
FINLAND	a				3
	b				63 714
	c				52 926
FRANCE	a				25
	b				1 133 784
	c				1 057 575
GERMANY	a				24
	b				765 653
	c				691 739
HUNGARY	a				2
	b				150 656
	c				49 316

		ML 16	ML 17	ML 22	Total per destination
IRELAND					1
					1 104
					0
ITALY	a				2
	b				1 470 000
	c				774 001
NETHERLANDS	a	0			4
	b	0			735 615
	c	3 000			743 909
POLAND	a				8
	b				76 014
	c				43 018
SLOVAKIA	a				1
	b				29 400
	c				2 804
SLOVENIA	a				1
	b				1 266
	c				0
SWEDEN	a				4
	b				418 704
	c				163 503
UNITED KINGDOM	a			1	37
	b			1 059	759 533
	c			0	1 112 507

		ML 16	ML 17	ML 22	Total per destination
Total per category	a	0	5	1	152
	b	0	390 925	1 059	8 241 019
	c	3 000	23 477	0	6 545 137

OTHER EUROPEAN COUNTRIES (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 10
AZERBAIJAN	a	2					
	b	267 495					
	c	52 159					
CROATIA	a						8
	b						825 074
	c						822 422
GEORGIA	a	2		11	1	0	
	b	109 328		18 850 242	591 515	0	
	c	109 328		7 996 479	717 157	826 434	
MOLDOVA, REPUBLIC OF	a	2					1
	b	19 235					9 995
	c	16 075					381 040
NORWAY	a	1					0
	b	36 540					0
	c	10 440					730
SWITZERLAND	a		1		2	1	1
	b		3 284		1 782 285	9 837	224 675
	c		3 284		1 347 305	34 811	242 013

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 10
TURKEY	a	2		3	0		
	b	332 047		211 319	0		
	c	332 047		211 319	744		
Total per category	a	7	3	14	3	1	10
	b	497 150	270 779	19 061 561	2 373 800	9 837	1 059 744
	c	467 890	55 443	8 207 798	2 065 206	861 245	1 446 205

OTHER EUROPEAN COUNTRIES (2/2)

		ML 15	ML 18	ML 22	Total per destination
AZERBAIJAN	a		1	1	4
	b		112 306	203 971	583 772
	c		112 306	203 971	368 436
CROATIA	a				8
	b				825 074
	c				822 422
GEORGIA	a				14
	b				19 551 085
	c				9 649 398
MOLDOVA, REPUBLIC OF	a				3
	b				29 230
	c				397 115
NORWAY	a				1
	b				36 540
	c				11 170

		ML 15	ML 18	ML 22	Total per destination
SWITZERLAND	a	0			5
	b	0			3 020 081
	c	41 436			1 668 849
TURKEY	a				5
	b				543 366
	c				544 110
Total per category	a	0	1	1	40
	b	0	112 306	203 971	24 589 148
	c	41 436	112 306	203 971	13 461 500

MIDDLE EAST (1/3)

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
EGYPT	a			0			
	b			0			
	c			98 586			
IRAQ	a	1	0	0			
	b	875 410	0	0			
	c	893 116	561 421	1 870 082			
ISRAEL	a		3		12	10	91
	b		274 351		5 343 905	222 726	5 173 040
	c		273 608		5 367 956	17 694	2 826 581
LEBANON	a			3			
	b			519 452			
	c			440 577			

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
OMAN	a						
	b						
	c						
SAUDI ARABIA	a	0					
	b	0					
	c	942 562					
UNITED ARAB EMIRATES	a						
	b						
	c						
Total per category	a	1	3	3	12	10	91
	b	875 410	274 351	519 452	5 343 905	222 726	5 173 040
	c	1 835 678	835 029	2 409 245	5 367 956	17 694	2 826 581
MIDDLE EAST (2/3)							
		ML 10	ML 11	ML 15	ML 16	ML 17	ML 18
EGYPT	a	5					
	b	877 937					
	c	759 111					
IRAQ	a						
	b						
	c						
ISRAEL	a	42	40	27	0	2	2
	b	796 901	2 079 781	506 023	0	1 037 527	20 941
	c	735 124	765 079	290 072	238 477	730 938	9 899

		ML 10	ML 11	ML 15	ML 16	ML 17	ML 18
LEBANON	a						
	b						
	c						
OMAN	a	4					
	b	1 156 808					
	c	367 350					
SAUDI ARABIA	a						
	b						
	c						
UNITED ARAB EMIRATES	a	18					
	b	17 105 098					
	c	21 350 087					
Total per category	a	69	40	27	0	2	2
	b	19 936 744	2 079 781	506 023	0	1 037 527	20 941
	c	23 211 774	765 079	290 072	238 477	730 938	9 899

MIDDLE EAST (3/3)

		ML 22	Total per destination
EGYPT	a		5
	b		877 937
	c		857 697
IRAQ	a		1
	b		875 410
	c		3 324 619

		ML 22	Total per destination
ISRAEL	a		229
	b		15 455 195
	c		11 255 428
LEBANON	a		3
	b		519 452
	c		440 577
OMAN	a		4
	b		1 156 808
	c		367 350
SAUDI ARABIA	a		0
	b		0
	c		942 562
UNITED ARAB EMIRATES	a	0	18
	b	0	17 105 098
	c	102	21 350 189
Total per category	a	0	260
	b	0	35 989 900
	c	102	38 538 422

OCEANIA

		ML 1	ML 15	Total per destination
AUSTRALIA	a	4	1	5
	b	17 859	14 112	31 971
	c	9 217	4 704	13 921
NEW ZEALAND	a	2		2
	b	3 368		3 368
	c	3 120		3 120
Total per category	a	6	1	7
	b	21 227	14 112	35 339
	c	12 337	4 704	17 041

**GOVERNMENT'S ORDINANCE No. 158/1999
ON THE CONTROL REGIME OF EXPORTS, IMPORTS AND OTHER
OPERATIONS WITH MILITARY GOODS,
APPROVED WITH AMENDMENTS BY LAW NO. 595/2004**

CHAPTER I

General provisions

Article 1- (1) The following operations with military goods shall be subject to the control regime stipulated in the present emergency ordinance:

- a) export and import, including re-export and any other trading operations of transfer, either permanent or temporary, from or to outside the territory of Romania;
- b) non-trading operations taking outside or bringing such items to Romania, on a permanent or temporary basis;
- c) brokering activity;
- d) international transit via Romania;
- e) transshipment (transfers from one transport vector to another) on the territory of Romania.

(2) An exception to the provisions of the present emergency ordinance shall be the operations aimed at taking out of or bringing into the country, on a permanent or temporary basis, as well as the international transit and transshipments of military goods, performed in connection with Romania's participation in military missions abroad or that of military echelons of the other NATO member states.

Article 2 – The destination and final use of the military goods making the object of the operations stipulated under article 1 shall also be subject to control.

Article 3 – (1) The provisions of the present emergency ordinance shall apply to all persons carrying out the operations stipulated under article 1.

(2) By person one shall understand any natural or legal entity residing in Romania, including public authorities.

(3) The provisions of paragraph (1) shall also apply to Romanian natural entities outside the Romanian territory, in compliance with the international law.

Article 4 – The operations stipulated under article 1 shall be authorized by means of a licence or permit, as applicable, under the provisions of the present emergency ordinance.

Article 5 – For the purpose of the present emergency ordinance, the terms and phrases below shall have the following meanings:

- a) military goods – weapons, ammunition, missiles, bombs, torpedoes, mines, land, air and marine vehicles and other products, equipments and systems designed and built for military purposes, their components, parts and accessories, as well as related software and technology;
- b) technical assistance – any technical support dealing with the development, manufacture, assembly, testing, maintenance, repair or any technical service in the form of instruction, training, transmission of information or operational qualifications or consultancy services for military goods. Technical assistance shall also include forms of orally transmitted assistance;
- c) foreign trade operations – operations involving the military goods stipulated under article 1 (1) a) and c);
- d) transmission of software or technology by electronic means – transmission of software or technology by electronic means, by fax, Internet or telephone to a destination outside Romania; this shall not include oral transmission of technology via telephone unless a document or pertinent parts of it are being read to a correspondent over the telephone or described to him/her so as to obtain the same result;
- e) brokering activity – activities carried out by a person regarding:

- negotiation or organization of transactions that may involve the transfer of military goods included in the lists approved by Government decision from a third country to any other third country; or
- purchase, sale or transfer of military goods that are in their ownership from a third country to any other third country.

Article 6 – The lists comprising the military goods subject to the control regime for exports, imports and other operations shall be set out by Government decision.

Article 7 – (1) Export, re-export and transmission of software and technology, including by electronic means, of military goods that are not controlled in accordance with the lists comprising the military goods set out by Government decision shall be subject to the licensing procedure in compliance with the provisions of the present emergency ordinance, if the exporter has been informed by the Agency that the products in question are or may be used, entirely or partially, for:

- a) developing, manufacturing, maintaining, stockpiling, or using military goods; or
- b) developing, manufacturing, maintaining, stockpiling, or using vectors able to carry on and deliver weapons of mass destruction to their target.

(2) If the exporter should be acquainted with the fact that some products that are not controlled in accordance with the lists comprising the military goods set out by Government decision are meant, either entirely or partially, to be used for one of the purposes stipulated under paragraph (1), he/she/it shall be under the obligation to inform the Agency, which in turn will decide on the opportunity whether that export is subject to licensing procedure or not.

(3) The operations stipulated under paragraphs (1) and (2) shall be subject to the control regime stipulated by the present emergency ordinance by order of the Agency's president, and shall be notified to the interested persons.

Article 8 – The control regime for exports, imports and other operations with military goods shall be accomplished in compliance with:

- a) the fundamental guidelines of Romania's foreign policy;
- b) Romania's national security and economic interests;
- c) the principles and criteria of the European Union Code of Conduct on arms exports;
- d) the obligations deriving from the implementation of embargoes on weapons transfers established by the United Nations Security Council Resolutions, a common position or joint action adopted by the Council of the European Union, a decision of the Organisation for Security and Co-operation in Europe, or established by NATO member states;
- e) the objectives of non-proliferation of weapons of mass destruction, of vectors carrying such weapons, and of other military goods used for the purpose of destabilizing accumulations;
- f) the international conventions, treaties and agreements, the non-proliferation mechanisms Romania is a party to, and other international undertakings assumed by Romania as a participating state in the international non-proliferation and export controls regimes;
- g) the principle of co-operation with the states promoting non-proliferation policies similar to Romania's policies in this field.

Article 9 – The National Agency for Export Controls, regulated by Law no. 387/2003 on the control regime for exports of dual use goods and technologies, as a national authority in the field of export controls of dual use goods and technologies, hereinafter called the Agency, shall take charge of the control of exports, imports and other operations with military goods, and shall be answerable for the implementation of the Government's policy in this field too.

CHAPTER II

Authorization status

Article 10 – The legal persons stipulated under article 3 may only carry out foreign trade operations with military goods based on the authorization issued by the Agency or by other competent bodies, under the law.

Article 11 – (1) For each operation stipulated under article 1 a) and c), the legal persons stipulated under article 3 shall be under the obligation to apply for licences with the Agency, according to the provisions of article 12.

(2) For each operation stipulated under article 1 b), the persons stipulated under article 3 shall be under the obligation to apply for permits for non-trading operations.

(3) The operations stipulated under article 1 d) and e) shall be authorized by means of transit permits, or transshipment permits, respectively, issued by the Agency.

Article 12 – (1) The operations stipulated under article 1 (1) a) shall be based on licences, which can be included in one of the following categories:

- a) individual licence – shall be granted to an authorized Romanian person, in order to carry out an operation with one or several military goods from the same category, to or from a single foreign partner;
- b) global licence – shall be granted to an authorized Romanian person, in order to carry out operations with one or several military goods, to or from several foreign partners.

(2) The operations stipulated under article 1 (1) c) shall be based on an individual licence.

Article 13 – (1) The persons stipulated under article 3 shall be under the obligation to apply the Agency for an authorization, export licence, import licence or permit, as applicable, on their own behalf.

(2) The terms to be met in order to be issued an authorization, licence, or permit, as applicable, shall be set out by means of methodological regulations of implementation, drawn up in accordance with the provisions of article 42.

(3) The persons stipulated under article 3 shall be under the obligation to state before the Agency the destination of the military goods, as well as their final recipient or user.

(4) The authorization applications shall be solved no later than 60 days from the date of the documentation being submitted in view of authorization.

(5) Licence or permit applications, except for those stipulated under paragraph (6), shall be solved no later than 30 days from the date of the necessary documentation being submitted. Under special circumstances, such delay may be extended by 15 days.

(6) Applications for transit permit or transshipment permit shall be answered no later than 5 days from the date of the documentation being submitted. Under special circumstances, such delay may be extended by two days.

7) Authorization, licence, or permit applications, together with the data and information concerning any one of the elements regarding operations involving military goods, shall be submitted by the natural entities or, as applicable, the managers of the interested legal persons.

(8) The responsibility for the correctness of the data and information provided in support of the application shall belong to the applicant.

Article 14 - The holders of authorizations, licences, or permits shall be under the obligation to notify the Agency about any changes or differences occurred in the data listed in the authorizations, licences, or permits, respectively, found in documents, as well as during the hand-over or take-over of such military goods. If such changes or differences alter the terms based on which the authorization, licence, or permit was issued, the latter documents shall be cancelled, and stating such changes or differences may be deemed as application for a new authorization, licence, or permit, as applicable.

Article 15 – (1) The authorization validity shall be one year from the date of issuance.

(2) The validity of licences or permits other than the ones stipulated under paragraph (3) shall not exceed one year.

(3) The validity of transit permits or transshipment permits shall be no longer than 45 days from their date of issuance.

(4) Authorizations, licences, and permits may only be used by their holders, for the purposes they were issued for, in compliance with the limitations and terms stipulated inside them, and may not be transferred, either directly or indirectly.

Article 16 – (1) The persons stipulated under article 3 shall be under the obligation to declare and present the military goods for customs operations only before the customs facilities set out in the documents issued by the Agency.

(2) Transit and transshipment for military goods on the territory of Romania shall only take place via the customs facilities set out under paragraph (1).

CHAPTER III

Control regime within the relationships with foreign partners

Article 17 – (1) As regards exports of military goods, the exporter shall be under the obligation to ask the foreign partner to produce an international import certificate or an equivalent document, issued or certified by the competent authority in the importer's country, according to which the latter undertakes to comply with the destination and final use, as stated, and not to re-export the imported products without prior written approval by the Romanian authorities having competence under the law. The international import certificate or the equivalent document, in original, shall necessarily be enclosed with the export licence application.

(2) After the delivery of the military goods has taken place, but no later than 4 months from that time, the exporter shall have to obtain from the foreign partner the delivery control certificate or another equivalent document, issued or certified by the competent authority in the importing country, attesting the fact that the commodity has reached its destination.

(3) The delivery control certificate or the equivalent document shall be produced to the Agency, in original, within the delay stipulated under paragraph (2).

Article 18 – (1) As regards imports of military goods, the importer, at the request of the foreign partner, shall be under the obligation to request the Agency to issue the international import certificate or the equivalent document issued or certified under the terms required by the competent authority in the exporter's country.

(2) After the import has been completed, but no later than two months from that time, the importer, following the foreign partner's request, shall be under the obligation to apply with the Agency for release of a delivery control certificate or an equivalent document issued or certified under the terms required by the competent authorities in the exporter's country.

(3) Should the foreign partner request additional proof that the import has been performed, the National Customs Authority shall issue such a confirmation.

Article 19 – As regards non-trading operations for taking military goods out of the territory of Romania, on a temporary or permanent basis, the applicant for a permit shall need to obtain from the foreign partner documents guaranteeing that the transferred products will not be used for purposes causing prejudice to the international obligations or undertakings Romania has assumed. Such documents shall be enclosed with the permit application for non-trading operations.

Article 20 – As regards non-trading operations for bringing military goods onto the territory of Romania, on a permanent or temporary basis, the applicant for a permit shall need to obtain from the Agency the documents required by the foreign partner, under the regulations in force in the latter's country.

CHAPTER IV

Organization and functioning of the control regime

Article 21 – (1) In implementing the control regime stipulated in the present emergency ordinance, the Agency shall co-ordinate the activity of the national control system for exports, imports and other operations with military goods.

(2) In order to accomplish its object, the Agency shall have the following main powers:

- a) to initiate draft laws, to draw up its own regulations, as well as joint regulations together with other authorities competent in this field, under the law, and to co-operate with them in implementing the provisions of the present emergency ordinance;

- b) to authorize the persons stipulated under article 3, other than those mentioned under article 26 (1), to carry out foreign trade operations with military goods;
- c) to check, by looking into the records or facts, whenever necessary, the relevant aspects concerning the conclusion, progression or finalization of the operations stipulated under article 1, the object of which consists in the military goods, as well as the observance of their destination and final use;
- d) to check the compliance and accuracy of the declarations of persons carrying out the operations stipulated under article 1;
- e) to evaluate and to accept, as applicable, the international import certificate or equivalent documents issued by the competent authorities in the importer partners' countries, with a view to issuing the export licences for military goods;
- f) to issue an international import certificate or an equivalent document, as well as the delivery control certificate for imports of military goods;
- g) to examine and to approve, based on the Inter-ministry council's opinion, the applications for a licence for export or import of military goods;
- h) to issue export or import licences for military goods;
- i) to examine and to approve permit applications for non-trading, international transit or transshipping operations on the territory of Romania;
- j) to issue permits for non-trading operations, international transit permits, permits for transshipping on the territory of Romania, as well as the documents required by foreign partners for non-trading transfer operations on the territory of Romania;
- k) if violations of the provisions of the present emergency ordinance should be found, to order the discontinuance or prohibition of the progression of the operations of export, import, transit, transshipment or other transfers involving military goods, as well as sanctions against the persons stipulated under article 3 that are found guilty of such violations;
- l) to inform the Government, on an annual basis, on the operations with military goods which are being regulated by the present emergency ordinance;
- m) to organize, with the support of the ministries and institutions concerned, information programmes for economic agents relative to the principles, objectives, regulations and procedures regarding the control regime for exports and imports with military goods;
- n) to provide, on request, free specialized consultancy to economic agents and other persons interested in carrying out export, import or other operations with military goods, subject to the control regime regulated by the present emergency ordinance;
- o) to check how the obligations and undertakings assumed by Romania under the international treaties, agreements and arrangements in this field are being complied with;
- p) together with the Ministry of Foreign Affairs, to represent Romania within the activities carried out by international organizations and bodies in charge in the field of controlling exports and imports involving military goods;
- q) to co-operate with similar authorities from other states, for the purpose of:
 - mutual information and consultation when licence or permit applications for military goods are being submitted, if there are good grounds to believe they might be used for other purposes than the stated ones;
 - updating and consistently implementing the regulations in the matter, including the lists of military goods;
 - notifying the violations of the control regime, allowing the competent authorities in each country to sanction such violations;
- r) to initiate, together with the competent institutions, the updating of the lists of military goods subject to the control regime, in accordance with the international obligations and undertakings assumed by Romania;
- s) to initiate, in collaboration with the Ministry of Foreign Affairs and other interested institutions, actions for promoting Romania's specific interests in its relationships with the international organizations and bodies controlling the exports and imports of military goods;
- s') to use any other powers stipulated by the law in the field of regulation, authorization and control of exports and imports of military goods.

Article 22 – (1) The Agency shall exercise its control powers by means of a control body, comprised of its own specialists and other experts, external collaborators certified by the Agency.

(2) The expenses incurred for the technical expert's investigation of the products, performed in laboratories, research institutes or in other institutions specialized in this field, with a view to finding whether they may be qualified as military goods subject to the control regime stipulated in the present emergency ordinance or not,

shall be covered by the entity for the benefit of which the classification activity is being performed. Under special circumstances, related to actions that may cause harm to national security, the expenses for the technical expert's investigation shall be covered by the Agency's budget.

(3) In the exercise of its control powers, the Agency's control unit shall have unrestricted access, under the law, to the necessary documents, data and information, whatever their holders may be.

(4) The persons stipulated under article 3 shall be under the obligation to send, at the Agency's request, all the documents, data and information requested, within the set delays, and to facilitate, under the terms of the law, unrestricted access of its control unit to their head offices and to any premises belonging to them, allowing them to check the relevant aspects relative to the conclusion, progression or finalization of the operations stipulated under article 1, as well as those regarding the final destination and use of military goods.

(5) The legal persons stipulated under article 3 and the public authorities having powers in this field shall be under the obligation to preserve for 15 years the documents on operations carried out with military goods subject to control.

(6) The persons involved in implementing the control regime for military goods that become acquainted with information that is a state secret, a professional secret or a trading secret shall be under the obligation to observe its status and only make it known to the pertinent authorities, under the terms of the law.

Article 23 – (1) Within the control system for exports, imports and other operations with military goods, an Inter-ministry council shall be established, comprised of representatives of the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economy and Trade, Ministry of Administration and Home Affairs, Romanian Intelligence Service, Foreign Intelligence Service, National Customs Authority, and the Agency, holding at least the rank of a director.

(2) The presidency of the Inter-ministry council shall be ensured by the Agency, through its president.

(3) The secretarial activity for the Inter-ministry council shall be ensured by the Agency.

4) The Inter-ministry council shall examine and endorse licence applications for:

- a) export and import of military goods;
- b) brokering activity.

Article 24 – Applications for an authorization, licence, and permit for operations with military goods shall be approved by order of the Agency's president.

Article 25 – repealed

Article 26 – (1) Licence applications by economic agents subordinated to and co-ordinated by institutions in the system of national defence and national security, for export or import of military goods, shall be approved on condition that the licence applicant also produces the export or import authorization issued by the Ministry of National Defence.

(2) Licence applications by persons other than the ones stipulated under paragraph (1), for export or import of military goods, shall be approved on condition that the licence applicant also produces the export or import endorsement issued by the Ministry of National Defense.

(3) An exception to the provisions of paragraph (2) on obtaining the mandatory endorsement shall be the manufacturing economic agents established by Government decision, according to which they may sell abroad the military goods and services according to their object of activity.

Article 27 - Licence applications for export or import of military goods other than the ones stipulated under article 26 shall be approved on condition that the licence applicant also produces the authorization to carry out foreign trade operations involving military goods, issued by the Agency.

Article 28 – Permit applications shall be approved on condition the applicant also produces, as applicable, other endorsements or authorization papers, issued under the law, by the competent public authorities.

Article 28¹ (1) The Agency shall deny issuance of a licence for operations with military goods if the final recipient's state is under an embargo on weapons transfers established by a resolution of the United Nations Security Council, a common position or joint action adopted by the Council of the European Union, or a decision by the Organization for Security and Co-operation in Europe.

(2) The Agency may deny issuance of a licence for operations with military goods, based on the Inter-ministry council's advice, if the final recipient's state or the final recipient is under a unilateral embargo on weapons transfers or under restrictive measures, as applicable, set out by NATO member states.

Article 29 – (1) In implementing the provisions of the present emergency ordinance, the Agency shall be an authorized beneficiary and a user of specific information, including those held by the state bodies authorized, under the law, to perform intelligence activities.

(2) The Agency shall have unrestricted access, under the terms of the law, to all information concerning operations with military goods, as well as to the information needed for assessing any forms of activities involving such products.

(3) The authorized public authorities, under the law, to perform intelligence activities shall be under the obligation to send the Agency the data obtained, referring to violations of the provisions of the present emergency ordinance.

(4) At the request of the Agency, the Ministry of Administration and Home Affairs or other competent institutions shall carry out specific checks and then inform it so that it may take the lawful actions.

(5) The National Customs Authority shall make available to the Agency, at the latter's request, all the necessary data concerning the export, import and other operations with military goods.

CHAPTER V

Sanctions

Article 30 – Violation of the provisions of the present emergency ordinance regarding operations involving military goods, as well as those on the truthfulness of declarations, which represent crimes under the law, shall be punishable according to the provisions of the Penal Code.

Article 31 – Issuance of authorizations and licences for export or import of military goods, as well as permits, without complying with the provisions of the present emergency ordinance shall entail, as applicable, disciplinary, administrative, or criminal liability, under the law.

Article 32 – Failure to observe the final destination and use of the military goods listed in the documents based on the declaration stipulated under article 13 (3) shall constitute an offence and shall be sanctioned by a fine from ROL 20 million to ROL 100 million.

Article 33 – (1) Violation of the provisions of article 7 (2), article 17 (2) and (3) and article 22 (5) and (6) shall constitute an offence and shall be sanctioned by a fine from ROL 20 million to ROL 50 million, unless the actions are crimes, under the law.

(2) Violation of the provisions of article 14 and article 22 (4) shall constitute an offence and shall be sanctioned by a fine from ROL 20 million to ROL 100 million, unless the actions are crimes, under the law.

Article 34 – (1) Offences shall be ascertained and fines shall be applied by the Agency's control unit, as well as other competence bodies, under the law.

(2) The Agency shall notify the criminal investigation bodies if the actions ascertained are deemed to be crimes, under the law.

Article 35 – The sanctions stipulated in the present emergency ordinance shall also apply to legal entities.

Article 36 – The application of sanctions for the offences stipulated in the present emergency ordinance shall be lost by prescription within one year of the action being committed.

Article 37 – The provisions of Government Ordinance no. 2/2001 on the legal status of offences, approved with amendments and additions by Law no. 180/2002, with subsequent amendments and additions, shall apply to the offences stipulated in the present emergency ordinance, except for articles 28 and 29.

Article 38 – If the violation of the provisions of the present emergency ordinance should be likely to cause serious consequences onto the regime of exports and imports of military goods and on Romania meeting the international obligations and undertakings that it assumed in this field, the Agency may suspend or withdraw the authorizations, licences or permits it has issued or may ask the competent bodies to suspend or withdraw the authorization documents issued by them, under the law.

CHAPTER VI

Final provisions

Article 39 – The Agency shall belong, as a rightful member, to the decision-making structures of all the bodies created at a national level that carry out activities related to the regime of military goods.

Article 40 – (1) Within Romania's diplomatic missions abroad, attached to international bodies for the control of exports of military goods and the ban on chemical weapons, as well as in countries with which Romania is currently carrying out trading operations involving such products, the Agency shall be represented by personnel temporarily transferred to the Ministry of Foreign Affairs.

(2) The number of persons transferred and their duties shall be set out together with the Ministry of Foreign Affairs.

(3) The list of the bodies and countries stipulated under paragraph (1), the number of offices allocated for that purpose in the job organization chart of the Ministry of Foreign Affairs, as well as the level of diplomatic credentials shall be set out by Government decision.

(4) The expenses related to the activities carried out by the personnel stipulated under paragraph (1) shall be covered from the budget approved for the Ministry of Foreign Affairs.

Article 41 – The forms for authorization, licence or permit, as well as other documents stipulated in the present emergency ordinance shall be set out by order of the Agency's president and published in the Official Gazette of Romania.

Article 42 – (1) The Agency shall draw up methodological regulations for applying the provisions of the present emergency ordinance within 15 days from the date of it being published in the Official Gazette of Romania, Part I.

(2) The methodological regulations stipulated under paragraph (1) shall be approved by order of the Agency's president and published in the Official Gazette of Romania, Part I.

Article 43 – (1) The present emergency ordinance shall come into effect within 15 days from the date of it being published in the Official Gazette of Romania.

(2) On the date of the present emergency ordinance coming into effect, Government Ordinance no. 31/1994 on the regime of imports and export of strategic products, published in the Official Gazette of Romania, Part I., no. 218 of 16 August 1994 and approved by Law no. 93/1994, as well as any other contrary provisions, shall be repealed.

This law has been adopted by the Parliament of Romania, in compliance with the provisions of article 75 and article 76 (2) in the Constitution of Romania, republished.

**COUNCIL COMMON POSITION 2008/944/CFSP
of 8 December 2008
defining common rules governing control of exports
of military technology and equipment**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union, and in particular Article 15 thereof,
Whereas:

- (1) Member States intend to build on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992, and on the European Union Code of Conduct on Arms Exports adopted by the Council in 1998.
- (2) Member States recognise the special responsibility of military technology and equipment exporting States.
- (3) Member States are determined to set high common standards which shall be regarded as the minimum for the management of, and restraint in, transfers of military technology and equipment by all Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency.
- (4) Member States are determined to prevent the export of military technology and equipment which might be used for internal repression or international aggression or contribute to regional instability.
- (5) Member States intend to reinforce cooperation and to promote convergence in the field of exports of military technology and equipment within the framework of the Common Foreign and Security Policy (CFSP).
- (6) Complementary measures have been taken against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms.
- (7) The Council adopted on 12 July 2002 Joint Action 2002/589/CFSP on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons¹.
- (8) The Council adopted on 23 June 2003 Common Position 2003/468/CFSP² on the control of arms brokering.
- (9) The European Council adopted in December 2003 a strategy against the proliferation of weapons of mass destruction, and in December 2005 a strategy to combat illicit accumulation and trafficking of SALW and their ammunition, which imply an increased common interest of Member States of the European Union in a coordinated approach to the control of exports of military technology and equipment.
- (10) The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was adopted in 2001.
- (11) The United Nations Register of Conventional Arms was established in 1992.
- (12) States have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter.
- (13) The wish of Member States to maintain a defence industry as part of their industrial base as well as their defence effort is acknowledged.
- (14) The strengthening of a European defence technological and industrial base, which contributes to the implementation of the Common Foreign and Security Policy, in particular the Common European Security and Defence Policy, should be accompanied by cooperation and convergence in the field of military technology and equipment.

¹ OJ L 191, 19.7.2002, p. 1.

² OJ L 156, 25.6.2003, p. 79.

(15) Member States intend to strengthen the European Union's export control policy for military technology and equipment through the adoption of this Common Position, which updates and replaces the European Union Code of Conduct on Arms Exports adopted by the Council on 8 June 1998.

(16) On 13 June 2000, the Council adopted the Common Military List of the European Union, which is regularly reviewed, taking into account, where appropriate, similar national and international lists¹.

(17) The Union must ensure the consistency of its external activities as a whole in the context of its external relations, in accordance with Article 3, second paragraph of the Treaty; in this respect the Council takes note of the Commission proposal to amend Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual use items and technology²,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Each Member State shall assess the export licence applications made to it for items on the EU Common Military List mentioned in Article 12 on a case-by-case basis against the criteria of Article 2.

2. The export licence applications as mentioned in paragraph 1 shall include:

- applications for licences for physical exports, including those for the purpose of licensed production of military equipment in third countries,
- applications for brokering licences,
- applications for 'transit' or 'transshipment' licences,
- applications for licences for any intangible transfers of software and technology by means such as electronic media, fax or telephone.

Member States' legislation shall indicate in which case an export licence is required with respect to these applications.

Article 2

Criteria

1. **Criterion One:** Respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence shall be denied if approval would be inconsistent with, *inter alia*:

- (a) the international obligations of Member States and their commitments to enforce United Nations, European Union and Organisation for Security and Cooperation in Europe arms embargoes;
- (b) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- (c) the commitment of Member States not to export any form of anti-personnel landmine;
- (d) the commitments of Member States in the framework of the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Nuclear Suppliers Group, the Wassenaar Arrangement and The Hague Code of Conduct against Ballistic Missile Proliferation.

2. **Criterion Two:** Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law.

— Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States shall:

- (a) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression;
- (b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the military technology or equipment, to countries where serious violations of human

¹ Last amended 10 March 2008, OJ C 98, 18.4.2008, p. 1.

² OJ L 159, 30.6.2000, p. 1.

rights have been established by the competent bodies of the United Nations, by the European Union or by the Council of Europe;

For these purposes, technology or equipment which might be used for internal repression will include, *inter alia*, technology or equipment where there is evidence of the use of this or similar technology or equipment for internal repression by the proposed end-user, or where there is reason to believe that the technology or equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with Article 1 of this Common Position, the nature of the technology or equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, *inter alia*, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

— Having assessed the recipient country's attitude towards relevant principles established by instruments of international humanitarian law, Member States shall:

(c) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.

3. Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

Member States shall deny an export licence for military technology or equipment which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

4. Criterion Four: Preservation of regional peace, security and stability.

Member States shall deny an export licence if there is a clear risk that the intended recipient would use the military technology or equipment to be exported aggressively against another country or to assert by force a territorial claim. When considering these risks, Member States shall take into account *inter alia*:

- (a) the existence or likelihood of armed conflict between the recipient and another country;
- (b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- (c) the likelihood of the military technology or equipment being used other than for the legitimate national security and defence of the recipient;
- (d) the need not to affect adversely regional stability in any significant way.

5. Criterion Five: National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries. Member States shall take into account:

- (a) the potential effect of the military technology or equipment to be exported on their defence and security interests as well as those of Member State and those of friendly and allied countries, while recognising that this factor cannot affect consideration of the criteria on respect for human rights and on regional peace, security and stability;
- (b) the risk of use of the military technology or equipment concerned against their forces or those of Member States and those of friendly and allied countries.

6. Criterion Six: Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

Member States shall take into account, *inter alia*, the record of the buyer country with regard to:

- (a) its support for or encouragement of terrorism and international organised crime;
- (b) its compliance with its international commitments, in particular on the non-use of force, and with international humanitarian law;
- (c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in point (b) of Criterion One.

7. Criterion Seven: Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

In assessing the impact of the military technology or equipment to be exported on the recipient country and the risk that such technology or equipment might be diverted to an undesirable end-user or for an undesirable end use, the following shall be considered:

- (a) the legitimate defence and domestic security interests of the recipient country, including any participation in United Nations or other peace-keeping activity;
- (b) the technical capability of the recipient country to use such technology or equipment;
- (c) the capability of the recipient country to apply effective export controls;
- (d) the risk of such technology or equipment being re-exported to undesirable destinations, and the record of the recipient country in respecting any re-export provision or consent prior to re-export which the exporting Member State considers appropriate to impose;
- (e) the risk of such technology or equipment being diverted to terrorist organisations or to individual terrorists;
- (f) the risk of reverse engineering or unintended technology transfer.

8. Criterion Eight: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments. Member States shall take into account, in the light of information from relevant sources such as United Nations Development Programme, World Bank, International Monetary Fund and Organisation for Economic Cooperation and Development reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They shall consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

Article 3

This Common Position shall not affect the right of Member States to operate more restrictive national policies.

Article 4

1. Member States shall circulate details of applications for export licences which have been denied in accordance with the criteria of this Common Position together with an explanation of why the licence has been denied. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it shall first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it shall notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

2. The decision to transfer or deny the transfer of any military technology or equipment shall remain at the national discretion of each Member State. A denial of a licence is understood to take place when the Member State has refused to authorise the actual sale or export of the military technology or equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

3. Member States shall keep such denials and consultations confidential and not use them for commercial advantage.

Article 5

Export licences shall be granted only on the basis of reliable prior knowledge of end use in the country of final destination. This will generally require a thoroughly checked end-user certificate or appropriate documentation and/or some form of official authorisation issued by the country of final destination. When assessing applications for licences to export military technology or equipment for the purposes of production in third countries, Member States shall in particular take account of the potential use of the finished product in the country of production and of the risk that the finished product might be diverted or exported to an undesirable end user.

Article 6

Without prejudice to Regulation (EC) No 1334/2000, the criteria in Article 2 of this Common Position and the consultation procedure provided for in Article 4 are also to apply to Member States in respect of dual-use goods and technology as specified in Annex I to Regulation (EC) No 1334/2000 where there are serious grounds for believing that the end-user of such goods and technology will be the armed forces or internal security forces or

similar entities in the recipient country. References in this Common Position to military technology or equipment shall be understood to include such goods and technology.

Article 7

In order to maximise the effectiveness of this Common Position, Member States shall work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of exports of military technology and equipment.

Article 8

1. Each Member State shall circulate to other Member States in confidence an annual report on its exports of military technology and equipment and on its implementation of this Common Position.

2. An EU Annual Report, based on contributions from all Member States, shall be submitted to the Council and published in the 'C' series of the *Official Journal of the European Union*.

3. In addition, each Member State which exports technology or equipment on the EU Common Military List shall publish a national report on its exports of military technology and equipment, the contents of which will be in accordance with national legislation, as applicable, and will provide information for the EU Annual Report on the implementation of this Common Position as stipulated in the User's Guide.

Article 9

Member States shall, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of exports of military technology and equipment from Member States, in the light of the principles and criteria of this Common Position.

Article 10

While Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, these factors shall not affect the application of the above criteria.

Article 11

Member States shall use their best endeavours to encourage other States which export military technology or equipment to apply the criteria of this Common Position. They shall regularly exchange experiences with those third states applying the criteria on their military technology and equipment export control policies and on the application of the criteria.

Article 12

Member States shall ensure that their national legislation enables them to control the export of the technology and equipment on the EU Common Military List. The EU Common Military List shall act as a reference point for Member States' national military technology and equipment lists, but shall not directly replace them.

Article 13

The User's Guide to the European Code of Conduct on Exports of Military Equipment, which is regularly reviewed, shall serve as guidance for the implementation of this Common Position.

Article 14

This Common Position shall take effect on the date of its adoption.

Article 15

This Common Position shall be reviewed three years after its adoption.

Article 16

This Common Position shall be published in the *Official Journal of the European Union*.

**NATIONAL LIST
WITH MILITARY GOODS UNDER THE EXPORT CONTROL REGIME**

ML1. Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, and specially designed components therefor.

ML2. Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, and specially designed components therefore:

ML3. Ammunition and fuze setting devices and specially designed components therefor:
a. Ammunition for the weapons controlled by ML1, ML2 or ML12;
b. Fuze setting devices specially designed for ammunition controlled by ML3.

ML4. Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, specially designed for military use, and specially designed components therefore.

ML5. Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor.

ML6. Ground vehicles and components.

ML7. Chemical or biological toxic agents, "riot control agents", radioactive materials, related equipment, components, and materials.

ML8. "Energetic materials", and related substances.

ML9. Vessels of war, special naval equipment and accessories and components therefor, specially designed for military use.

ML10. "Aircraft", "lighter-than-air vehicles", unmanned airborne vehicles, aero-engines and "aircraft" equipment, related equipment and components, specially designed or modified for military use.

ML11. Electronic equipment, not controlled elsewhere on the Munitions List, and specially designed components therefor.

ML12. High velocity kinetic energy weapon systems and related equipment and specially designed components therefor.

ML13. Armoured or protective equipment and constructions and components.

ML14. Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon controlled by ML1 or ML2, and specially designed components and accessories therefor.

ML15. Imaging or countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor.

ML16. Forgings, castings and other unfinished products the use of which in a controlled product is identifiable by material composition, geometry or function, and which are specially designed for any products controlled by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

ML17. Miscellaneous equipment, materials and libraries, and specially designed components therefor.

ML18. Equipment for the production of products referred to in the Munitions List.

ML19. Directed energy weapon systems (DEW), related or countermeasure equipment and test models, and specially designed components therefor.

ML20. Cryogenic and "superconductive" equipment and specially designed components and accessories therefor.

ML21. "Software" specially designed or modified for the "development", "production" or "use" of equipment or materials controlled by the Munitions List.

ML22. "Technology" which is "required" for the "development", "production" or "use" of items controlled in the Munitions List.

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