MINISTRY OF FOREIGN AFFAIRS

DEPARTMENT FOR EXPORT CONTROLS - ANCEX



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ANCEX

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1. PERMANENT EXPORTS PER DESTINATION



AFGHANISTAN					
	ML 1	ML 3	ML 10	ML 14	Total per destination
a ¹	2	14	2	1	19
b	101 692	7 495 499	58 568	1 258 245	8 914 004
С	756 309	7 754 474	58 568	1 258 245	9 827 596
d	0	0	0	0	0
е	-	-	-	-	-

Licences issued for:

submachine gun (2 364) (2 licences) small arms ammunition links for machine gun ammunition spare parts for military transport helicopter simulator for military helicopter

Military goods exported:

submachine gun (17 315)
small arms ammunition
links for machine gun ammunition
spare parts for military transport helicopter
simulator for military helicopter

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

AUSTRALIA		
	ML 1	Total per destination
a	3	3
b	6 060	6 060
С	6 060	6 060
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

Exchange rates 2009:

1 EUR = 1,39480 USD 1 EUR = 0,89094 GBP 1 EUR = 1,51000 CHF

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 license 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).

AUSTRIA			
	ML 1	ML 2	Total per destination
a	4	1	5
b	49 242	4 944	54 186
С	16 998	4 944	21 942
d	0	0	0
е	<u>-</u>	-	-

Licences issued for:

hunting riflescope submachine gun (1 000) (2 licences) signal pistol

Military goods exported:

hunting riflescope submachine gun (300) signal pistol

AZERBAIJAN (1/2)						
	ML 1	ML 2	ML 3	ML 10	ML 11	ML 18
а	4	1	1	1	1	2
b	183 366	19 358	238 027	70 261	4 086 607	570 727
С	160 424	19 358	238 027	70 261	0	570 727
d	0	0	0	0	0	0
е	-	-	-	-	-	-

AZERBAIJAN (2/2)		
	ML 22	Total per destination
a	2	12
b	250 932	5 419 278
С	250 932	1 309 729
d	0	0
е	-	-

Licences issued for:

scopes for small arms sight for antitank grenade launcher barrel for machine gun training antitank grenades installation for IFF equipment IFF equipment for radar

tools for the manufacturing of mechanical components for mortar sights technical documentation for mortar sights

Military goods exported:

scopes for small arms barrel for machine gun sight for antitank grenade launcher training antitank grenades installation for IFF equipment tools for the manufacturing of mechanical

tools for the manufacturing of mechanical components for mortar sights technical documentation for mortar sights

BELGIUM (1/2)					
	ML 1	ML 3	ML 6	ML 13	ML 15
a	1	1	1	3	4
b	210 000	15 000	1 000 000	27 240	854 410
С	43 322	7 470	395 316	30 056	379 155
d	0	0	0	0	0
е	-	-	-	-	-

BELGIUM (2/2)		
	ML 17	Total per destination
a	3	13
b	676 875	2 783 525
С	617 533	1 472 852
d	0	0
е	-	-

Licences issued for:

components for small arms

components for rockets

components for military ground vehicle

bulletproof vests

electronic components for night vision equipment

components for imaging or countermeasure equipment

military cables with connectors

Military goods exported:

components for small arms

submachine gun (5)

automatic rifle (15)

semi-automatic rifle (30)

sniper rifle (15)

components for rockets

components for military ground vehicle

bulletproof vests

electronic components for night vision equipment

components for imaging or countermeasure equipment

military cables with connectors

BENIN		
	ML 1	Total per destination
a	1	1
b	164 898	164 898
С	164 898	164 898
d	0	0
e	-	-

Licences issued for:

assault rifle (1 000) (1 licence)

Military goods exported:

assault rifle (1 000)

BULGARIA				
	ML 1	ML 2	ML 3	Total per destination
а	6	1	1	8
b	24 198	83 050	95 375	202 623
С	5 271	117 960	95 375	218 606
d	0	0	0	0
е	-	-	-	-

Licences issued for:

hunting riflescope machine gun (2) (1 licence) mortar sight explosive projectiles for delaboration

Military goods exported:

hunting riflescope grenade launcher sight explosive projectiles for delaboration

BURKINA FASO					
	ML 3	ML 4	ML 8	Total per destination	
а	7	1	3	11	
b	906 736	1 295 900	76 878	2 279 514	
С	0	1 936 135	0	1 936 135	
d	0	0	0	0	
е	-	-	-	-	

Licences issued for:

normal and manoeuvre ammunition for small arms detonation cord antitank grenade rocket for rocket launcher rocket launcher (5) (1 licence) TNT blocks with detonator

Military goods exported:

rocket launcher (5) rocket for rocket launcher

CANADA		
	ML 1	Total per destination
a	1	1
b	2 950	2 950
С	2 950	2 950
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

CHINA, PEOPLE'S REPUBLIC OF					
	ML 7	ML 15	Total per destination		
a	0	0	0		
b	0	0	0		
С	0	0	0		
d	1	1	2		
е	2 (1), 7(1)	2 (1), 7(1)	2 (2), 7 (2)		

Licences issued for: -Military goods exported: -

CROATIA					
	ML 1	ML 3	ML 10	ML 11	Total per destination
a	1	1	4	1	7
b	2 070	52 015	419 223	21 700	495 008
С	2 070	52 015	351 381	21 700	427 166
d	0	0	0	0	0
е	-	-		-	-

Licences issued for:

hunting riflescope small arms manoeuvre ammunition equipment for military combat aircraft components for military combat aircraft

Military goods exported: hunting riflescope small arms manoeuvre ammunition equipment for military combat aircraft components for military combat aircraft

CZECH REPUBLI	С		
	ML 1	ML 3	Total per destination
a	3	1	4
b	2 769 473	600 120	3 369 593
С	558 165	600 120	1 158 285
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope components for small arms small arms ammunition

Military goods exported:

hunting riflescope components for small arms small arms ammunition

DENMARK			
	ML 1	ML 13	Total per destination
a	1	0	1
b	45 000	0	45 000
С	4 250	20 691	24 941
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope bulletproof vest

EGYPT			
	ML 3	ML 10	Total per destination
а	1	3	4
b	139 948	464 583	604 531
С	139 948	604 531	744 479
d	0	0	0
е	-	-	-

Licences issued for:

fuses for illuminating bombs aero-engine for military combat aircraft components for combat aircraft aero-engine

Military goods exported:

fuses for illuminating bombs aero-engine for military combat aircraft components for combat aircraft aero-engine

ETHIOPIA		
	ML 18	Total per destination
a	0	0
b	0	0
С	37 281	37 281
d	0	0
e	-	-

Licences issued for: -

Military goods exported:

laboratory equipment for military transport helicopter

FINLAND			
	ML 1	ML 10	Total per destination
a	1	2	3
b	45 000	117 282	162 282
С	16 708	40 709	57 417
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope

components for military helicopter fuselage components for military aircraft aero structure

Military goods exported:

hunting riflescope components for military helicopter fuselage components for military aircraft aero structure

FRANCE (1/2)						
	ML 1	ML 4	ML 6	ML 10	ML 11	ML 13
а	4	2	3	13	4	4
b	49 502	64 740	300 432	207 565	298 300	41 411
С	33 732	0	249 600	1 043 978	198 400	43 809
d	0	0	0	0	0	0
е	-	-	-	-	-	-

FRANCE (2/2)	
	Total per destination
a	30
b	961 950
С	1 569 519
d	0
е	-

Licences issued for:

hunting riflescope sniper rifle (5) (1 licence) submachine gun (5) (1 licence) components for small arms warhead for torpedo warhead EXOCET components for military armoured vehicle spare parts for military transport helicopter electric components for aviation bulletproof vest

Military goods exported:

sniper rifle (5) submachine gun (143) components for small arms components for military armoured vehicle spare parts for military transport helicopter electric components for aviation bulletproof vest

GABON		
	ML 10	Total per destination
a	1	1
b	1 060 231	1 060 231
С	1 060 231	1 060 231
d	0	0
е	-	-

Licences issued for:

military transport helicopter (1) (inward processing repair)

Military goods exported:

military transport helicopter (1) (inward processing repair)

GEORGIA					
	ML 2	ML 3	ML 8	Total per destination	
а	1	5	1	7	
b	291 225	7 754 030	432 320	8 477 575	
С	274 878	2 399 782	259 637	2 934 297	
d	0	0	0	0	
е	-	-	-	-	

Licences issued for:

antitank grenade launcher (677) (1 licence) antitank grenades small arms ammunition military plastic explosive

Military goods exported:

antitank grenade launcher (639) machine gun (1) antitank grenades small arms ammunition military plastic explosive

GERMANY			
	ML 1	ML 10	Total per destination
а	1	25	26
b	47 785	187 010	234 795
С	0	197 482	197 482
d	0	0	0
е	-	-	-

Licences issued for:

semi-automatic rifle (180) (1 licence) rifle (50) (1 licence) personnel parachute extracting parachute break parachute cargo parachute components for parachute components for military container

Military goods exported:

personnel parachute extracting parachute break parachute cargo parachute components for parachute components for military container

HUNGARY			
	ML 3	ML 10	Total per destination
a	1	0	1
b	73 430	0	73 430
С	14 996	28 947	43 943
d	0	0	0
e	-	-	-

Licences issued for:

hunting ammunition

Military goods exported:

hunting ammunition spare parts for military training aircraft

ICELAND		
	ML 1	Total per destination
a	2	2
b	3 477	3 477
С	3 477	3 477
d	0	0
e	-	-

Licences issued for:

hunting riflescope with accessories

Military goods exported:

hunting riflescope with accessories

INDIA			
	ML 10	ML 14	Total per destination
а	1	1	2
b	10 845 999	3 600	10 849 599
С	4 916 332	0	4 916 332
d	0	0	0
е	-	-	-

Licences issued for:

aero-engine for military combat aircraft (repair) equipment for simulator

Military goods exported:

aero-engine for military combat aircraft (repair) spare parts for military combat aircraft

IRAQ				
	ML 1	ML 3	ML 6	Total per destination
а	1	2	2	5
b	2 066 082	9 561 283	13 248 431	24 875 796
С	0	2 454 468	6 269 056	8 723 524
d	0	0	0	0
е	-	-	-	-

Licences issued for:

semi-automatic rifle (3 164) (1 licence) tracer incendiary cartridge components for military vehicles

Military goods exported:

tracer incendiary cartridge components for military vehicles

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

IRELAND		
	ML 13	Total per destination
a	0	0
b	0	0
С	1 104	1 104
d	0	0
е	-	-

Licences issued for: -

Military goods exported:

bulletproof vest

ISRAEL (1/2)							
	ML 1	ML 4	ML 5	ML 6	ML 10	ML 11	
a	1	11	8	3	16	32	
b	100 373	1 212 845	482 994	5 159 313	994 465	3 714 591	
С	0	841 927	108 210	6 667 241	615 454	1 406 233	
d	0	0	0	0	0	0	
е	-	-	-	-	-	-	

ISRAEL (2/2)						
	ML 14	ML 15	ML 17	ML 18	ML 21	Total per destination
а	1	3	1	4	1	81
b	188 199	1 686 786	1 792 372	1 000 077	501 864	16 833 879
С	3 011	813 766	959 309	340 111	121 297	11 876 559
d	0	0	0	0	0	0
е	-	-	-	-	-	-

Licences issued for:

accessories for small arms

components for air to air missile

container for launching tubes

bomb corps

sight for rocket launcher

turret components for military armoured vehicle

components for military aircraft

illumination parachute for grenade

components for emission-reception equipment

components for military computer

components for temperature control

software simulator for military helicopter

components for night vision equipment

components for imaging or countermeasure equipment

military cables with connectors

tools and devices for military products verification

software for test and verification equipment for military products

Military goods exported:

components for air to air missile

container for launching tubes

bomb corps

sight for rocket launcher

turret components for military armoured vehicle

components for military aircraft

illumination parachute for grenade components for emission-reception equipment components for military computer components for temperature control software simulator for military helicopter components for night vision equipment components for imaging or countermeasure equipment military cables with connectors tools and devices for military products verification software for test and verification equipment for military products

ITALY				
	ML 1	ML 7	ML 10	Total per destination
а	1	1	2	4
b	45 000	108 640	620 680	774 320
С	46 809	3 880	950 680	1 001 369
d	0	0	0	0
е	-	-	-	-

Licences issued for:

hunting riflescope NBC protective suit components illumination parachute

Military goods exported:

hunting riflescope NBC protective suit components illumination parachute

JORDAN		
	ML 3	Total per destination
a	2	2
b	14 846	14 846
С	14 846	14 846
d	0	0
е	-	<u>-</u>

Licences issued for:

normal and manoeuvre ammunition for small arms

Military goods exported:

normal and manoeuvre ammunition for small arms

KAZAKHSTAN		
	ML 1	Total per destination
a	1	1
b	4 798	4 798
С	4 798	4 798
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

KOREA, SOUTH			
	ML 2	ML 3	Total per destination
a	1	1	2
b	2 868	53 750	56 618
С	2 868	53 750	56 618
d	0	0	0
е	-	-	-

Licences issued for:

antitank grenade launcher (2) (1 licence) grenades for antitank grenade launcher

Military goods exported: -

antitank grenade launcher (2) grenades for antitank grenade launcher

LEBANON			
	ML 3	ML 4	Total per destination
а	2	1	3
b	681 280	44 164	725 444
С	0	0	0
d	0	0	0
е	-	-	-

Licences issued for:

antitank grenade defensive hand grenade

Military goods exported: -

Footnote: Licences issued pursuant to UN Security Council resolution for use in Lebanon with the Government of Lebanon authorization.

LIBERIA				
	ML 1	ML 2	ML 3	Total per destination
а	2	1	1	4
b	138 127	22	3 846	141 995
С	138 127	22	3 846	141 995
d	0	0	0	0
е	-	-	-	-

Licences issued for:

sniper rifle (12) (1 licence)
pistol (250) (1 licence)
submachine gun (500) (1 licence)
assault rifle (100) (1 licence)
accessories for machine gun
antitank grenade launcher (50) (1 licence)
small arms ammunition
antitank grenades

Military goods exported:

sniper rifle (12) pistol (250) submachine gun (500) assault rifle (100) accessories for machine gun

antitank grenade launcher (50) small arms ammunition antitank grenades

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.

MALTA		
	ML 1	Total per destination
а	1	1
b	4 765	4 765
С	4 765	4 765
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported: -

hunting riflescope

MAROCCO		
	ML 10	Total per destination
а	2	2
b	27 999 348	27 999 348
С	0	0
d	0	0
е	-	-

Licences issued for:

military transport helicopter (4) (2 licences)

Military goods exported: -

MAURITANIA		
	ML 10	Total per destination
а	1	1
b	1 990	1 990
С	1 990	1 990
d	0	0
e	-	-

Licences issued for:

personnel parachute

Military goods exported:

personnel parachute

NETHERLANDS			
	ML 1	ML 9	Total per destination
a	1	7	8
b	45 000	7 574 870	7 619 870
С	0	7 574 870	7 574 870
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope

components for military patrol ship

Military goods exported:

components for military patrol ship

NEW CALEDONIA		
	ML 1	Total per destination
a	1	1
b	5 560	5 560
С	5 560	5 560
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

NEW ZEALAND		
	ML 1	Total per destination
a	4	4
b	22 269	22 269
С	7 274	7 274
d	0	0
е	-	-

Licences issued for:

semi-automatic rifle (100) (1 licence)

hunting riflescope

Military goods exported:

hunting riflescope

NORWAY			
	ML 1	ML 10	Total per destination
a	2	2	4
b	5 267	40 866	46 133
С	18 156	40 866	59 022
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope

demilitarised military helicopter (4) (2 licences)

Military goods exported:

hunting riflescope demilitarised military helicopter (4)

OMAN			
	ML 10	Total per destination	
a	9	9	
b	2 812 973	2 812 973	
С	3 338 607	3 338 607	
d	0	0	
е	-	-	

Licences issued for:

spare parts and equipments for military transport helicopter repair for military transport helicopter

Military goods exported:

spare parts and equipments for military transport helicopter repair for military transport helicopter

PAKISTAN			
	ML 3	ML 10	Total per destination
a	2	18	20
b	261 184	451 921	713 105
С	261 184	823 959	1 085 143
d	0	0	0
е	-	-	-

Licences issued for:

fuses for antitank grenade delay fuses spare parts for military transport helicopter

Military goods exported:

fuses for antitank grenade delay fuses spare parts for military transport helicopter

POLAND		
	ML 1	Total per destination
a	1	1
b	90 000	90 000
С	83 732	83 732
d	0	0
e	-	<u>-</u>

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

SAUDI ARABIA		
	ML 1	Total per destination
a	1	1
b	3 075	3 075
С	3 075	3 075
d	0	0
е	-	-

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

SERBIA		
	ML 2	Total per destination
a	1	1
b	11 790	11 790
С	11 790	11 790
d	0	0
e	-	-

Licences issued for:

spare parts for howitzer sight

Military goods exported:

spare parts for howitzer sight

SLOVAKIA				
	ML 1	Total per destination		
а	1	1		
b	45 000	45 000		
С	6 767	6 767		
d	0	0		
e	-	-		

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

SOUTH AFRICA			
	ML 1	Total per destination	
а	2	2	
b	7 474	7 474	
С	7 474	7 474	
d	0	0	
е	-	-	

Licences issued for:

hunting riflescope

Military goods exported:

hunting riflescope

SWEDEN			
	ML 1	ML 4	Total per destination
a	1	1	2
b	45 000	80 636	125 636
С	0	29 834	29 834
d	0	0	0
е	-	-	-

Licences issued for:

hunting riflescope

spare parts and components for anti-ship missile

Military goods exported:

spare parts and components for anti-ship missile

SWITZERLAND				
	ML 3	ML 4	Total per destination	
a	2	1	3	
b	1 307 447	40 340	1 347 787	
С	390 087	604 854	994 941	
d	0	0	0	
е	-	-	-	

Licences issued for:

elements for launching ammunition components for torpedo

Military goods exported:

elements for launching ammunition components for torpedo components for grenade launcher

THAILAND		
	ML 2	Total per destination
a	1	1
b	141 956	141 956
С	141 956	141 956
d	0	0
e	-	-

Licences issued for:

electric shutter for aviation gun

Military goods exported:

electric shutter for aviation gun

TURKEY				
	ML 3	ML 4	ML 8	Total per destination
a	1	1	1	3
b	2 509	175 000	19 620	197 129
С	2 509	175 000	17 220	194 729
d	0	0	0	0
е	-	-	-	-

Licences issued for:

components for reactive projectile proximity fuses military explosives

Military goods exported:

components for reactive projectile proximity fuses military explosives

UKRAINE				
	ML 10	Total per destination		
a	1	1		
b	25 150	25 150		
С	25 150	25 150		
d	0	0		
е	-	-		

Licences issued for:

pyrotechnic cartridge and loading

Military goods exported:

pyrotechnic cartridge and loading

UNITED ARAB EMIRATES				
	ML 10	Total per destination		
a	8	8		
b	3 664 982	3 664 982		
С	15 089 182	15 089 182		
d	0	0		
е	-	-		

Licences issued for:

spare parts for military transport helicopter products modernization for military transport helicopter

Military goods exported:

spare parts for military transport helicopter products modernization for military transport helicopter military transport helicopter (3) (repair and modernization)

UNITED KINGDOM					
	ML 1	ML 10	ML 13	ML 22	Total per destination
а	3	22	1	0	26
b	90 449	964 367	83 175	0	1 137 991
С	217 620	509 693	105 365	1 117	833 795
d	0	0	0	0	0
е	-	-	-	-	-

Licences issued for:

hunting riflescope

submachine gun (30) (2 licences) components for military aircraft

recovery parachute (for recovery aircraft without pilot)

cargo parachute

spare parts and components for maritime military patrol aircraft components for military parachute

components for military aero-engine ballistic protection for bulletproof vest

Military goods exported:

hunting riflescope accessories for small arms submachine gun (34) assault rifle (100) machine gun (100)

recovery parachute (for recovery aircraft without pilot)

cargo parachute

spare parts and components for maritime military patrol aircraft

components for military parachute components for military aero-engine ballistic protection for bulletproof vest machine gun handbook

UNITED STATES (1/2)					
	ML 1	ML 2	ML 3	ML 6	ML 9
а	60	2	8	1	3
b	17 139 800	194 437	4 925 234	205 146	156 001
С	9 468 719	194 437	6 683 119	0	156 001
d	0	0	0	0	0
е	-	-	-	-	

UNITED STATES (2/2)				
	ML 10	ML 17	Total per destination	
а	1	2	77	
b	2 974 692	1 271 553	26 866 863	
С	0	0	16 502 276	
d	0	0	0	
е	-	-	-	

Licences issued for:

semi-automatic carbine (47) (1 licence)

sniper rifle (115 393) (11 licences)

kits sniper rifle (3 232) (2 licences)

pistol (15 351) (3 licences)

submachine gun (550) (1 licence)

kits submachine gun (19 000) (3 licences)

machine gun (354) (1 licence)

services for conversion and refinishing

accessories for small arms

hunting riflescope

machine gun and accessories there for (10) (1 licence)

barrel for grenade launcher

small arms ammunition

trailer for radar transport

components for naval products

spare parts and components for military aircraft

unequipped container type shelter

Military goods exported:

semi-automatic carbine (47)

kits submachine gun (5 751)

semi-automatic rifle (81 677)

pistol (5 701)

submachine gun (7 351)

machine gun (10)

services for conversion and refinishing accessories for small arms hunting riflescope small arms ammunition components for naval products

VIETNAM		
	ML 10	Total per destination
a	1	1
b	2 966 363	2 966 363
С	1 795 252	1 795 252
d	0	0
e	-	-

Licences issued for:

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

Military goods exported:

military training aircraft and components there for (4)

0

d

е

2. PERMANENT EXPORTS PER CATEGORY OF PRODUCTS

(1/3)	ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
a ²	119	10	54	18	8	10
b	23 562 752	749 650	34 181 559	2 913 625	482 994	19 913 322
С	11 787 510	768 213	21 166 016	3 587 750	108 210	13 581 213

0

0

(2/3)	ML 7	ML 8	ML 9	ML 10	ML 11	ML 13
а	1	5	10	135	38	8
b	108 640	528 818	7 730 871	56 948 519	8 121 198	151 826
С	3 880	276 857	7 730 871	31 563 253	1 626 333	201 025
d	1	0	0	0	0	0
е	2 (1), 7 (1)	-	-	-	-	-

(3/3)	ML 14	ML 15	ML 17	ML 18	ML 21	ML 22	Total
а	3	7	6	6	1	2	441
b	1 450 044	2 541 196	3 740 800	1 570 804	501 864	250 932	165 449 414
С	1 261 256	1 192 921	1 576 842	948 119	121 297	252 049	97 753 615
d	0	1	0	0	0	0	2
е	-	2 (1), 7 (1)	-	-	-	-	2 (2), 7 (2)

Exchange rates 2009:

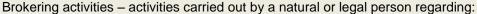
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² Key: (a) = number of Licences issued, (b) = value of licences issued in Euros, (c) = value of arms exports in Euros (d) = total EU number of license refusals (small discrepancies may appear between breakdowns and totals due to denials concerning 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).

¹ EUR = 1,39480 USD 1 EUR = 0,89094 GBP

¹ EUR = 1,51000 CHF

3. BROKERING ACTIVITIES



- 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.

KUWAIT			
	Exporter	Importer	
	United Kingdom	Kuwait	Total per destination
	ML 3		
a ³	1		1
b	111 119		111 119
С	0		0
d	0		0
е			-

Licences issued for:

manoeuvre grenades

Military goods exported: -

AZERB	AIJAN		
	Exporter	Importer	
	South Africa	Azerbaijan	Total per destination
	ML	10	
а		1	1
b	4 784 32	4	4 784 324
С	2 102 95	4	2 102 954
d		0	0
е		-	-

Licences issued for:

equipment for military aircraft

Military goods exported:

equipment for military aircraft

Exchange rates 2009:

1 EUR = 1,39480 USD 1 EUR = 0,89094 GBP

1 EUR = 1,51000 CHF

³ 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 license 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).

MACED	ONIA		
	Exporter	Importer	
	South Africa	Macedonia	Total per destination
	ML	10	
a		1	1
b	68 60	3	68 603
С		0	0
d		0	0
е		-	-

Licences issued for:

equipment for military aircraft

Military goods exported: -

4. TRANSIT AND TRANSHIPMENT



Military category	Number of operations	Exporter Country	Neighbouring Entrance Country	Neighbouring Exit Country	Importer Country	Transport means					
Transit Operations											
ML 1, ML 3	11	Bulgaria	Bulgaria	Hungary	USA	Railway (10) Road (1)					
ML 4	1	Bulgaria	Bulgaria	Republic of Moldova	Republic of Moldova	Road					
ML 3, ML 8	2	Bulgaria	Bulgaria	Ukraine	Ukraine	Road					
ML 3	3	Bulgaria	Bulgaria	Hungary	Hungary	Road					
ML1, ML 3, ML 6, ML 17	1	Austria	Hungary	Bulgaria	UNMOVIC	Railway					
ML1, ML 3, ML 6, ML 17	1	UNMOVIC	Bulgaria	Hungary	Austria	Railway					
MI 2, ML 3	1	Egypt	Black Sea	Serbia	Serbia	Road					
ML 3	1	Italy	Hungary	Bulgaria	Greece	Road					
ML 4	4	Poland	Hungary	Black Sea	Israel	Railway					
ML 3	1	Serbia	Serbia	Black Sea	Lebanon	Road					
ML 3	4	Slovakia	Hungary	Bulgaria	Turkey	Road					
ML 3, ML 6	4	Ukraine	Ukraine	Bulgaria	Bulgaria	Road					
Total	34										
Т	ranshipmen	t Operations			Type of t	ranshipmen					
ML 2, ML 3	1	Egypt	Black Sea	Serbia	Serbia	Maritime - Road					
ML 4	4	Poland	Hungary	Black Sea	Israel	Railway - Maritime					
ML 3	1	Serbia	Serbia	Black Sea	Lebanon	Road- Maritime					
Total	6										

5. EXPORT LICENCES BY RECIPIENT REGION AND COUNTRY

				S	UB-SAHA	RAN AF	RICA		
		ML 1	ML 2	ML 3	ML 4	ML 8	ML 10	ML 18	Total per destination
	a ⁴	1							1
BENIN	b	164 898							164 898
	С	164 898							164 898
	а			7	1	3			11
BURKINA FASO	b			906 736	1 295 900	76 878			2 279 514
	С			0	1 936 135	0			1 936 135
	а							0	0
ETHIOPIA	b							0	0
	С							37 281	37 281
	а						1		1
GABON	b						1 060 231		1 060 231
	С						1 060 231		1 060 231
	а	2	1	1					4
LIBERIA	b	138 127	22	3 846					141 995
	С	138 127	22	3 846					141 995
	а						1		1
MAURITANIA	b						1 990		1 990
	С						1 990		1 990
	а	2							2
SOUTH AFRICA	b	7 474							7 474
	С	7 474							7 474

⁴ 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 license 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).

Exchange rates 2009:

1 EUR = 1,39480 USD

1 EUR = 0,89094 GBP

1 EUR = 1,51000 CHF

		ML 1	ML 2	ML 3	ML 4	ML 8	ML 10	ML 18	Total per destination
	а	5	1	8	1	3	2	0	20
Total per category	b	310 499	22	910 582	1 295 900	76 878	1 062 221	0	3 656 102
	С	310 499	22	3 846	1 936 135	0	1 062 221	37 281	3 350 004

		NORTH A	AFRICA
		ML 10	Total per destination
	а	2	2
MAROCCO	b	27 999 348	27 999 348
	С	0	0
	а	2	2
Total per category	b	27 999 348	27 999 348
	С	0	0

			NORTH AMERICA									
		ML 1	ML 2	ML 3	ML 6	ML 9) ML 10	ML 17	Total per destination			
	а	1							1			
CANADA	b	2 950							2 950			
	С	2 950							2 950			
	а	60	2	8	1	3	1	2	77			
UNITED STATES	b	17 139 800	194 437	4 925 234	205 146	156 001	2 974 692	1 271 553	26 866 863			
	С	9 468 719	194 437	6 683 119	0	156 001	0	0	16 502 276			
	а	61	2	8	1	3	1	2	78			
Total per category	b	17 142 750	194 437	4 925 234	205 146	156 001	2 974 692	1 271 553	26 869 813			
	С	9 471 669	194 437	6 683 119	0	156 001	0	0	16 505 226			

		_	CENTRAL ASIA			
			ML 1	Total per destination		
	а		1			
KAZAKHSTAN	b		4 798	4 798		
	С		4 798	4 798		
	а		1	1		
Total per category	b		4 798	4 798		
,	С		4 798	4 798		
			NORTH EAST ASIA			
		ML 1	ML 3	Total per destination		
	а	1	1	2		
KOREA (Republic of)	b	2 868	53 750	56 618		
, ,	С	2 868	53 750	56 618		
	а	1	1	2		
Total per category	b	2 868	53 750	56 618		
0 ,	С	2 868	53 750	56 618		
			SOUTH EAST ASIA			
		ML 2	ML 10	Total per destination		
	а	1		1		
THAILAND	b	141 956		141 956		
	С	141 956		141 956		
-	а		1	1		
VIETNAM	b		2 966 363	2 966 363		
	С		1 795 252	1 795 252		
	а	1	1	2		
Total per category	b	141 956	2 966 363	3 108 319		
category	С	141 956	1 795 252	1 937 208		

				30	OUTH ASIA		
			ML 1	ML 3	ML 10	ML 14	Total per destination
	a	a	2	14	2	1	19
AFGHANISTAN	k	101	692	7 495 499	58 568	1 258 245	8 914 004
	C	756	309	7 754 474	58 568	1 258 245	9 827 596
	6	a			1	1	2
INDIA	k				10 845 999	3 600	10 849 599
	C	;			4 916 332	0	4 916 332
	а	ı e		2	18		20
PAKISTAN	b	•		261 184	451 921		713 105
	C	:		261 184	823 959		1 085 143
	а		2	16	21	2	41
Total per category	b	101	692	7 756 683	11 356 488	1 261 845	20 476 708
outogoty	C	756	309	8 015 658	5 798 859	1 258 245	15 829 071
				EUROPE	EAN UNION (1/2)	
		ML 1	ML 2	EUROPE ML 3	EAN UNION (1/2) ML 6 ML	7 ML 9
	а	ML 1	ML 2				7 ML 9
AUSTRIA	a b						7 ML 9
AUSTRIA		4	1				7 ML 9
AUSTRIA	b	4 49 242	1 4 944				7 ML 9
AUSTRIA	b c	4 49 242 16 998	1 4 944	ML 3	ML 4	ML 6 ML	7 ML 9
	b c a	4 49 242 16 998	1 4 944	ML 3	ML 4	ML 6 ML	7 ML 9
	b c a b	4 49 242 16 998 1 210 000	1 4 944	ML 3 1 15 000	ML 4	ML 6 ML 1 000 000	7 ML 9
	b c a b	4 49 242 16 998 1 210 000 43 322	1 4 944 4 944	1 15 000 7 470	ML 4	ML 6 ML 1 000 000	7 ML 9
BELGIUM	b c a b c	4 49 242 16 998 1 210 000 43 322 6	1 4 944 4 944	1 15 000 7 470	ML 4	ML 6 ML 1 000 000	7 ML 9
BELGIUM	b c a b c b	4 49 242 16 998 1 210 000 43 322 6 24 198	1 4 944 4 944 1 83 050	ML 3 1 15 000 7 470 1 95 375	ML 4	ML 6 ML 1 000 000	7 ML 9
BELGIUM	b c a b c a b c	4 49 242 16 998 1 210 000 43 322 6 24 198 5 271	1 4 944 4 944 1 83 050	1 15 000 7 470 1 95 375 95 375	ML 4	ML 6 ML 1 000 000	7 ML 9

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
	а	1						
DENMARK	b	45 000						
	С	4 250						
	а	1						
FINLAND	b	45 000						
	С	16 708						
	а	4			2	3		
FRANCE	b	49 502			64 740	300 432		
	С	33 732			0	249 600		
	а	1						
NEW CALEDONIA	b	5 560						
	С	5 560						
	а	1						
GERMANY	b	47 785						
	С	0						
	а			1				
HUNGARY	b			73 430				
	С			14 996				
	а							
IRELAND	b							
	С							
	а	1					1	
ITALY	b	45 000					108 640	
	С	46 809					3 880	
	а	1						
MALTA	b	4 765						
	С	4 765						

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
	а	1						7
NETHERLANDS	b	45 000						7 574 870
	С	0						7 574 870
	а	1						
POLAND	b	90 000						
	С	83 732						
	а	1						
SLOVAKIA	b	45 000						
	С	6 767						
-	а	1			1			
SWEDEN	b	45 000			80 636			
	С	0			29 834			
-	а	3						
UNITED KINGDOM	b	90 449						
	С	217 620						
	а	31	2	4	3	4	1	7
Total per category	b	3 610 974	87 994	783 925	145 376	1 300 432	108 640	7 574 870
	С	1 043 699	122 904	717 961	29 834	644 916	3 880	7 574 870
				FUDARE		. (2/2)		

		EUROPEAN UNION (2/2)								
		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination		
	а							5		
AUSTRIA	b							54 186		
	С							21 942		
BELGIUM	а			3	4	3		13		
	b			27 240	854 410	676 875		2 783 525		
	С			30 056	379 155	617 533		1 472 852		

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination
	а							8
BULGARIA	b							202 623
	С							218 606
	а							4
CZECH REPUBLIC	b							3 369 593
	С							1 158 285
	а			0				1
DENMARK	b			0				45 000
	С			20 691				24 941
	а	2						3
FINLAND	b	117 282						162 282
	С	40 709						57 417
	а	13	4	4				30
FRANCE	b	207 565	298 300	41 411				961 950
	С	1 043 978	198 400	43 809				1 569 519
	а							1
NEW CALEDONIA	b							5 560
	С							5 560
	а	25						26
GERMANY	b	187 010						234 795
	С	197 482						197 482
	а	0						1
HUNGARY	b	0						73 430
	С	28 947						43 943
	а			0				0
IRELAND	b			0				0
	С			1 104				1 104

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination
	а	2						4
ITALY	b	620 680						774 320
	С	950 680						1 001 369
	а							1
MALTA	b							4 765
	С							4 765
	а							8
NETHERLANDS	b							7 619 870
	С							7 574 870
	а							1
POLAND	b							90 000
	С							83 732
	а							1
SLOVAKIA	b							45 000
	С							6 767
	а							2
SWEDEN	b							125 636
	С							29 834
	а	22		1			0	26
UNITED KINGDOM	b	964 367		83 175			0	1 137 991
	С	509 693		105 365			1 117	833 795
	а	64	4	8	4	3	0	135
Total per category	b	2 096 904	298 300	151 826	854 410	676 875	0	17 690 526
· · · · · · · · · · · · · · · · · · ·	С	2 771 489	198 400	201 025	379 155	617 533	1 117	14 306 783

			OTHER EUROPEAN COUNTRIES (1/2)							
		ML 1	ML 2	ML 3	ML 4	ML 8	ML 10	ML 11		
	а	4	1	1			1	1		
AZERBAIJAN	b	183 366	19 358	238 027			70 261	4 086 607		
	С	160 424	19 358	238 027			70 261	0		
	а	1		1			4	1		
CROATIA	b	2 070		52 015			419 223	21 700		
	С	2 070		52 015			351 381	21 700		
	а		1	5		1				
GEORGIA	b		291 225	7 754 030		432 320				
	С		274 878	2 399 782		259 637				
	а	2								
ICELAND	b	3 477								
	С	3 477								
	а	2					2			
NORWAY	b	5 267					40 866			
	С	18 156					40 866			
	а		1							
SERBIA	b		11 790							
	С		11 790							
	а			2	1					
SWITZERLAND	b			1 307 447	40 340					
	С			390 087	604 854					
	а			1	1	1				
TURKEY	b			2 509	175 000	19 620				
	С			2 509	175 000	17 220				
	а						1			
UKRAINE	b						25 150			
	С						25 150			

		ML 1	ML 2	ML 3	ML 4	ML 8	ML 10	ML 11
Total per category	а	9	3	10	2	2	8	2
	b	194 180	322 373	9 354 028	215 340	451 940	555 500	4 108 307
	С	184 127	306 026	3 082 420	779 854	274 857	487 658	21 700

OTHER EUROPEAN	COUNTRIES (2/2)
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				· '
		ML 18	ML 22	Total per destination
	а	2	2	12
AZERBAIJAN	b	570 727	250 932	5 419 278
	С	570 727	250 932	1 309 7291
	а			7
CROATIA	b			495 008
	С			427 166
	а			7
GEORGIA	b			8 477 575
	С			2 934 297
	а			2
ICELAND	b			3 477
	С			3 477
	а			4
NORWAY	b			46 133
	С			59 022
	а			1
SERBIA	b			11 790
	С			11 790
	а			3
SWITZERLAND	b			1 347 787
	С			994 941

С

			ML 18	8		ML 22	Total p	er destination
	а							3
TURKEY	b							197 129
	С							194 729
	а							1
UKRAINE	b							25 150
	С							25 150
	а		2	2		2		40
Total per category	b		570 727	7	25	50 932		16 023 327
	С		570 727	7	25	50 932		5 960 301
				MIDDI	LE EAST (1/2)		
		ML 1	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11
	а		1				3	
EGYPT	b		139 948				464 583	
	С		139 948				604 531	
	а		2					
JORDAN	b		14 846					
	С		14 846					
	а	1	2			2		
IRAQ	b	2 066 082	9 561 283			13 248 431		
	С	0	2 454 468			6 269 056		
	a	1		11	8	3	16	32
ISRAEL	b	100 373		1 212 845	482 994	5 159 313	994 465	3 714 591
	С	0		841 927	108 210	6 667 241	615 454	1 406 233
	а		2	1				
LEBANON	b		681 280	44 164				

0

0

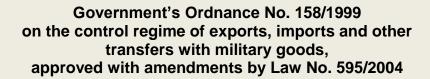
		ML 1	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11
OMAN	а						9	
	b						2 812 973	
	С						3 338 607	
	а	1						
SAUDI ARABIA	b	3 075						
	С	3 075						
UNITED ARAB EMIRATES	а						8	
	b						3 664 982	
	С						15 089 182	
	а	3	7	12	8	5	36	32
Total per category	b	2 169 530	10 397 357	1 257 009	482 994	18 407 744	7 937 003	3 714 591
5 ,	С	3 075	2 609 262	841 927	108 210	12 936 297	19 647 774	1 406 233

				MIDDLEE	ACT (2/2)		
				MIDDLE E	AST (2/2)		
		ML 14	ML 15	ML 17	ML 18	ML 21	Total per destination
	а						4
EGYPT	b						604 531
	С						744 479
	а						2
JORDAN	b						14 846
	С						14 846
	а						5
IRAQ	b						24 875 796
	С						8 723 524
	а	1	3	1	4	1	81
ISRAEL	b	188 199	1 686 786	1 792 372	1 000 077	501 864	16 833 879
	С	3 011	813 766	959 309	340 111	121 297	11 876 559

		ML 14	ML 15	ML 17	ML 18	ML 21	Total per destination
	а						3
LEBANON	b						725 444
	С						0
	а						9
OMAN	b						2 812 973
	С						3 338 607
	а						1
SAUDI ARABIA	b						3 075
	С						3 075
LIMITED	a						8
UNITED ARAB EMIRATES	b						3 664 982
EWIRATES	С						15 089 182
	а	1	3	1	4	1	113
Total per category	b	188 199	1 686 786	1 792 372	1 000 077	501 864	49 535 526
	С	3 011	813 766	959 309	340 111	121 297	39 790 272

		OCEAN	IA
		ML 1	Total per destination
	а	3	3
AUSTRALIA	b	6 060	6 060
	С	6 060	6 060
	а	4	4
NEW ZEALAND	b	22 269	22 269
	С	7 274	7 274
	а	7	7
Total per category	b	28 329	28 329
	С	13 334	13 334

Annex 1



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) transhipment (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 transhipments 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 transhipment 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 transhipment 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 transhipment 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 transhipment 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 transhipping operations on the territory of Romania;
- j) to issue permits for non-trading operations, international transit permits, permits for transhipping 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, transhipment or other transfers involving military goods, as well as sanctions against the persons stipulated under article 3 that are found guilty of such violations;
- I) 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 Interministry 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 28**¹ (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' 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.

Annex 2

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/CFSP⁵ on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (1).
- (8) The Council adopted on 23 June 2003 Common Position 2003/468/CFSP⁶ (2) 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.

⁵ JO L 191, 19.7.2002, p. 1.

⁶ JO 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 list⁷.
- (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 technology⁸.

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 'transhipment' 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 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 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

 $^{^{7}}$ Last amended 10 March 2008, OJ C 98, 18.4.2008, p. 1.

⁸ JO L 159, 30.6.2000, p. 1.

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.

Annex 3

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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