

Ministry of Foreign Affairs

Department for Export Controls - ANCEX

Arms Export Controls

annual report

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ROMANIA

Edited by:

**Ministry of Foreign Affairs of Romania
Department for Export Controls – ANCEX
Conventional Arms Division
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1. PERMANENT EXPORTS PER DESTINATION

AFGHANISTAN

	ML 1	ML 3	ML 6	ML 13	Total per destination
a ¹	4	6	1	2	13
b	5 318 352	8 134 230	3 156 336	32 109	16 641 027
c	5 318 352	10 816 931	3 156 336	0	19 291 619
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

sniper rifle (75) (1 licence) (G)²
 machine gun on tripod (529) (3 licences) (G)
 spare parts for machine gun (G)
 cartridges and links for machine gun ammunition (G)
 military utility vehicle (30) (1 licence) (G)
 bulletproof vest (G)

Military goods exported:

sniper rifle (75)
 machine gun on tripod (529)
 spare parts for machine gun
 cartridges and links for machine gun ammunition
 military utility vehicle (30)

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

ARGENTINA

	ML 10	Total per destination
a	1	1
b	56 753	56 753
c	5 986	5 986
d	0	0
e	-	-

Licences issued for:

snap pillars for military aircraft (G)

Military goods exported:

snap pillars for military aircraft

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).

2011 Exchange rates:

1 EUR = 1,39200 USD
 1 EUR = 0,86788 GBP
 1 EUR = 1,23260 CHF

² (G), (I), (C) final destination: Government, Industry, Commercial.

AUSTRALIA

	ML 1	Total per destination
a	4	4
b	9 669	9 669
c	8 527	8 527
d	0	0
e	-	-

Licences issued for:

hunting riflescope and accessories therefor (C)

Military goods exported:

hunting riflescope and accessories therefor

AUSTRIA

	ML 1	Total per destination
a	5	5
b	119 529	119 529
c	68 649	68 649
d	0	0
e	-	-

Licences issued for:

semi-automatic rifle (656) (2 licences) (C)

submachine gun (383) (2 licences) (C)

conversion services for submachine gun (C)

Military goods exported:

hunting riflescope

semi-automatic rifle (456)

submachine gun (83)

AZERBAIJAN

	ML 1	ML 2	ML 3	ML 11	ML 18	ML 22	Total per destination
a	2	1	2	1	0	0	6
b	581 930	172 414	79 023	79 246	0	0	912 613
c	122 016	0	15 445	1 187 926	455 638	950 240	2 731 265
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

spare parts for small arms (G)

small arms ammunition (G)

electronic equipments for aviation (G)

Military goods exported:

spare parts for small arms

small arms ammunition

electronic equipments for aviation

verification tools for military products

production documentation for military scopes

BANGLADESH

	ML 1	ML 2	ML 10	Total per destination
a	1	1	2	4
b	9 283	81 509	4 865 805	4 956 597
c	0	0	2 408 046	2 408 046
d	0	0	0	0
e	-	-	-	-

Licences issued for:

assault rifle (10) (1 licence) (G)
 submachine gun (20) (1 licence) (G)
 small arms accessories (G)
 aviation gun and spare parts therefor (3) (1 licence) (G)
 training military aircraft (8) (2 licences) (inward processing repair) (G)

Military goods exported:

training military aircraft (4) (inward processing repair)

BELGIUM

	ML 1	ML 6	ML 13	ML 15	ML 17	Total per destination
a	2	2	0	3	2	9
b	102 000	5 614	0	3 264 982	2 496 064	5 868 660
c	70 375	178	60 138	103 380	15 079	249 150
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
 submachine gun (300) (1 licence) (C)
 components for military ground vehicle (I)
 components for night vision equipment (I)
 military cables with connectors (I)

Military goods exported:

hunting riflescope
 submachine gun (300)
 components for military ground vehicle
 bulletproof vest
 components for imaging and countermeasure equipment
 military cables with connectors

BOSNIA AND HERZEGOVINA

	ML 10	Total per destination
a	0	0
b	0	0
c	7 931	7 931
d	0	0
e	-	-

Licences issued for: -**Military goods exported:**

components for aero-engine

BULGARIA

	ML 1	ML 2	ML 3	ML 4	Total per destination
a	2	2	2	0	6
b	55 000	696 675	556 458	0	1 308 133
c	305	379 925	294 181	209 642	884 053
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
 mortars sight (C)
 belts for medium calibre ammunition (C)
 fuses for artillery ammunition (C)
 122 mm projectile body (C)

Military goods exported:

hunting riflescope
 mortars sight
 belts for machine gun links
 122 mm projectile body
 122 mm reactive projectile

CANADA

	ML 1	Total per destination
a	1	1
b	2 511	2 511
c	2 511	2 511
d	0	0
e	-	-

Licences issued for:

hunting riflescope and accessories therefor (C)

Military goods exported:

hunting riflescope and accessories therefor

CHILE

	ML 10	Total per destination
a	0	0
b	0	0
c	4 523 372	4 523 372
d	0	0
e	-	-

Licences issued for: -**Military goods exported:**

military transport helicopter (3) (inward processing modernisation)

CROATIA

	ML 1	ML 10	Total per destination
a	1	1	2
b	667	46 650	47 317
c	667	46 650	47 317
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)
batteries for aviation (I)

Military goods exported:

hunting riflescope
batteries for aviation

CZECH REPUBLIC

	ML 1	ML 2	ML 3	ML 10	Total per destination
a	1	1	2	3	7
b	35 000	58 190	298 808	320 427	712 425
c	3 160	366 994	159 526	38 489	568 169
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
14.5 mm machine gun (18) (1 licence) (C)
small arms ammunition (C)
reactive projectile (C)
components for training military aircraft (I)

Military goods exported:

hunting riflescope
14.5 mm machine gun (18)
antitank grenade launcher (800)
small arms ammunition
components for training military aircraft

DENMARK

	ML 1	Total per destination
a	1	1
b	25 000	25 000
c	6 504	6 504
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

EGYPT

	ML 1	ML 3	Total per destination
a	1	1	2
b	10 780	544 235	555 015
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

military scopes (G)

100 mm tracer frangible armour piercing (G)

Military goods exported: -

ESTONIA

	ML 1	ML 10	Total per destination
a	1	1	2
b	25 000	106 322	131 322
c	3 634	0	3 634
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)

broken training military aircraft (2) (C)

Military goods exported:

hunting riflescope

FINLAND

	ML 1	ML 10	Total per destination
a	1	1	2
b	45 000	39 662	84 662
c	7 557	555	8 112
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)

components for military helicopter (I)

Military goods exported:

hunting riflescope

components for military helicopter

FRANCE

	ML 1	ML 6	ML 10	ML 11	ML 13	ML 15	Total per destination
a	2	0	7	4	0	1	14
b	50 489	0	727 391	158 570	0	1 728 000	2 664 450
c	23 306	124 344	223 094	162 054	25 953	0	558 751
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

hunting riflescope (C)

submachine gun with accessories (56) (1 licence) (C)
 spare parts for military transport helicopter (I)
 electronic components for military items (I)
 remote controlled platform with sensors for night vision (I)

Military goods exported:

hunting riflescope
 submachine gun with accessories (56)
 components for military armoured vehicle
 spare parts for military transport helicopter
 electronic components for military items
 bulletproof vest

GABON		
	ML 10	Total per destination
a	2	2
b	6 639	6 639
c	6 639	6 639
d	0	0
e	-	-

Licences issued for:

military transport helicopter unit (G)

Military goods exported:

military transport helicopter unit

GERMANY					
	ML 1	ML 7	ML 10	ML 15	Total per destination
a	3	1	17	1	22
b	49 054	373 013	322 529	24 799	769 395
c	87 509	0	316 913	170 781	575 203
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

repeating rifle (30) (1 licence) (C)
 semi-automatic rifle (150) (1 licence) (C)
 components for small arms (C)
 spectrometer (I)
 components for personnel parachute (I)
 imaging data processing security equipment (I)

Military goods exported:

repeating rifle (30)
 semi-automatic rifle (300)
 manual loading rifle (50)
 components for small arms
 components for personnel parachute
 components for border surveillance

HUNGARY

	ML 3	ML 10	Total per destination
a	1	0	1
b	73 430	0	73 430
c	10 434	28 788	39 222
d	0	0	0
e	-	-	-

Licences issued for:

ammunition for hunting arms (C)

Military goods exported:ammunition for hunting arms
aero-engine and spare parts for military training aircraft**INDIA**

	ML 4	ML 10	Total per destination
a	1	1	2
b	7 810	3 939 583	3 947 393
c	7 810	1 670 230	1 678 040
d	0	0	0
e	-	-	-

Licences issued for:spare parts for rocket launcher (I)
aero-engine for military combat aircraft (inward processing repair) (G)**Military goods exported:**spare parts for rocket launcher
aero-engine for military combat aircraft (inward processing repair)**IRAQ**

	ML 10	Total per destination
a	1	1
b	14 527	14 527
c	19 211	19 211
d	0	0
e	-	-

Licences issued for:

spare parts for military transport helicopter (G)

Military goods exported:

spare parts for military transport helicopter

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	40 000	40 000
c	1 951	1 951
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

ISRAEL (1/2)						
	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11
a	4	3	2	3	3	1
b	89 411	761 265	680 801	6 393 678	60 648	1 795 977
c	51 695	193 642	44 566	5 287 977	111 394	300 802
d	0	0	0	0	0	0
e	-	-	-	-	-	-

ISRAEL (2/2)						
	ML 15	ML 16	ML 17	ML 18	ML 21	Total per destination
a	4	3	2	2	4	31
b	3 152 402	739 533	2 868 308	1 135 133	712 304	18 389 460
c	2 421 086	427 103	1 284 977	598 253	314 430	11 035 925
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

antitank grenade (I)
 components for antitank grenade (I)
 components for air to air missile (I)
 rockets container and rockets launching tubes (I)
 components for fire control system (I)
 weapon sight (I)
 components for military ground vehicle (I)
 components for bomb illuminating parachute (I)
 components for military electronic equipment (I)
 components for imaging and countermeasure equipment (I)
 unfinished products for artillery (I)
 military cables with connectors (I)
 test and verification equipment (I)
 software for military aircraft equipment (I)
 software for test and verification equipment (I)

Military goods exported:

antitank grenade
 components for antitank grenade
 components for air to air missile
 components for fire control system
 components for military ground vehicle
 components for military aircraft
 components for military electronic equipment
 components for imaging and countermeasure equipment
 unfinished products for artillery
 military cables with connectors
 test and verification equipment
 software for test and verification equipment

ITALY				
	ML 1	ML 10	ML 13	Total per destination
a	3	1	2	6
b	120 000	7 511	16 184	143 695
c	20 148	288 671	13 265	322 084
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
 components for bomb illuminating parachute (I)
 bulletproof vest (I)

Military goods exported:

hunting riflescope
 components for bomb illuminating parachute
 bulletproof vest

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

Licences issued for:

small arms ammunition (export for testing) (I)

Military goods exported: -

KAZAKHSTAN		
	ML3	Total per destination
a	1	1
b	147 486	147 486
c	114 417	114 417
d	0	0
e	-	-

Licences issued for:

normal and manoeuvre small arms ammunition (C)

Military goods exported:

normal and manoeuvre small arms ammunition

LIBERIA			
	ML 1	ML 2	Total per destination
a	2	2	4
b	126 976	105 109	232 085
c	168 015	64 070	232 085
d	0	0	0
e	-	-	-

Licences issued for:

antiaircraft machine gun (20) (1 licence) (G)
 antitank grenade launcher sight (G)

antitank grenade launcher (32) (1 licence) (G)

Military goods exported:

antiaircraft machine gun (20)
antitank grenade launcher sight
antitank grenade launcher (32)

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

LUXEMBURG

	ML 1	ML13	Total per destination
a	1	1	2
b	15 000	3 892	18 892
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)
bulletproof vest (NATO Maintenance)

Military goods exported: -

MALTA

	ML 1	Total per destination
a	1	1
b	15 000	15 000
c	0	0
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported: -

MOROCCO

	ML 10	Total per destination
a	3	3
b	22 554 101	22 554 101
c	22 552 101	22 552 101
d	0	0
e	-	-

Licences issued for:

military transport helicopter (3) (1 licence) (capital repair)
spare parts for military transport helicopter (G)

Military goods exported:

military transport helicopter (3) (capital repair)
spare parts for military transport helicopter

MOZAMBIQUE

	ML 10	ML 22	Total per destination
a	2	1	3
b	8 972 701	1 307 471	10 280 172
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

military training aircraft (1) (1 licence) (G)
 combat military aircraft (8) (1 licence) (inward processing repair) (G)
 technical training for ground maintenance crew (G)

Military goods exported: -

NIGERIA

	ML 1	ML 10	Total per destination
a	1	1	2
b	281 250	5 900 000	6 181 250
c	0	2 950 000	2 950 000
d	0	0	0
e	-	-	-

Licences issued for:

submachine gun and accessories (6 300) (1 licence) (C)
 military transport helicopter (2) (1 licence) (G) (inward processing inspection)

Military goods exported:

military transport helicopter (1) (inward processing inspection)

NETHERLANDS

	ML 1	ML 9	ML 15	Total per destination
a	1	1	1	3
b	45 000	14 600 000	8 385	14 653 385
c	22 408	14 600 000	0	14 622 408
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
 military patrol vessel (1) (1 licence) (I)
 night vision monocular (G)

Military goods exported:

hunting riflescope
 military patrol vessel (1)

NEW CALEDONIE

	ML 1	Total per destination
a	3	3
b	10 267	10 267
c	10 267	10 267
d	0	0
e	-	-

Licences issued for:

hunting rifle scope and accessories therefor (C)

Military goods exported:

hunting rifle scope and accessories therefor

NEW ZEALAND

	ML 1	Total per destination
a	4	4
b	8 537	8 537
c	8 537	8 537
d	0	0
e	-	-

Licences issued for:

hunting rifle scope and accessories therefor (C)

Military goods exported:

hunting rifle scope and accessories therefor

NORWAY

	ML 1	Total per destination
a	2	2
b	13 456	13 456
c	8 305	8 305
d	0	0
e	-	-

Licences issued for:

hunting rifle scope and accessories therefor (C)

Military goods exported:

hunting rifle scope and accessories therefor

OMAN

	ML 10	Total per destination
a	6	6
b	2 080 681	2 080 681
c	1 967 410	1 967 410
d	0	0
e	-	-

Licences issued for:

military transport helicopter (1) (1 licence) (inward processing revision) (G)
equipment for military transport helicopter (G)

Military goods exported:

military transport helicopter (1) (inward processing revision)
equipment for military transport helicopter

PAKISTAN

	ML 3	ML 10	Total per destination
a	2	8	10
b	1 389 188	111 293	1 500 481
c	1 029 274	1 150 336	2 179 610
d	0	0	0
e	-	-	-

Licences issued for:

antitank grenade and components therefor (I)
components for military transport helicopter (G)

Military goods exported:

antitank grenade and components therefor
components for military transport helicopter

POLAND

	ML 1	Total per destination
a	1	1
b	120 000	120 000
c	180 650	180 650
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope
submachine gun and accessories therefor (4 000)

SAUDI ARABIA

	ML 3	ML 15 (T)	Total per destination
a	1	1	1
b	1 853 448	0	1 853 448
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

antitank grenade (G)
multifunctional night observation and aiming system (G) (T)³

Military goods exported: -

SERBIA

	ML 1	Total per destination
a	7	7
b	8 513	8 513
c	5 799	5 799
d	0	0
e	-	-

Licences issued for:

hunting riflescope and accessories therefor (C)

Military goods exported:

hunting riflescope and accessories therefor

³ T: temporary export for testing

SLOVAKIA

	ML 1	Total per destination
a	1	1
b	30 000	30 000
c	3 837	3 837
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

SLOVENIA

	ML 1	Total per destination
a	1	1
b	30 000	30 000
c	8 359	8 359
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

SOUTH AFRICA

	ML 1	Total per destination
a	3	3
b	11 608	11 608
c	11 608	11 608
d	0	0
e	-	-

Licences issued for:

hunting riflescope and accessories therefor (C)

Military goods exported:

hunting riflescope and accessories therefor

SWEDEN

	ML 1	ML 4	ML 10	ML 18	Total per destination
a	1	0	2	1	4
b	15 000	0	34 398	200 000	249 398
c	0	3 400	35 981	0	39 381
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

hunting riflescope (C)

parachute components (I)

production devices for aviation components (I)

Military goods exported:

spare parts and components for anti ship missile
parachute components

SWITZERLAND

	ML 3	Total per destination
a	2	2
b	1 511 723	1 511 723
c	1 557 865	1 557 865
d	0	0
e	-	-

Licences issued for:

components for grenade (I)

Military goods exported:

components for grenade

THAILAND

	ML 2	ML 3	Total per destination
a	1	1	2
b	289 152	659 483	948 635
c	289 152	659 483	948 635
d	0	0	0
e	-	-	-

Licences issued for:

aviation gun (7) (1 licence) (G)
ammunition for aviation gun (G)

Military goods exported:

aviation gun (7)
ammunition for aviation gun

TURKEY

	ML 3	ML 4	ML 13	ML 22	Total per destination
a	2	3	1	2	8
b	2 413 793	1 999 834	3 648 750	151 660	8 214 037
c	2 011 494	283 998	0	194 079	2 489 571
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

small arms ammunition (G)
122 mm warhead (I)
bulletproof vest (G)
production technical documentation for 122 mm warhead (I)

Military goods exported:

small arms ammunition
122 mm warhead
production technical documentation for 122 mm warhead

UKRAINE

	ML 10	Total per destination
a	3	3
b	144 471	144 471
c	123 241	123 241
d	0	0
e	-	-

Licences issued for:

decommissioned military aircraft (2) (1 licence) (G)
aero-engine for military aircraft (G)

Military goods exported:

decommissioned military aircraft (2)
aero-engine for military aircraft

UNITED ARAB EMIRATES

	ML 1	ML 10	Total per destination
a	0	2	2
b	0	607 874	607 874
c	0	0	0
d	2	0	2
e	7(2)	-	7(2)

Licences issued for:

aviation spare parts and repairs performed therefor (G)

Military goods exported: -

UNITED KINGDOM

	ML 1	ML 3	ML 4	ML 10	ML 13	ML 17	Total per destination
a	2	2	1	17	3	9	34
b	70 790	71 099	6 951	3 827 797	340 160	1 243 738	5 560 535
c	14 338	71 099	10 775	1 044 714	316 123	281 834	1 738 883
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
submachine gun with accessories (20) (1 licence) (C)
small arms ammunition (C)
antitank grenades (C)
components for fire shadow missile (I)
recovery parachute (I)
military personnel parachute and components therefor (I)
bulletproof vest (G)
military cables with connectors (I)

Military goods exported:

hunting riflescope
submachine gun with accessories (20)
small arms ammunition
antitank grenades
components for fire shadow missile
components for military parachute
components for aero-engine
bulletproof vest

military cables with connectors

UNITED STATES OF AMERICA

	ML 1	ML 2	ML 3	ML 4	ML 10	ML 22	Total per destination
a	66	3	29	5	1	3	107
b	15 095 995	1 256 466	19 404 350	503 166	6 163 793	114 479	42 538 249
c	7 373 119	1 256 466	18 511 118	219 675	6 376 750	35 309	33 772 437
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
 conversion services for small arms (C)
 semi-automatic rifle (74 133) (12 licences) (C)
 assault rifle (299) (2 licences) (G)
 sport rifle (13 950) (1 licence) (C)
 pistol (10 819) (2 licences) (C)
 submachine gun (14 000) (7 licences) (C)
 submachine gun converted in kits (15 278) (1 licence) (C)
 machine gun on tripod (53) (2 licences) (C)
 60 mm mortars (60) (1 licence) (G)
 82 mm grenade launcher (100) (1 licence) (G)
 73 mm grenade launcher (20) (1 licence) (G)
 anti-aircraft machine gun (40) (1 licence) (G)
 normal and manoeuvre small arms ammunition (C)
 anti-tank grenade (C)
 illuminating bombs (G)
 different calibre explosive bombs (G)
 defensive hand grenade (G)
 technical assistance and advisory services (C)

Military goods exported:

hunting riflescope
 submachine gun converted in kits (8 000)
 semi-automatic rifle (35 149)
 assault rifle (2 821)
 sport rifle (1 400)
 submachine gun (7 204)
 pistol (7 963)
 machine gun on tripod (50)
 60 mm mortars (60)
 73 mm grenade launcher (20)
 82 mm grenade launcher (100)
 anti-aircraft machine gun (40)
 normal and manoeuvre small arms ammunition
 anti-tank grenade
 mechanical spare parts and components for aviation
 technical assistance and advisory services

UZBEKISTAN

	ML 14	Total per destination
a	2	2
b	5 172 414	5 172 414
c	0	0
d	0	0
e	-	-

Licences issued for:

military combat aircraft simulator (G)

Military goods exported: -

VIETNAM		
	ML 10	Total per destination
a	2	2
b	126 796	126 796
c	126 796	126 796
d	0	0
e	-	-

Licences issued for:

components for combat aircraft aero-engine (G)

Military goods exported:

components for combat aircraft aero-engine

YEMEN				
	ML 1	ML 3	ML 10	Total per destination
a	0	0	1	1
b	0	0	1 280 172	1 280 172
c	0	0	0	0
d	1	2	0	3
e	2(1), 3(1)	2(2), 3(2)	-	2(3), 3(3)

Licences issued for:

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

Military goods exported: -

2. PERMANENT EXPORTS PER CATEGORY OF PRODUCTS

(1/3)	ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
a ⁴	133	11	59	13	2	6
b	22 496 656	2 659 515	37 226 165	3 279 026	680 801	9 555 628
c	13 560 413	2 356 607	35 302 962	928 942	44 566	8 568 835
d	3	0	2	0	0	0
e	2(1), 3(1), 7(2)	-	2(2), 3(2)	-	-	-

(2/3)	ML 7	ML 9	ML10	ML 11	ML 13	ML 14	ML 15
a	1	1	89	6	9	2	10
b	373 013	14 600 000	62 318 524	2 033 793	4 041 095	5 172 414	8 178 568
c	0	14 600 000	46 023 298	1 650 782	415 479	0	2 695 247
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

(3/3)	ML 16	ML 17	ML 18	ML 21	ML 22	Total
a	3	13	3	4	6	371
b	739 533	6 608 110	1 335 133	712 304	1 573 610	183 583 888
c	427 103	1 581 890	1 053 891	314 430	1 179 628	130 704 073
d	0	0	0	0	0	5
e	-	-	-	-	-	2(3), 3(3), 7(2)

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).

2011 Exchange rates:

1 EUR = 1,39200 USD

1 EUR = 0,86788 GBP

1 EUR = 1,23260 CHF

3. 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 included in the lists approved by the Government decision, in their ownership, from a third country to any other third country.

UNITED STATES OF AMERICA

	Exporter	Importer	
	Azerbaijan	United States of America	Total per destination
	ML 11		
a ⁵	2		2
b	(982 759) ⁶		(982 759)
c	(258 621)		(258 621)
d	0		0
e	-		-

Licences issued for:

electronic equipment for aviation (19)

Military goods exported:

electronic equipment for aviation (5)

AZERBAIJAN

	Exporter	Importer	
	United States of America	Azerbaijan	Total per destination
	ML 11		
a	2		2
b	(982 759) ⁷		(982 759)
c	(258 621)		(258 621)
d	0		0
e	-		-

Licences issued for:

electronic equipment for aviation (19)

Military goods exported:

electronic equipment for aviation (5)

⁵ 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).

2011 Exchange rates:

1 EUR = 1,39200 USD

1 EUR = 0,86788 GBP

1 EUR = 1,23260 CHF

⁶ Statistical value; product exported for repair under warranty.

⁷ Statistical value; product exported for repair under warranty.

4. TRANSIT AND TRANSHIPMENT

ML Cat.	Value [Euro]	Number of operations	Exporter Country	Neighbouring Entrance Country	Neighbouring Exit Country	Importer Country	Final Destination	Transport means
Transit Operations								
ML 8, ML 3	1 022 610	4	Bulgaria	Bulgaria	Ukraine	Ukraine	Ukraine	Road
ML 3, ML 8	649 200	3	Ukraine	Ukraine	Serbia	Serbia	Serbia	Road
ML 3	139 300	2	Bulgaria	Bulgaria	Blak Sea	Jordan	Lebanon	Road
ML 6	214 348	1	Bulgaria	Bulgaria	Hungary	Czech Republic	Czech Republic	Road
ML 3, ML 4	424 818	2	Bulgaria	Bulgaria	Hungary	Hungary	Hungary	Road
ML 3, ML 4, ML 6	905 140	5	Ukraine	Ukraine	Bulgaria	Bulgaria	Bulgaria	Road
ML 3	331 254	1	Bulgaria	Bulgaria	Hungary	Spain	Brasilia	Road
ML 9	1 449 373	1	Greece	Bulgaria	Hungary	Germany	Germany	Road
ML 3	155 512	1	Bulgaria	Bulgaria	Ukraine	Ukraine	Thailand	Road
ML 3, ML 4	896 200	3	Bulgaria	Bulgaria	Airport Bucharest	USA	Afghanistan	Road
ML 2, ML 4	321 000	1	Bulgaria	Bulgaria	Hungary	Slovakia	Central African Republic	Road
ML 3	537 618	1	USA	Hungary	Blak Sea	Lebanon	Lebanon	Railway
ML 9	2 818 226	1	Germany	Hungary	Bulgaria	Greece	Greece	Road
ML 3, ML 4	265 568	1	Bulgaria	Bulgaria	Hungary	USA	USA	Road
ML 8	137 570	1	Belgia	Hungary	Bulgaria	Turkey	Turkey	Road
MI 2, ML 3, ML 4	78 866	3	Bulgaria	Bulgaria	Hungary	Poland	Poland	Road
ML 3	245 284	1	Brasilia	Hungary	Bulgaria	Georgia	Georgia	Road
ML 3	379 620	1	Bulgaria	Bulgaria	Hungary	Slovakia	Slovakia	Road
ML 1	135 776	1	Ukraine	Ukraine	Blak Sea	Lebanon	Lebanon	Road

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ML 2	340 741	1	Czech Republic	Hungary	Bulgaria	Bulgaria	Bulgaria	Railway
ML 3	55 360	1	Czech Republic	Hungary	Bulgaria	Bulgaria	Kosovo	Road
ML 3	17 100	1	Bulgaria	Bulgaria	Hungary	Netherlands	Netherlands	Road
ML 3	34 135	2	USA	Hungary	Bulgaria	Bulgaria	Bulgaria	Road
ML 6	26 320	1	Ukraine	Republic of Moldova	Bulgaria	Bulgaria	Bulgaria	Road
ML 6	188 197	1	Bulgaria	Bulgaria	Hungary	Czech Republic	Algeria	Road
Total		41						

Transshipment Operations				Type of transshipment				
ML 3	278 600	2	Bulgaria	Bulgaria	Blak Sea	Jordan	Lebanon	Road - Maritime
ML 3	751 200	3	Bulgaria	Bulgaria	Airport Bucharest	USA	Afghanistan	Road - Air
ML 3	537 618	1	USA	Hungary	Blak Sea	Lebanon	Lebanon	Railway - Maritime
ML1	135 776	1	Ukraine	Ukraine	Blak Sea	Lebanon	Lebanon	Road - Maritime
Total		7						

5. EXPORT LICENCES BY RECIPIENT REGION AND COUNTRY

		SUB-SAHARAN AFRICA				
		ML 1	ML 2	ML 10	ML 22	Total per destination
SOUTH AFRICA	a ⁸	3				
	b	11 608				
	c	11 608				
GABON	a			2		
	b			6 639		
	c			6 639		
LIBERIA	a	2	2			
	b	126 976	105 109			
	c	168 015	64 070			
MOZAMBIQUE	a				2	
	b				8 972 701	
	c				0	
NIGERIA	a	1		1		
	b	281 250		5 900 000		
	c	0		2 950 000		
Total per category	a	6	2	5	1	14
	b	419 834	105 109	14 879 340	1 307 471	16 711 754
	c	179 623	64 070	2 956 639	0	3 200 332

⁸ 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)..

2011 Exchange rates:

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1 EUR = 0,86788 GBP
1 EUR = 1,23260 CHF

NORTH AFRICA

		ML 10	Total per destination
MOROCCO	a	3	3
	b	22 554 101	22 554 101
	c	22 552 101	22 552 101
Total per category	a	3	3
	b	22 554 101	22 554 101
	c	22 552 101	22 552 101

NORTH AMERICA

		ML 1	ML 2	ML 3	ML 4	ML 10	ML 22	Total per destination
CANADA	a	1						1
	b	2 511						2 511
	c	2 511						2 511
UNITED STATES OF AMERICA	a	66	3	29	5	1	3	107
	b	15 095 995	1 256 466	19 404 350	503 166	6 163 793	114 479	42 538 249
	c	7 373 119	1 256 466	18 511 118	219 675	6 376 750	35 309	33 772 437
Total per category	a	67	3	29	5	1	3	108
	b	15 098 506	1 256 466	19 404 350	503 166	6 163 793	114 479	42 540 760
	c	7 375 630	1 256 466	18 511 118	219 675	6 376 750	35 309	33 774 948

CENTRAL ASIA

		ML 3	ML 14	Total per destination
KAZAKHSTAN	a	1		1
	b	147 486		147 486
	c	114 417		114 417

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		ML 3	ML 14	Total per destination
UZBEKISTAN	a		2	2
	b		5 172 414	5 172 414
	c		0	0
Total per category	a	1	2	3
	b	147 486	5 172 414	5 319 900
	c	114 417	0	114 417

SOUTH-EAST ASIA

		ML 2	ML 3	ML 10	Total per destination
THAILAND	a	1	1		2
	b	289 152	659 483		948 635
	c	289 152	659 483		948 635
VIETNAM	a			2	2
	b			126 796	126 796
	c			126 796	126 796
Total per category	a	1	1	2	4
	b	289 152	659 483	126 796	1 075 431
	c	289 152	659 483	126 796	1 075 431

SOUTH ASIA

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 10	ML 13	Total per destination
AFGHANISTAN	a	4		6		1		2	13
	b	5 318 352		8 134 230		3 156 336		32 109	16 641 027
	c	5 318 352		10 816 931		3 156 336		0	19 291 619
BANGLADESH	a	1	1				2		4
	b	9 283	81 509				4 865 805		4 956 597
	c	0	0				2 408 046		2 408 046

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		ML 1	ML 2	ML 3	ML 4	ML 6	ML 10	ML 13	Total per destination
INDIA	a				1		1		2
	b				7 810		3 939 583		3 947 393
	c				7 810		1 670 230		1 678 040
PAKISTAN	a			2			8		10
	b		1 389 188				111 293		1 500 481
	c		1 029 274				1 150 336		2 179 610
Total per category	a	5	1	8	1	1	11	2	29
	b	5 327 635	81 509	9 523 418	7 810	3 156 336	8 916 681	32 109	27 045 498
	c	5 318 352	0	11 846 205	7 810	3 156 336	5 228 612	0	25 557 315

EUROPEAN UNION (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
AUSTRIA	a	5						
	b	119 529						
	c	68 649						
BELGIUM	a	2				2		
	b	102 000				5 614		
	c	70 375				178		
BULGARIA	a	2	2	2	0			
	b	55 000	696 675	556 458	0			
	c	305	379 925	294 181	209 642			
CZECH REPUBLIC	a	1	1	2				
	b	35 000	58 190	298 808				
	c	3 160	366 994	159 526				
DENMARK	a	1						
	b	25 000						
	c	6 504						

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		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
ESTONIA	a	1						
	b	25 000						
	c	3 634						
FINLAND	a	1						
	b	45 000						
	c	7 557						
FRANCE	a	2				0		
	b	50 489				0		
	c	23 306				124 344		
NEW CALEDONIE	a	3						
	b	10 267						
	c	10 267						
GERMANY	a	3					1	
	b	49 054					373 013	
	c	87 509					0	
IRELAND	a	1						
	b	40 000						
	c	1 951						
ITALY	a	3						
	b	120 000						
	c	20 148						
LUXEMBURG	a	1						
	b	15 000						
	c	0						
MALTA	a	1						
	b	15 000						
	c	0						

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		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
NETHERLANDS	a	1						1
	b	45 000					14 600 000	
	c	22 408					14 600 000	
POLAND	a	1						
	b	120 000						
	c	180 650						
SLOVAKIA	a	1						
	b	30 000						
	c	3 837						
SLOVENIA	a	1						
	b	30 000						
	c	8 359						
SWEDEN	a	1			0			
	b	15 000			0			
	c	0			3 400			
UNITED KINGDOM	a	2		2	1			
	b	70 790		71 099	6 951			
	c	14 338		71 099	10 775			
HUNGARY	a			1				
	b			73 430				
	c			10 434				
Total per category	a	34	3	7	1	2	1	1
	b	1 017 129	754 865	999 795	6 951	5 614	373 013	14 600 000
	c	532 957	746 919	535 240	223 817	124 522	0	14 600 000

EUROPEAN UNION (2/2)

	ML 10	ML 11	ML 13	ML 15	ML 17	ML 18	Total per destination
AUSTRIA	a						5
	b						119 529
	c						68 649
BELGIUM	a		0	3	2		9
	b		0	3 264 982	2 496 064		5 868 660
	c		60 138	103 380	15 079		249 150
BULGARIA	a						6
	b						1 308 133
	c						884 053
CZECH REPUBLIC	a	3					7
	b	320 427					712 425
	c	38 489					568 169
DENMARK	a						1
	b						25 000
	c						6 504
ESTONIA	a	1					2
	b	106 322					131 322
	c	0					3 634
FINLAND	a	1					2
	b	39 662					84 662
	c	555					8 112
FRANCE	a	7	4	0	1		14
	b	727 391	158 570	0	1 728 000		2 664 450
	c	223 094	162 054	25 953	0		558 751
NEW CALEDONIE	a						3
	b						10 267
	c						10 267

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		ML 10	ML 11	ML 13	ML 15	ML 17	ML 18	Total per destination
GERMANY	a	17			1			22
	b	322 529			24 799			769 395
	c	316 913			170 781			575 203
IRELAND	a							1
	b							40 000
	c							1 951
ITALY	a	1		2				1
	b	7 511		16 184				143 695
	c	288 671		13 265				322 084
LUXEMBURG	a			1				2
	b			3 892				18 892
	c			0				0
MALTA	a							1
	b							15 000
	c							0
NETHERLANDS	a			1				3
	b			8 385				14 653 385
	c			0				14 622 408
POLAND	a							1
	b							120 000
	c							180 650
SLOVAKIA	a							1
	b							30 000
	c							3 837
SLOVENIA	a							1
	b							30 000
	c							8 359

Arms Export Controls / Annual Report 2011

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 18	Total per destination
SWEDEN	a	2					1	4
	b	34 398					200 000	249 398
	c	35 981					0	39 381
UNITED KINGDOM	a	17		3		9		34
	b	3 827 797		340 160		1 243 738		5 560 535
	c	1 044 714		316 123		281 834		1 738 883
HUNGARY	a	0						1
	b	0						73 430
	c	28 788						39 222
Total per category	a	49	4	6	6	11	1	126
	b	5 386 037	158 570	360 236	5 026 166	3 739 802	200 000	32 628 178
	c	1 977 205	162 054	415 479	274 161	296 913	0	19 889 267

OTHER EUROPEAN COUNTRIES (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 10	ML 11	ML 13
AZERBAIJAN	a	2	1	2			1	
	b	581 930	172 414	79 023			79 246	
	c	122 016	0	15 445			1 187 926	
BOSNIA AND HERZEGOVINA	a					0		
	b					0		
	c					7 931		
CROATIA	a	1				1		
	b	667				46 650		
	c	667				46 650		
NORWAY	a	2						
	b	13 456						
	c	8 305						

Arms Export Controls / Annual Report 2011

		ML 1	ML 2	ML 3	ML 4	ML 10	ML 11	ML 13
SERBIA	a	7						
	b	8 513						
	c	5 799						
SWITZERLAND	a			2				
	b			1 511 723				
	c			1 557 865				
TURKEY	a			2	3			1
	b			2 413 793	1 999 834			3 648 750
	c			2 011 494	283 998			0
UKRAINE	a					3		
	b					144 471		
	c					123 241		
Total per category	a	12	1	6	3	4	1	1
	b	604 566	172 414	4 004 539	1 999 834	191 121	79 246	3 648 750
	c	136 787	0	3 584 804	283 998	177 822	1 187 926	0

OTHER EUROPEAN COUNTRIES (2/2)

		ML 18	ML 22	Total per destination
AZERBAIJAN	a	0	0	6
	b	0	0	912 613
	c	455 638	950 240	2 731 265
BOSNIA AND HERZEGOVINA	a			0
	b			0
	c			7 931
CROATIA	a			2
	b			47 317
	c			47 317

		ML 18	ML 22	Total per destination
NORWAY	a			2
	b			13 456
	c			8 305
SERBIA	a			7
	b			8 513
	c			5 799
SWITZERLAND	a			2
	b			1 511 723
	c			1 557 865
NORWAY	a			2
	b			13 456
	c			8 305
TURKEY	a		2	8
	b		151 660	8 214 037
	c		194 079	2 489 571
UKRAINE	a			3
	b			144 471
	c			123 241
Total per category	a	0	2	30
	b	0	151 660	10 852 130
	c	455 638	1 144 319	6 971 294

MIDDLE EAST (1/2)

		ML 1	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11	ML 15
EGYPT	a	1	1						
	b	70 780	544 235						
	c	0	0						

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		ML 1	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11	ML 15
IRAQ	a						1		
	b						14 527		
	c						19 211		
ISRAEL	a		4	3	2	3	3	1	4
	b		89 411	761 265	680 801	6 393 678	60 648	1 795 977	712 304
	c		51 695	193 642	44 566	5 287 977	111 394	300 802	314 430
JORDAN	a			1					
	b			0					
	c			0					
OMAN	a						6		
	b						2 080 681		
	c						1 967 410		
SAUDI ARABIA	a		1						
	b		1 853 448						
	c		0						
UNITED ARAB EMIRATES	a						2		
	b						607 874		
	c						0		
YEMEN	a						1		
	b						1 280 172		
	c						0		
Total per category	a	1	7	3	2	3	13	1	4
	b	10 780	2 487 094	761 265	680 801	6 393 678	4 043 902	1 795 977	3 152 402
	c	0	51 695	193 642	44 566	5 287 977	2 098 015	300 802	2 421 086

MIDDLE EAST (2/2)

		ML 16	ML 17	ML18	ML 21	Total per destination
EGYPT	a					2
	b					555 015
	c					0
IRAQ	a					1
	b					14 527
	c					19 211
ISRAEL	a	3	2	2	4	31
	b	739 533	2 868 308	1 135 133	712 304	18 389 460
	c	427 103	1 284 977	598 253	314 430	11 035 925
JORDAN	a					1
	b					0
	c					0
OMAN	a					6
	b					2 080 681
	c					1 967 410
SAUDI ARABIA	a					1
	b					1 853 448
	c					0
YEMEN	a					1
	b					1 280 172
	c					0
Total per category	a	3	2	2	4	45
	b	739 533	2 868 308	1 135 133	712 304	24 781 177
	c	427 103	1 284 977	598 253	314 430	13 022 546

OCEANIA

		ML 1	Total per destination
AUSTRALIA	a	4	4
	b	9 669	9 669
	c	8 527	8 527
NEW ZEALAND	a	4	4
	b	8 537	8 537
	c	8 537	8 537
Total per category	a	8	8
	b	18 206	18 206
	c	17 064	17 064

SOUTH AMERICA

		ML 10	Total per destination
ARGENTINA	a	1	1
	b	56 753	56 753
	c	5 986	5 986
CHILE	a	0	0
	b	0	0
	c	4 523 372	4 523 372
Total per category	a	1	1
	b	56 753	56 753
	c	4 529 358	4 529 358

**Government's Ordinance No. 158/1999
on the control regime of exports, imports and other
transfers with military goods,
approved with amendments by Law No. 595/2004,
with subsequent amendments**
(unofficial consolidated text)

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, based on the Inter-ministry council's advice, 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.

**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/CFSP⁹ 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/CFSP¹⁰ (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

⁹ JO L 191, 19.7.2002, p. 1.

¹⁰ JO L 156, 25.6.2003, p. 79.

Defence Policy, should be accompanied by cooperation and convergence in the field of military technology and equipment.

(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 list¹¹.

(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 technology¹².

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

¹¹ Last amended 10 March 2008, OJ C 98, 18.4.2008, p. 1.

¹² JO L 159, 30.6.2000, p. 1.

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:

a) 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 endeavors 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 regime¹³**
(summary)

- 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 therefor.
- ML3** Ammunition and fuze setting devices and specially designed components therefor.
- ML4** Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, specially designed for military use, and specially designed components therefor.
- 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.

¹³ Adopted by Government Decision no. 1094/2011 (published in Official Journal of Romania, Part I, no. 809, 16 November 2011)

- 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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