

MINISTRY OF FOREIGN AFFAIRS OF ROMANIA

DEPARTMENT FOR EXPORT CONTROLS - ANCEX



Arms Export Controls

annual report

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ANCEX

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**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 14	Total per destination
a ¹	3	10	1	14
b	1 391 158	18 595 453	226 296	20 212 907
c	779 821	7 093 577	0	7 873 398
d	0	0	0	0
e	-	-	-	-

Licences issued for:

machine gun (162) (2 licences) (G)²
 sniper rifle (260) (1 licence) (G)
 accessories for small arms(G)
 pyrotechnic arming cartridge (G)
 normal and tracing ammunition for small arms (G)
 spare parts for military helicopter simulator (G)

Military goods exported:

submachine gun (600)
 machine gun (162)
 normal and tracing ammunition for small arms
 pyrotechnic arming cartridge

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	7 943	7 943
c	7 943	7 943
d	0	0
e	-	-

Licences issued for:

spare parts for military transport helicopter (G)

Military goods exported:

spare parts for military transport helicopter

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).

2010 Exchange rates:

1 EUR = 1,32570 USD
 1 EUR = 0,85784 GBP
 1 EUR = 1,38030 CHF

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

AUSTRALIA

	ML 1	Total per destination
a	2	2
b	3 259	3 259
c	3 259	3 259
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

AUSTRIA

	ML 1	ML 6	Total per destination
a	8	1	9
b	361 746	534 058	895 804
c	146 889	0	146 889
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)

semi-automatic rifle (758) (2 licences) (C)

rifle (500) (1 licence) (C)

semi-automatic pistol transformed from submachine gun (500) (1 licence) (C)

submachine gun (1 000) (1 licence) (C)

components for small arms (C)

components for military ground vehicle (I)

Military goods exported:

hunting riflescope

semi-automatic rifle (258)

rifle (150)

semi-automatic pistol (500)

submachine gun (800)

AZERBAIJAN

	ML 1	ML 2	ML 11	ML 18	ML 22	Total per destination
a	1	1	1	4	1	8
b	24 138	113 148	4 299 615	642 768	756 225	5 835 894
c	24 138	113 148	2 705 265	0	0	2 842 551
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

components for small arms (G)

components for tank machine gun (G)

IFF equipment (G)

tools and devices for riflescope manufacturing (I)

technical documentation for riflescope manufacturing (I)

Military goods exported:

components for small arms

components for tank machine gun

IFF equipment

BANGLADESH

	ML 10	Total per destination
a	2	2
b	2 618 089	2 618 089
c	89 010	89 010
d	0	0
e	-	-

Licences issued for:

training military aircraft (4) (1 licence) (inward processing repair) (G)
 components for training military aircraft (repair) (G)

Military goods exported:

components for training military aircraft (repair)

BELGIUM (1/2)

	ML 1	ML 3	ML 6	ML 13	ML 15
a	3	1	1	7	2
b	225 045	6 300	500 000	37 195	1 529 796
c	28 033	0	92 573	14 274	296 251
d	0	0	0	0	0
e	-	-	-	-	-

BELGIUM (2/2)

	ML 17	Total per destination
a	1	15
b	500 000	2 798 336
c	6 017	437 148
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)
 components for small arms (C)
 semi-automatic rifle (60) (1 licence) (C)
 machine gun (1) (1 licence) (C)
 ammunitions components (I)
 components for military ground vehicle (I)
 bulletproof vest (C)
 components for night vision equipment (I)
 components for imaging or countermeasure equipment and accessories therefor (I)
 military cables with connectors (I)

Military goods exported:

hunting riflescope
 components for small arms
 components for military ground vehicle
 bulletproof vest
 components for night vision equipment
 components for imaging or countermeasure equipment and accessories therefor
 military cables with connectors

BENIN

	ML 1	Total per destination
a	1	1
b	33 944	33 944
c	33 944	33 944
d	0	0
e	-	-

Licences issued for:

components for small arms (G)

Military goods exported:

components for small arms

BOSNIA AND HERZEGOVINA

	ML 10	Total per destination
a	1	1
b	8 328	8 328
c	0	0
d	0	0
e	-	-

Licences issued for:

components for aero-engines (G)

Military goods exported: -**BULGARIA**

	ML 1	ML 2	ML 3	ML 4	Total per destination
a	2	1	2	1	6
b	93 686	589	300 098	423 173	817 546
c	77 544	589	68 832	0	146 965
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

machine gun and components therefor (6) (1 licence) (C)

mortar sight (I)

hunting riflescope (C)

initiating fuse for gun ammunition (I)

reactive projectile with fuse (I)

Military goods exported:

machine gun and components therefor (8)

mortar sight

initiating fuse for gun ammunition

BURKINA FASO

	ML 1	ML3	ML 4	ML 8	Total per destination
a	1	3	1	0	5
b	47 997	1 069 228	3 017	0	1 120 242
c	47 997	1 674 735	3 017	45 244	1 770 993
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

assault rifle (142) (1 licence) (G)
 machine gun (12) (1 licence) (G)
 small arms ammunition (G)
 rocket with inert warhead (G)

Military goods exported:

assault rifle (142)
 machine gun (12)
 small arms ammunition
 antitank grenade
 illuminating grenade
 rocket with inert warhead
 military explosives

CAMEROON

	ML 10	Total per destination
a	1	1
b	1 287	1 287
c	0	0
d	0	0
e	-	-

Licences issued for:

spare parts for military transport helicopter (G)

Military goods exported: -**CANADA**

	ML 1	ML 3	Total per destination
a	3	2	5
b	1 073	8 303	9 376
c	1 073	8 303	9 376
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope and accessories therefor (C)
 links for machine gun ammunition (C)
 munitions metal parts (I)

Military goods exported:

hunting riflescope and accessories therefor
 links for machine gun ammunition
 munitions metal parts

CHILE

	ML 10	Total per destination
a	3	3
b	4 600 189	4 600 189
c	76 817	76 817
d	0	0
e	-	-

Licences issued for:

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

Military goods exported:

spare parts for military transport helicopter

COLOMBIA

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

Licences issued for:

submachine gun (3) (1 licence) (items exported to be tested by governmental forces) (G)

Military goods exported:

submachine gun (3)

CROATIA

	ML 1	ML 10	Total per destination
a	2	2	4
b	2 889	57 926	60 815
c	2 889	84 474	87 363
d	0	0	0
e	-	--	-

Licences issued for:

hunting riflescope (C)
spare parts for military combat aircraft (G)

Military goods exported:

hunting riflescope
spare parts for military combat aircraft

CZECH REPUBLIC

	ML 1	ML 2	ML 3	ML 10	Total per destination
a	4	1	1	1	7
b	1 781 849	617 810	241 887	243 040	2 884 586
c	528 149	0	159 769	170 128	858 046
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

hunting rifle scope (C)
 components for small arms (C)
 antitank grenade launcher (1 433) (1 licence) (C)
 bomb cal. 125 mm with explosive projectile (C)
 pyrotechnic cartridge for rocket engine and rocket engine (C)

Military goods exported:

hunting rifle scope
 components for small arms
 bomb cal. 125 mm with explosive projectile
 pyrotechnic cartridge for rocket engine and rocket engine

DENMARK

	ML 1	ML 3	ML 13	Total per destination
a	1	1	1	3
b	25 000	1 612	25 347	51 959
c	6 387	0	25 347	31 734
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting rifle scope (C)
 munitions metal parts (I)
 bulletproof vest (G)

Military goods exported:

hunting rifle scope
 bulletproof vest

ESTONIA

	ML 1	Total per destination
a	3	3
b	1 954	1 954
c	2 012	2 012
d	0	0
e	-	-

Licences issued for:

hunting rifle scope and accessories therefor (C)

Military goods exported:

hunting rifle scope and accessories therefor

FINLAND

	ML 1	ML 10	Total per destination
a	1	1	2
b	45 000	67 497	112 497
c	7 937	6 534	14 471
d	0	0	0
e	-	-	-

Licences issued for:

hunting rifle scope (C)
 components for military transport helicopter (I)

Military goods exported:

hunting rifle scope

components for military transport helicopter

FRANCE

	ML 1	ML 4	ML 6	ML 10	ML 11	ML 13	Total per destination
a	4	0	2	9	9	5	29
b	51 708	0	308 616	230 390	394 750	175 310	1 160 774
c	21 708	64 740	176 880	40 404	361 900	70 749	736 381
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

submachine gun (44) (1 licence) (C)
 hunting riflescope (C)
 components for military ground vehicles (I)
 spare parts for military transport helicopter (I)
 electronic components for military products (I)
 bulletproof vest (G)

Military goods exported:

submachine gun (44)
 hunting riflescope
 warhead for torpedo
 components for military ground vehicles
 spare parts for military transport helicopter
 electronic components for military products
 bulletproof vest

GEORGIA

	ML 8	Total per destination
a	0	0
b	0	0
c	181 684	181 684
d	0	0
e	-	-

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

military plastic explosive (G)

GERMANY

	ML 1	ML 10	ML 15	Total per destination
a	3	24	4	31
b	43 087	438 812	2 762 007	3 243 906
c	48 217	208 299	2 401 507	2 658 023
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
 components for small arms (C)
 semi-automatic rifle (150) (1 licence) (C)
 rifle (50) (1 licence) (C)
 personnel parachute (I)
 components for braking parachute (I)
 military helicopter (1) (repatriation)

parts of border surveillance system (I)
 projection services for border surveillance equipment (I)
 encoding equipment (I)

Military goods exported:

hunting riflescope
 semi-automatic rifle (280)
 parachute for personnel
 cargo parachute
 components for braking parachute
 parts of border surveillance system
 projection services for border surveillance equipment
 encoding equipment

HUNGARY

	ML 3	ML 10	ML 22	Total per destination
a	1	5	1	7
b	73 430	69 060	55 600	198 090
c	11 261	16 817	55 600	83 678
d	0	0	0	0
e	-	-	-	-

Licences issued for:

central fire ammunition (C)
 equipments for military training aircraft (I)
 technical documentation for military training aircraft (I)

Military goods exported:

central fire ammunition
 equipments for military training aircraft
 technical documentation for military training aircraft

INDIA

	ML 10	Total per destination
a	4	4
b	6 387 267	6 387 267
c	2 223 686	2 223 686
d	0	0
e	-	-

Licences issued for:

components for military combat aircraft (G)

Military goods exported:

components for military combat aircraft

INDONESIA

	ML 10	Total per destination
a	2	2
b	1 010 000	1 010 000
c	1 010 000	1 010 000
d	0	0
e	-	-

Licences issued for:

spare parts for military transport helicopter (G)

Military goods exported:

spare parts for military transport helicopter

IRAQ

	ML 3	Total per destination
a	3	3
b	3 110 247	3 110 247
c	10 572 212	10 572 212
d	0	0
e	-	-

Licences issued for:

small arms ammunition (G)

Military goods exported:

small arms ammunition

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	25 000	25 000
c	9 339	9 339
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	1	3	2	2	4	2
b	32 511	608 939	1 056 570	5 645 329	416 618	1 294 222
c	32 511	415 651	273 980	4 593 130	509 960	1 123 470
d	0	0	0	0	0	0
e	-	-	-	-	-	-

ISRAEL (2/2)

	ML 15	ML 16	ML 17	ML 18	ML 21	ML 22	Total per destination
a	2	1	3	1	1	1	23
b	3 094 214	146 187	1 902 391	655 192	357 583	5 771	15 215 527
c	2 428 364	146 187	1 106 820	366 514	202 397	5 771	11 204 755
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

Licences issued for:

antitank grenade (C)

munitions metal parts (I)

spare parts for rocket launcher (I)

components for air to air missile (I)

rocket with explosive and inert warhead (I)
 components for fire control system and related equipments (I)
 components for military ground vehicle (I)
 panoramic scope and components therefor (I)
 components for military aircraft (I)
 parts of bomb illuminating parachute (I)
 components for rocket launcher (I)
 components for military computers (I)
 components for imaging or countermeasure equipment (I)
 military cables with connectors (I)
 test and verification equipment for military items (I)
 software for test and verification equipment (I)
 programme management technical documentation (I)

Military goods exported:

antitank grenade
 munitions metal parts
 rocket with explosive and inert warhead
 spare parts for rocket launcher
 components for fire control system and related equipments
 components for military ground vehicle
 panoramic scope and components therefor
 components for military aircraft
 parts of bomb illuminating parachute
 components for rocket launcher
 components for military computers
 components for emission reception equipment
 components for temperature control equipment
 military cables with connectors
 test and verification equipment for military items
 software for test and verification equipment
 programme management technical documentation

ITALY

	ML 1	ML 7	ML 10	Total per destination
a	1	0	2	3
b	50 000	0	390 500	440 500
c	36 049	104 760	109 340	250 149
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
 parts of illuminating parachute (I)

Military goods exported:

hunting riflescope
 NBC protection equipment
 parts of illuminating parachute

KAZAKHSTAN

	ML 1	ML 3	Total per destination
a	1	1	2
b	290	90 337	90 627
c	290	90 337	90 627
d	0	0	0
e	-	-	-

Licences issued for:

accessories for hunting riflescope (C)
small arms ammunition (C)

Military goods exported:

accessories for hunting riflescope
small arms ammunition

LEBANON

	ML 3	ML 4	Total per destination
a	2	0	2
b	603 266	0	603 266
c	417 704	46 466	464 170
d	0	0	0
e	-	-	-

Licences issued for:

antitank grenade (G)

Military goods exported:

antitank grenade
defensive hand grenade

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

MALAWI

	ML 3	Total per destination
a	1	1
b	167 459	167 459
c	167 459	167 459
d	0	0
e	-	-

Licences issued for:

small arms ammunition (C)

Military goods exported:

small arms ammunition

MALTA

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

Licences issued for:

hunting riflescope (C)

Military goods exported: -

MAURITANIA

	ML 10	Total per destination
a	1	1
b	377 135	377 135
c	308 600	308 600
d	0	0
e	-	-

Licences issued for:

personnel parachute (G)

Military goods exported:

personnel parachute

MOLDOVA, REPUBLIC OF

	ML 1	ML 10	Total per destination
a	4	1	5
b	2 948	147 092	150 040
c	2 948	0	2 948
d	0	0	0
e	-	-	-

Licences issued for:

pistol (4) (4 licences) (C)

military transport helicopter (5) (1 licence) (G)

Military goods exported:

pistol (4)

MOROCCO

	ML 10	Total per destination
a	1	1
b	14 566 105	14 566 105
c	42 565 453	42 565 453
d	0	0
e	-	-

Licences issued for:

military transport helicopter (4) (1 licence) (inward processing repair) (G)

spare parts for military transport helicopter (G)

Military goods exported:

military transport helicopter (8) (inward processing repair)

NORWAY

	ML 1	ML 10	Total per destination
a	3	1	4
b	4 744	20 367	25 111
c	4 744	20 367	25 111
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)

demilitarized transport helicopter (1) (1 licence) (C)

Military goods exported:

hunting riflescope
demilitarized transport helicopter (1)

NETHERLANDS

	ML 1	ML 22	Total per destination
a	3	1	4
b	33 947	268 115	302 062
c	13 291	0	13 291
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)
technical documentation for logistic support ship (I)

Military goods exported:

hunting riflescope

NEW ZEALAND

	ML 1	Total per destination
a	4	4
b	8 497	8 497
c	8 497	8 497
d	0	0
e	-	-

Licences issued for:

hunting riflescope with accessories (C)

Military goods exported:

hunting riflescope with accessories

OMAN

	ML 1	ML 10	Total per destination
a	1	12	13
b	1 250	2 484 192	2 485 442
c	1 250	2 620 492	2 621 742
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)
equipments and components for military transport helicopter (G)

Military goods exported:

hunting riflescope
equipments and components for military transport helicopter

PAKISTAN

	ML 3	ML 10	Total per destination
a	2	16	18
b	1 512 446	1 376 557	2 889 003
c	252 734	30 720	283 454
d	0	0	0
e	-	-	-

Licences issued for:

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

Military goods exported:

components for antitank grenade
spare parts for military transport helicopter

PHILIPINES

	ML 2	ML 3	Total per destination
a	2	3	5
b	40 959	26 778	67 737
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

antitank grenade launcher (25) (2 licences) (G)
sight for antitank grenade launcher (G)
antitank grenade (G)

Military goods exported: -**POLAND**

	ML 1	ML 2	ML 10	Total per destination
a	3	1	1	5
b	214 433	445 354	1 415 101	2 074 888
c	18 769	0	1 415 101	1 433 870
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
submachine gun (4 000) (1 licence) (C)
antitank grenade launcher (1 000) (1 licence) (C)
aero-engine for military combat aircraft (G)

Military goods exported:

hunting riflescope
aero-engine for military combat aircraft

SAUDI ARABIA

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

Licences issued for:

antitank grenade launcher with sight (6) (1 licence) (G)

Military goods exported: -**SOUTH AFRICA**

	ML 1	Total per destination
a	2	2
b	13 779	13 779
c	13 779	13 779
d	0	0
e	-	-

Licences issued for:

hunting riflescope and accessories (C)

Military goods exported:

hunting riflescope and accessories

SLOVAKIA

	ML 1	Total per destination
a	1	1
b	30 000	30 000
c	6 803	6 803
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

SLOVENIA

	ML 1	Total per destination
a	2	2
b	35 000	35 000
c	4 911	4 911
d	0	0
e	-	-

Licences issued for:

hunting riflescope (C)

Military goods exported:

hunting riflescope

SPAIN

	ML 1	ML 3	Total per destination
a	1	1	2
b	15 000	826	15 826
c	3 728	0	3 728
d	0	0	0
e	-	-	-

Licences issued for:

hunting riflescope (C)
munitions metal parts (I)

Military goods exported:

hunting riflescope

SWEDEN

	ML 1	ML 4	ML 9	Total per destination
a	1	1	1	3
b	15 000	150 864	10 500 000	10 665 864
c	0	63 271	10 500 000	10 563 271
d	0	0	0	0
e	-	-	-	-

Licences issued for:

hunting riflescope (C)
spare parts and components for anti ship missile (I)
multipurpose ship (G)

Military goods exported:

spare parts and components for anti ship missile
multipurpose ship

SWITZERLAND

	ML 3	ML 10	Total per destination
a	1	1	2
b	1 383 757	30 975	1 414 732
c	2 044 131	30 975	2 075 106
d	0	0	0
e	-	-	-

Licences issued for:

components for rocket (I)
components for military helicopter (I)

Military goods exported:

components for rocket
components for military helicopter

THAILAND

	ML 2	ML 3	Total per destination
a	2	2	4
b	691 175	747 341	1 438 516
c	691 175	747 341	1 438 516
d	0	0	0
e	-	-	-

Licences issued for:

aviation gun and spare parts therefor (11) (1 licence) (G)
training ammunition for aviation gun (G)

Military goods exported:

aviation gun and spare parts therefor (11)
training ammunition for aviation gun

TURKEY

	ML 3	ML 4	ML 7	ML 22	Total per destination
a	1	2	1	3	7
b	16 897	1 787 309	147 500	313 040	2 264 746
c	16 897	22 333	0	5 940	45 170
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

small arms ammunition (G)
warhead for rocket (I)
explosive materials and narcotics portable detector (G)
technical documentation for reactive projectile warhead manufacturing (I)

Military goods exported:

small arms ammunition
warhead for rocket
technical documentation for reactive projectile warhead manufacturing

UKRAINE

	ML 10	Total per destination
a	1	1
b	22 500	22 500
c	22 500	22 500
d	0	0
e	-	-

Licences issued for:

pyrotechnic loading for ejection seat (I)

Military goods exported:

pyrotechnic loading for ejection seat

UGANDA

	ML 1	ML 3	Total per destination
a	1	2	3
b	16 595	38 319	54 914
c	0	0	0
d	0	0	0
e	-	-	-

Licences issued for:

sniper rifle (20) (1 licence) (G)
small arms ammunition (G)

Military goods exported: -**UNITED ARAB EMIRATES**

	ML 10	Total per destination
a	2	2
b	713 893	713 893
c	679 972	679 972
d	0	0
e	-	-

Licences issued for:

spare parts for military transport helicopter and repair operations therefor (G)

Military goods exported:

spare parts for military transport helicopter and repair operations therefor

UNITED KINGDOM

	ML 1	ML 3	ML 10	ML 13	ML 17	Total per destination
a	1	1	13	2	1	18
b	60 000	12 446	2 409 610	62 213	102 346	2 646 615
c	35 635	12 446	805 338	32 419	0	885 838
d	0	0	0	0	0	0
e	-	-	-	-	-	-

Licences issued for:

hunting riflescope (C)
antitank grenade (C)
recovering parachute (I)
cargo parachute (I)
personnel parachute (I)
components for military aircraft (I)
bulletproof vest (G)
military cables with connectors (I)

Military goods exported:

hunting riflescope
antitank grenade
recovering parachute
cargo parachute
personnel parachute
extracting parachute
components for military aero-engine
bulletproof vest and components therefor

UNITED STATES OF AMERICA (1/2)

	ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
a	72	2	13	1	1	1
b	17 819 540	866 659	9 148 557	75 432	10 998	20 020
c	6 648 411	862 925	1 208 337	75 432	10 998	0
d	0	0	0	0	0	0
e	-	-	-	-	-	-

UNITED STATES OF AMERICA (2/2)

	ML 9	ML 10	ML 17	ML 22	Total per destination
a	1	3	1	2	97
b	50 348	5 891 537	671 894	98 061	34 653 046
c	50 348	5 388 288	298 620	9 655	14 553 014
d	0	0	0	0	0
e	-	-	-	-	-

Licences issued for:

hunting rifle scope (C)
 accessories for small arms (C)
 components for small arms (C)
 submachine gun (60 009) (13 licences) (C)
 semi-automatic rifle (87 692) (12 licences) (C)
 machine gun cal. 12,7 mm (136) (3 licences) (C)
 light machine gun (3) (1 licence) (C)
 assault rifle (2 922) (2 licences) (C)
 kits of light machine gun (354) (1 licence) (C)
 pistol (10 804) (2 licences) (C)
 conversion and refinishing services for small arms (C)
 antitank grenade launcher (25) (1 licence) (G)
 mortar (12) (1 licence) (G)
 small arms ammunition (G)
 antitank grenade (G)
 illuminating grenade (G)
 tracer ammunition (G)
 one barrel rocket launcher (10) (1 licence) (G)
 military trailer (I)
 electronic components for military computer (I)
 spare parts and components for military aircraft (I)
 components for naval equipment (I)
 military transport helicopter (G)
 spare parts for military transport helicopter (G)
 unequipped container type shelter (I)
 technical assistance

Military goods exported:

hunting rifle scope
 accessories for small arms
 components for small arms
 machine gun cal. 12,7 mm (110)
 light machine gun (3)
 heavy machine gun (136)
 kits of light machine gun (354)
 submachine gun (18 147)
 semi-automatic rifle (34 018)
 conversion and refinishing services for small arms
 antitank grenade launcher (25)
 mortar (12)

small arms ammunition
 antitank grenade
 one barrel rocket launcher (10)
 electronic components for military computer
 components for naval equipment
 spare parts for military transport helicopter
 unequipped container type shelter
 technical assistance

VIETNAM

	ML 10	Total per destination
a	1	1
b	1 232 154	1 232 154
c	1 232 154	1 232 154
d	0	0
e	-	-

Licences issued for:

military training aircraft and components therefor (4) (1 licence) (G)

Military goods exported:

military training aircraft and components therefor (4)

2. PERMANENT EXPORTS PER CATEGORY OF PRODUCTS

(1/3)	ML 1	ML 2	ML 3	ML 4	ML 5	ML 6
a ³	146	11	55	9	3	7
b	22 504 556	2 775 694	37 187 498	3 048 734	1 067 568	7 008 023
c	8 568 441	1 667 837	24 578 586	690 910	284 978	4 862 583
d	0	0	0	0	0	0
e	-	-	-	-	-	-

(2/3)	ML 7	ML 8	ML 9	ML 10	ML 11	ML 13	ML 14
a	1	0	2	116	12	15	1
b	147 500	0	10 550 348	47 234 164	5 988 587	300 065	226 296
c	104 760	226 928	10 550 348	59 673 372	4 190 635	142 789	0
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

(3/3)	ML 15	ML 16	ML 17	ML 18	ML 21	ML 22	Total
a	8	1	6	5	1	9	408
b	7 386 017	146 187	3 176 631	1 297 960	357 583	1 496 812	151 900 223
c	5 126 122	146 187	1 411 457	366 514	202 397	76 966	122 871 810
d	0	0	0	0	0	0	0
e	-	-	-	-	-	-	-

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).

2010 Exchange rates:

1 EUR = 1,32570 USD

1 EUR = 0,85784 GBP

1 EUR = 1,38030 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.

CROATIA

	Exporter	Importer	Total per destination
	United States of America	Croatia	
	ML 15		
a ⁴	1		1
b	26 584		26 584
c	26 584		26 584
d	0		0
e	-		-

Licences issued for:

night vision binocular (G)

Military goods exported:

night vision binocular

TURKEY

	Exporter	Importer	Total per destination
	Germany	Turkey	
	ML 15		
a	1		1
b	273 818		273 818
c	273 818		273 818
d	0		0
e	-		-

Licences issued for:

optoelectronic equipment with thermal sensor (I)

Military goods exported:

optoelectronic equipment with thermal sensor

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).

2010 Exchange rates:

1 EUR = 1,32570 USD

1 EUR = 0,85784 GBP

1 EUR = 1,38030 CHF

AZERBAIJAN

	Exporter	Importer	
	South Africa	Azerbaijan	Total per destination
	ML 10		
a	0		0
b	0		0
c	250 532		250 532
d	0		0
e	-		-

Licences issued for: -

Military goods exported:

equipments for military aircraft

MACEDONIA

	Exporter	Importer	
	South Africa	Macedonia	Total per destination
	ML 10		
a	0		0
b	0		0
c	72 179		72 179
d	0		0
e	-		-

Licences issued for: -

Military goods exported:

equipments for military aircraft

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	203 500	1	Czech Rep.	Hungary	Bulgaria	Bulgaria	Bulgaria	Road
ML 3	934 488	1	Slovakia	Hungary	Bulgaria	Turkey	Turkey	Road
ML 8	36 000	1	Bulgaria	Bulgaria	Ukraine	Ukraine	Ukraine	Road
ML 3	1 127 700	7	Ukraine	Ukraine	Bulgaria	Bulgaria	Bulgaria	Road
ML 3	586 500	3	Ukraine	Ukraine	Serbia	Serbia	Serbia	Road
ML 3	122 500	1	Bulgaria	Bulgaria	Hungary	USA	Colombia	Road
ML 3	392 500	1	Montenegro	Serbia	Bleak Sea	USA	Iraq	Road
ML 6, ML 11	Temporary Export	1	Republic of Moldova	Republic of Moldova	Hungary	Germany	Germany	Road
ML 6, ML 11	Return	1	Germany	Hungary	Republic of Moldova	Republic of Moldova	Republic of Moldova	Road
ML 3	163 497	1	Germany	Hungary	Bleak Sea	Lebanon	Lebanon	Railway
ML 3	371 304	1	Bulgaria	Bulgaria	Hungary	USA	USA	Road
ML 4	40 373	1	Norway	Hungary	Bulgaria	Turkey	Turkey	Road
ML 3	311 684	2	Serbia	Serbia	Bleak Sea	Egypt	Egypt	Road
Total		22						
Transshipment Operations					Type of transshipment			
ML 3	392 500	1	Montenegro	Serbia	Black Sea	USA	Iraq	Road - Maritime
ML 3, ML 8	267 894	1	USA	Black Sea	Black Sea	Lebanon	Lebanon	Maritime-Maritime
ML 3	163 497	1	Germany	Hungary	Black Sea	Lebanon	Lebanon	Railway - Maritime
ML 3	311 684	2	Serbia	Serbia	Black Sea	Egypt	Egypt	Road - Maritime
Total		5						

5. EXPORT LICENCES BY RECIPIENT REGION AND COUNTRY

SUB-SAHARAN AFRICA

		ML 1	ML 3	ML 4	ML 8	ML 10	Total per destination
BENIN	a ⁵	1					1
	b	33 944					33 944
	c	33 944					33 944
BURKINA FASO	a	1	3	1	0		5
	b	47 997	1 069 228	3 017	0		1 120 242
	c	47 997	1 674 735	3 017	45 244		1 770 993
CAMEROON	a					1	1
	b					1 287	1 287
	c					0	0
MALAWI	a		1				1
	b		167 459				167 459
	c		167 459				167 459
MAURITANIA	a					1	1
	b					377 135	377 135
	c					308 600	308 600
SOUTH AFRICA	a	2					2
	b	13 779					13 779
	c	13 779					13 779
UGANDA	a	1	2				3
	b	16 595	38 319				54 914
	c	0	0				0

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).

2010 Exchange rates:

1 EUR = 1,32570 USD

1 EUR = 0,85784 GBP

1 EUR = 1,38030 CHF

		ML 1	ML 3	ML 4	ML 8	ML 10	Total per destination
Total per category	a	5	6	1	0	2	14
	b	112 315	1 275 006	3 017	0	378 422	1 768 760
	c	95 720	1 842 194	3 017	45 244	308 600	2 294 775

NORTH AFRICA

		ML 10	Total per destination
MOROCCO	a	1	1
	b	14 566 105	14 566 105
	c	42 565 453	42 565 453
Total per category	a	1	1
	b	14 566 105	14 566 105
	c	42 565 453	42 565 453

NORTH AMERICA (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6	ML 9	ML 10
CANADA	a	3		2					
	b	1 073		8 303					
	c	1 073		8 303					
UNITED STATES OF AMERICA	a	72	2	13	1	1	1	1	3
	b	17 819 540	866 659	9 148 557	75 432	10 998	20 020	50 348	5 891 537
	c	6 648 411	862 925	1 208 337	75 432	10 998	0	50 348	5 388 288
Total per category	a	75	2	15	1	1	1	1	3
	b	17 820 613	866 659	9 156 860	75 432	10 998	20 020	50 348	5 891 537
	c	6 649 484	862 925	1 216 640	75 432	10 998	0	50 348	5 388 288

NORTH AMERICA (2/2)

		ML 17	ML 22	Total per destination
CANADA	a			5
	b			9 376
	c			9 376
UNITED STATES OF AMERICA	a	1	2	97
	b	671 894	98 061	34 653 046
	c	298 620	9 655	14 553 014
Total per category	a	1	2	102
	b	671 894	98 061	34 662 422
	c	298 620	9 655	14 562 390

CENTRAL ASIA

		ML 1	ML 3	Total per destination
KAZAKHSTAN	a	1	1	2
	b	290	90 337	90 627
	c	290	90 337	90 627
Total per category	a	1	1	2
	b	290	90 337	90 627
	c	290	90 337	90 627

SOUTH EAST ASIA

		ML 2	ML 3	ML 10	Total per destination
INDONESIA	a			2	2
	b			1 010 000	1 010 000
	c			1 010 000	1 010 000

		ML 2	ML 3	ML 10	Total per destination
PHILIPINE	a	2	3		5
	b	40 959	26 778		67 737
	c	0	0		0
THAILAND	a	2	2		4
	b	691 175	747 341		1 438 516
	c	691 175	747 341		1 438 516
VIETNAM	a			1	1
	b			1 232 154	1 232 154
	c			1 232 154	1 232 154
Total per category	a	4	5	3	12
	b	732 134	774 119	2 242 154	3 748 407
	c	691 175	747 341	2 242 154	3 680 670

SOUTH ASIA

		ML 1	ML 3	ML 10	ML 14	Total per destination
AFGHANISTAN	a	3	10		1	14
	b	1 391 158	18 595 453		226 296	20 212 907
	c	779 821	7 093 577		0	7 873 398
BANGLADESH	a			2		2
	b			2 618 089		2 618 089
	c			89 010		89 010
INDIA	a			4		4
	b			6 387 267		6 387 267
	c			2 223 686		2 223 686
PAKISTAN	a		2	16		18
	b		1 512 446	1 376 557		2 889 003
	c		252 734	30 720		283 454

		ML 1	ML 3	ML 10	ML 14	Total per destination
Total per category	a	3	12	22	1	37
	b	1 391 158	20 107 899	10 381 913	226 296	31 880 970
	c	779 821	7 346 311	2 343 416	0	10 469 548

EUROPEAN UNION (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
AUSTRIA	a	8				1		
	b	361 746				543 058		
	c	146 889				0		
BELGIUM	a	3		1		1		
	b	225 045		6 300		500 000		
	c	28 033		0		92 573		
BULGARIA	a	2	1	2	1			
	b	93 686	589	300 098	423 173			
	c	77 544	589	68 832	0			
CZECH REPUBLIC	a	4	1	1				
	b	1 781 849	617 810	241 887				
	c	528 149	0	159 769				
DENMARK	a	1		1				
	b	25 000		1 612				
	c	6 387		0				
ESTONIA	a	3						
	b	1 954						
	c	2 012						
FINLAND	a	1						
	b	45 000						
	c	7 937						

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
FRANCE	a	4			0		2	
	b	51 708			0		308 616	
	c	21 708			64 740		176 880	
GERMANY	a	3						
	b	43 087						
	c	48 217						
HUNGARY	a			1				
	b			73 430				
	c			11 261				
IRELAND	a	1						
	b	25 000						
	c	9 339						
ITALY	a	1					0	
	b	50 000					0	
	c	36 049					104 760	
MALTA	a	1						
	b	25 000						
	c	0						
NETHERLANDS	a	3						
	b	33 947						
	c	13 291						
POLAND	a	3	1					
	b	214 433	445 354					
	c	18 769	0					
SLOVAKIA	a	1						
	b	30 000						
	c	6 803						

		ML 1	ML 2	ML 3	ML 4	ML 6	ML 7	ML 9
SLOVENIA	a	2						
	b	35 000						
	c	4 911						
SPAIN	a	1		1				
	b	15 000		826				
	c	3 728		0				
SWEDEN	a	1			1			1
	b	15 000			150 864			10 500 000
	c	0			63 271			10 500 000
UNITED KINGDOM	a	1		1				
	b	60 000		12 446				
	c	35 635		12 446				
Total per category	a	44	3	8	2	2	2	1
	b	3 132 455	1 063 753	636 599	574 037	1 043 058	308 616	10 500 000
	c	995 401	589	252 308	128 011	92 573	281 640	10 500 000

EUROPEAN UNION (2/2)

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination
AUSTRIA	a							
	b							
	c							
BELGIUM	a			7	2	1		15
	b			37 195	1 529 796	500 000		2 798 336
	c			14 274	296 251	6 017		437 148
BULGARIA	a							6
	b							817 546
	c							146 965

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination
CZECH REPUBLIC	a	1						7
	b	243 040						2 884 586
	c	170 128						858 046
DENMARK	a			1				3
	b			25 347				51 959
	c			25 347				31 734
ESTONIA	a							3
	b							1 954
	c							2 012
FINLAND	a	1						2
	b	67 497						112 497
	c	6 534						14 471
FRANCE	a	9	9	5				29
	b	230 390	394 750	175 310				1 160 774
	c	40 404	361 900	70 749				736 381
GERMANY	a	24			4			31
	b	438 812			2 762 007			3 243 906
	c	208 299			2 401 507			2 658 023
HUNGARY	a	5					1	7
	b	69 060					55 600	198 090
	c	16 817					55 600	88 678
IRELAND	a							1
	b							25 000
	c							9 339
ITALY	a	2						3
	b	390 500						440 500
	c	109 340						250 149

		ML 10	ML 11	ML 13	ML 15	ML 17	ML 22	Total per destination
MALTA	a							1
	b							25 000
	c							0
NETHERLANDS	a						1	4
	b						268 115	302 062
	c						0	13 291
POLAND	a	1						5
	b	1 415 101						2 074 888
	c	1 415 101						1 433 870
SLOVAKIA	a							1
	b							30 000
	c							6 803
SLOVENIA	a							2
	b							35 000
	c							4 911
SPAIN	a							2
	b							15 826
	c							3 728
SWEDEN	a							3
	b							10 665 864
	c							10 563 271
UNITED KINGDOM	a	13		2		1		18
	b	2 409 610		62 213		102 346		2 646 615
	c	805 338		32 419		0		885 838
Total per category	a	56	9	15	6	2	2	152
	b	5 264 010	394 750	300 065	4 291 803	602 346	323 715	28 435 207
	c	2 771 961	361 900	142 789	2 697 758	6 017	55 600	18 291 547

OTHER EUROPEAN COUNTRIES (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 7	ML 8	ML 10
AZERBAIJAN	a	1	1					
	b	24 138	113 148					
	c	24 138	113 148					
BOSNIA AND HERZEGOVINA	a							1
	b							8 328
	c							0
CROATIA	a	2						2
	b	2 889						57 926
	c	2 889						84 474
GEORGIA	a						0	
	b						0	
	c					181 684		
REPUBLIC OF MOLDOVA	a	4						1
	b	2 948						147 092
	c	2 948						0
NORWAY	a	3						1
	b	4 744						20 367
	c	4 744						20 367
SWITZERLAND	a			1				1
	b			1 383 757				30 975
	c			2 044 131				30 975
TURKEY	a			1	2	1		
	b			16 897	1 787 309	147 500		
	c			16 897	22 333	0		
UKRAINE	a							1
	b							22 500
	c							22 500

		ML 1	ML 2	ML 3	ML 4	ML 7	ML 8	ML 10
Total per category	a	10	1	2	2	1	0	7
	b	34 719	113 148	1 400 654	1 787 309	147 500	0	287 188
	c	34 719	113 148	2 061 028	22 333	0	181 684	158 316

OTHER EUROPEAN COUNTRIES (2/2)

		ML 11	ML 18	ML 22	Total per destination
AZERBAIJAN	a	1	4	1	8
	b	4 299 615	642 768	756 225	5 835 894
	c	2 705 265	0	0	2 842 551
BOSNIA AND HERZEGOVINA	a				1
	b				8 328
	c				0
CROATIA	a				4
	b				60 815
	c				87 363
GEORGIA	a				0
	b				0
	c				181 684
REPUBLIC OF MOLDOVA	a				5
	b				150 040
	c				2 948
NORWAY	a				4
	b				25 111
	c				25 111
SWITZERLAND	a				2
	b				1 414 732
	c				2 075 106

		ML 11	ML 18	ML 22	Total per destination
TURKEY	a			3	7
	b			313 040	2 264 746
	c			5 940	45 170
UKRAINE	a				1
	b				22 500
	c				22 500
Total per category	a	1	4	4	32
	b	4 299 615	642 768	1 069 265	9 782 166
	c	2 705 265	0	5 940	5 282 433

MIDDLE EAST (1/2)

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11
IRAQ	a			3					
	b			3 110 247					
	c			10 572 212					
ISRAEL	a			1	3	2	2	4	2
	b			32 511	608 939	1 056 570	5 645 329	416 618	1 294 222
	c			32 511	415 651	273 980	4 593 130	509 960	1 123 470
LEBANON	a			2	0				
	b			603 266	0				
	c			417 704	46 466				
OMAN	a	1						12	
	b	1 250						2 484 192	
	c	1 250						2 620 492	
SAUDI ARABIA	a		1						
	b		0						
	c		0						

		ML 1	ML 2	ML 3	ML 4	ML 5	ML 6	ML 10	ML 11
UNITED ARAB EMIRATES	a							2	
	b							713 893	
	c							679 972	
Total per category	a	1	1	6	3	2	2	18	2
	b	1 250	0	3 746 024	608 939	1 056 570	5 645 329	3 614 703	1 294 222
	c	1 250	0	11 022 427	462 117	273 980	4 593 130	3 810 424	1 123 470

MIDDLE EAST (2/2)

		ML 15	ML 16	ML 17	ML 18	ML 21	ML 22	Total per destination
IRAQ	a							3
	b							3 110 247
	c							10 572 212
ISRAEL	a	2	1	3	1	1	1	23
	b	3 094 214	146 187	1 902 391	655 192	357 583	5 771	15 215 527
	c	2 428 364	146 187	1 106 820	366 514	202 397	5 771	11 204 755
LEBANON	a							2
	b							603 266
	c							464 170
OMAN	a							13
	b							2 485 442
	c							2 621 742
SAUDI ARABIA	a							1
	b							0
	c							0
UNITED ARAB EMIRATES	a							2
	b							713 893
	c							679 972

		ML 15	ML 16	ML 17	ML 18	ML 21	ML 22	Total per destination
Total per category	a	2	1	3	1	1	1	44
	b	3 094 214	146 187	1 902 391	655 192	357 583	5 771	22 128 375
	c	2 428 364	146 187	1 106 820	366 514	202 397	5 771	25 542 851

OCEANIA

		ML 1	Total per destination
AUSTRALIA	a	2	2
	b	3 259	3 259
	c	3 259	3 259
NEW ZEALAND	a	4	4
	b	8 497	8 497
	c	8 497	8 497
Total per category	a	6	6
	b	11 756	11 756
	c	11 756	11 756

SOUTH AMERICA

		ML 1	ML 10	Total per destination
ARGENTINA	a		1	1
	b		7 943	7 943
	c		7 943	7 943
CHILE	a		3	3
	b		4 600 189	4 600 189
	c		76 817	76 817
COLOMBIA	a	1		1
	b	0		0
	c	0		0

		ML 1	ML 10	Total per destination
Total per category	a	1	4	5
	b	0	4 608 132	4 608 132
	c	0	84 760	84 760

Annex 1

**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' 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/CFSP⁶ 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/CFSP⁷ (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.

⁶ JO L 191, 19.7.2002, p. 1.

⁷ 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 list⁸.

(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 technology⁹.

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;

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

⁸ Last amended 10 March 2008, OJ C 98, 18.4.2008, p. 1.

⁹ JO L 159, 30.6.2000, p. 1.

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 regime¹⁰
(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 therefore.
- 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 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

¹⁰ Adopted by Government Decision no. 1067/2009 (published in Official Journal of Romania, Part I, no. 14, 11 January 2010)

- 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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