



GOVERNMENT  
OF SPAIN

MINISTRY OF  
INDUSTRY, TOURISM  
AND TRADE

SECRETARY OF STATE  
FOR TRADE

A large black submarine is shown from a high-angle perspective, sailing on the dark blue sea. The submarine's conning tower is prominent, with a Spanish flag flying from the top. The background features a range of mountains under a blue sky with scattered white clouds.

**SPANISH EXPORT STATISTICS  
REGARDING DEFENCE  
MATERIAL, OTHER MATERIAL  
AND DUAL - USE ITEMS AND  
TECHNOLOGIES, 2008**





## CONTENTS

---

Introduction.....	1
<b>Part I. Legislation in force and control bodies .....</b>	<b>3</b>
1. Legislation in force .....	3
2. Control bodies.....	7
A) Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble Uso (the Inter-Ministerial Regulatory Board on External Trade in Defence or Dual-Use Material – Spanish initials JIMDDU).....	7
B) General Secretariat for External Trade.....	7
<b>Part II. Export of defence material.....</b>	<b>9</b>
1. Legislation in force .....	9
2. Statistical analysis.....	9
A) Exports completed.....	9
B) Operations processed and exempt from the preliminary report and/or control document.....	11
C) Entries in the Special Register of External Trade Operators in Defence and Dual-use Material .....	12
D) Licenses denied .....	12
3. Principal actions undertaken and exchanges of information in the field of conventional arms in 2008 .....	14
A) COARM – Working Group of the Council on conventional arms exports.....	14
B) Directive of the European Parliament and of the Council on simplifying the terms and conditions of transfers of defence-related items within the Community .....	16
C) European Union Joint Action on Small Arms and Light Weapons .....	17
D) United Nations Conference on the Illicit Trade in Small Arms and Light Weapons.....	20
Action Programme .....	20
E) International Arms Trade Treaty.....	23
F) United Nations Register of Conventional Arms .....	24
D) OSCE Document on Small Arms and Light Weapons .....	25
H) Letter of intent (LOI) regarding the restructuring and integration of the European Defence industry.....	25
I) International initiatives on the prohibition of cluster bombs .....	27
<b>Part III. Export of other material and hunting and sporting arms.....</b>	<b>29</b>
1. Legislation in force .....	29
2. Statistical analysis.....	29
A) Exports completed.....	29
B) Operations processed and exempt from the preliminary report and/or control document.....	29
C) Entries in the Special Register for External Trade Operators in Defence and Dual-use Material .....	29
D) Licenses denied .....	29
<b>Part IV. Export of dual use items and technologies .....</b>	<b>31</b>
1. Legislation in force .....	31
2. Statistical analysis.....	31
A) Exports completed.....	31
B) Operations processed and exempt from the preliminary report and/or control document.....	33
C) Entries in the Special Register for External Trade Operators in Defence and Dual-use Material .....	34
D) Licenses denied .....	34
3. Principal actions undertaken at international control and non-proliferation forums in 2008.....	34
A) Ad-hoc Council Group on the export of dual-use items and technologies and the Commission Coordination Group .....	34
B) Wassenaar Arrangement (WA) .....	37
C) Nuclear Suppliers Group (NSG).....	40
D) Missile Technology Control Regime (MTCR).....	42



E) Initiatives against the proliferation of weapons of mass destruction within the sphere of nuclear arms and missiles .....	43
F) Australia Group (AG).....	45
G) Chemical Weapons Convention (CWC).....	46
H) Biological and Toxin Weapons Convention (BTWC).....	48
<b>Annex I. Export statistics on defence material, 2008.....</b>	<b>51</b>
<b>Annex II. Export statistics on other material - hunting and sporting arms, 2008 .....</b>	<b>63</b>
<b>Annex III. Export statistics on dual-use items and technologies, 2008.....</b>	<b>69</b>
<b>Annex IV. Licences processed and operations exempted .....</b>	<b>77</b>
<b>Annex V. Spanish statistics as per the United Nations Register of Conventional Arms.....</b>	<b>81</b>
<b>Annex VI. Spanish statistics as per the OSCE Document on Small Arms and Light Weapons.....</b>	<b>83</b>
<b>Annex VII. Defence and dual-use material embargoes currently in force .....</b>	<b>85</b>
<b>Annex VIII. Links.....</b>	<b>87</b>
International forum web pages .....	87



## INTRODUCTION

---

This report includes the 2008 exports of defence material, other material and dual-use items and technologies authorised and completed in accordance with the terms of Article 16 of Law 53/2007 of 28 December 2007 on the control of external trade in defence and dual-use material.

Before delving into the analysis of specific export data, an explanation must first be given regarding the methodology followed in compiling the statistics contained herein.

The Secretariat-General for Foreign Trade attached to the Ministry of Industry, Tourism and Trade, duly informed by the Inter-Ministerial Regulatory Board on Foreign Trade in Defence and Dual-Use Material (Spanish acronym JIMDDU), is the body responsible for authorising each external trade transaction concerning defence material, other material and dual-use items and technologies. The Secretariat-General possesses the data concerning all of the authorised export licenses while the data corresponding to exports actually completed is available at the Department of Customs and Excise Duties of the National Tax Administration Agency attached to the Ministry of Economy and Finance.

As concerns operations completed, data was obtained by comparison of each individual export license granted with the export/dispatch Single Customs Document (DUA) done by the Department of Customs and Excise Duties and by checking each one of the shipments sent. Moreover, the Secretariat-General for Foreign Trade collected information regarding export shipments directly from

companies enabling it to correct any data discrepancy. This authority is envisaged under Article 9 of Royal Decree 2061/2008 of 12 December 2008 approving the control Regulation governing the external trade in defence material, other material and dual-use items and technologies and under the former Regulation (Royal Decree 1782/2004 of 30 July 2004). Companies are called upon to submit half-yearly reports regarding shipments made.

It should be pointed out that these statistics do not reflect temporary exports (shipments made for the purpose of repair, homologation, testing, fairs, defective goods returned to the manufacturer) which are void of any commercial value.

The 2008 statistics report is divided into two main blocks. The first covers information on Spanish law, Community regulations, data on Spain's export of defence material, other material and dual-use items and technologies and the main progress made at international control fora. The second block is composed of eight annexes containing export figures of these items in 2008, Spain's contribution to the United Nations Conventional Arms Register and to the OSCE Document on Small Arms and Light Weapons, the list of defence material embargos and a list of helpful links in this connection.

For the first time, Part III and Annex II of the report list sporting and hunting arms operations authorised and completed given that these are now subject to control with the entry into force of Law 53/2007, specifically smooth bore hunting and sporting arms (shotguns and hunting cartridges and their parts and



components). Two other additions to this report are a table showing details of operations valued at over 10 million euro (Annexes I and III) and more detailed information about exports to certain destinations (Parts II and III).

These statistics are published in the Economic Bulletin of the Spanish Trade Information Publication put out by the Ministry of Industry, Tourism and Trade.

The unabridged version of the articles can be found on the web page of the Secretariat of State for Trade.

[\(http://www.comercio.es/\)](http://www.comercio.es/)

Note.- In the event of doubt or error, the original version in Spanish prevails over the English translation.

## **PART I. LEGISLATION IN FORCE AND CONTROL BODIES**

---

### 1. Legislation in force

Organic Law 3/1992 of 30 April introduced administrative crimes and infractions in connection with the smuggling of defence and dual-use material for the first time into domestic law. Law 3/1992 described the crime of smuggling in the same terms as today's Anti-smuggling Act, Organic Law 12/1995 of 12 December, as the unauthorised export of defence or dual-use material or export with authorisation obtained by means of a false or incomplete declaration.

To implement the aforementioned law, it was then necessary to enact a new law at the Royal Decree level as provided for in Organic Law 3/1992. This was accomplished by means of the publication of Royal Decree 824/1993 of 28 May approving the Regulation on external trade in defence and dual-use material. The disperse regulations existing up to that time were grouped together under this Regulation: registration, external export/import trade, the Inter-ministerial Board, lists of defence and dual-use material subject to control, types of licenses and control documents.

Royal Decree 824/1993 was replaced by Royal Decree 491/1998 of 27 March 1998 and the latter, in turn, by Royal Decree 1782/2004 of 30 July 2004.

And lastly, Law 53/2007 entered into force on 29 January 2008, marking the first time that Spanish law in this area was governed by a regulation of this level. The said law has been implemented through Royal Decree 2061/2008 of 12 December 2008

establishing the control Regulation on external trade in defence material, other material and dual-use items and technologies. This Royal Decree entered into force on 7 February 2009.

Transfer requests are analysed in accordance with the foregoing legislation on a case-by-case basis and the JIMDDU's mandatory and binding report is collected. The overarching purpose of that analysis is to prevent the proliferation of weapons of mass destruction and especially to prevent arms and dual-use items from falling into the hands of and being used by terrorists, all without prejudice to the legitimate sale of arms in accordance with Article 51 of the United Nations Charter which recognises the legitimate right to individual or collective defence of all member nations.

Analysis of defence material export operations applies the eight criteria of Common Position 2008/944/CFSP of 8 December defining the common regulations governing control of the export of military technology and equipment and in the export of small arms and light weapons, the criteria laid down in the OSCE Document on small arms and light weapons of 24 October 2000 are applied.

Resolution 55/255 of the United Nations General Assembly of 8 June 2001 approving the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime; the Programme of Action of the United Nations to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its

aspects; and the Council Common Position 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering and the Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses, are likewise applicable.

Also in this connection, special mention should be made of the provisions of the Weapons Regulation approved by Royal Decree 137/1993 of 29 January 1993 and the Explosives Regulation approved by Royal Decree 230/1998 of 16 February 1998.

As for dual-use, the Spanish control authorities apply 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 technology and Regulation (EC) No 2432/2001 of 20 November and No 1167/2008 of 24 October 2008 amending and updating the latter.

It is important to draw attention to United Nations Resolution 1540 (2004) of 28 April intended to prevent the proliferation of weapons of mass destruction and specifically to prevent non-State actors from acquiring them. Other international regulations include those forming part of the 13 January 1993 Convention prohibiting the development, production, stockpiling and use of chemical weapons and on their destruction; and the 10 April 1972 Convention prohibiting the development, production and stockpiling of biological and toxin weapons and on their destruction.

The Convention on the Physical Protection of Nuclear Material of 3 March 1980 (whose 8 July 2005 amendment has been ratified by Spain) to prevent the dangers associated with the illegal use or takeover of nuclear materials, calls for

the establishment of control measures, including import and export authorisations, for nuclear materials from States which are not party.

And lastly, the Spanish control system assumes the obligations undertaken within the framework of the most important international control and non-proliferation fora, i.e. the Wassenaar Arrangement, the Zangger Committee, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group.

Law 53/2007 provides that the Government, by Royal Decree, will dictate the implementing regulations. Hence, on 7 January 2009 Royal Decree 2061/2008 was published approving the Regulation controlling external trade in these items.

The principal changes envisaged in said Royal Decree 2061/2008 may be summarised as follows:

1. Control is extended to all hunting and sporting arms, their components and ammunition pursuant to the commitments undertaken by virtue of United Nations General Assembly Resolution 55/255 approving the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Import authorisation from the country of destination is required for regulated firearms. These arms may be transferred by means of individual or global licenses (parent company-subsidiary, manufacturer-exclusive distributor, regular commercial export broker-user) or via written declarations (temporary operations for hunting

outings or sport shooting). Transfers between EU countries do not require a license and are regulated under Section 6 of the Weapons Regulation (Royal Decree 137/1993 of 29 January 1993) and Title VII of Royal Decree 230/1998 of 16 February 1998 approving the Explosives Regulation.

2. The Law also envisages control of licensed production agreements, i.e. those processes whereby a company in one country authorises a company in another country to manufacture its products, including the transfer of components, technology and production techniques.
3. The possible permanent export of equipment accompanying the Armed Forces and state police and security forces on humanitarian and peace missions abroad is envisaged.
4. Controls on defence material brokering transactions are bolstered by means of information mechanisms regarding transport methods, transit countries and financing. Information mechanisms having to do with transport and transit countries also apply to all other export operations.
5. A series of requirements are laid down for inscription in the Special Register of External Trade Operators and for the nullification of such inscription.
6. The makeup of the JIMDDU is updated, amending the Vice-presidency now occupied by the Secretary of State for Foreign

Affairs instead of the Under-Secretary for Foreign Affairs. A new Member is added, the Director-General of Strategic Affairs and Terrorism of the Ministry of Foreign Affairs and Cooperation and there are now two representatives, one from the Directorate-General of the Police and one from the *Guardia Civil*.

7. For the first time in Spanish law, a lengthy list of exemptions is included, subject to a report from the JIMDDU and control documents.
8. The Annexes of the control lists of items, license forms and control documents are updated in accordance to the changes implemented in the different international regimes. Specifically, the items subject to control under Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain items which could be used for capital punishment, torture or other cruel, inhumane or degrading treatment or punishment, have been eliminated from the List of Other Material figuring in Annex II.

We should likewise note that a legislative change of this importance requires an amendment to the Anti-smuggling Act, Law 12/1995.

This amendment must be implemented in compliance with the obligations arising from the Chemical Weapons Convention; the Biological and Toxin Weapons Convention; the most recent changes to Regulation (EC) 1334/2000 on dual-use items; the Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-

uses; Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering; and Council Regulation (EC) No 1236/2005 on the marketing of certain items that could be used in the enforcement of the death penalty or to inflict torture.

The changes can be summarised as follows:

- Replacement of the existing definition of the terms “export” and “dual-use items” with a view to bringing them into line with Regulation (EC) No 1334/2000. Introduction of new definitions of the terms “import”, “dispatch”, “introduction” and “other material” and update of the existing definitions of “precursors” and “biological agents or toxins”.
- Inclusion of the control of items which could be used in the enforcement of the death penalty or to inflict torture or other cruel, inhumane or degrading treatment or punishment.
- Broadening of the classification of crimes given that in the aforementioned Organic Law 12/1995 provisions are not made for imports, technical assistance, intra-community brokering or the transfer of defence material, other material and dual-use items and technologies or for the import/export of items used to enforce the death penalty or to inflict torture.
- Control of transit throughout land, sea and air space of the so-called “other material” and of items which could be used to enforce the death penalty or inflict torture,

similar to those provided for in the aforementioned Law 12/1995 on defence and dual-use material.

Lists of items and equipment subject to control under Spanish legislation must be updated each year in accordance with the amendments approved in the international lists. In 2008 the said update was undertaken by means of the 19 February Order ITC/822/2008 of the Ministry of Industry, Tourism and Trade.

Control of the external trade in defence and dual-use material was boosted by the approval of the 20 July 2006 Order issued by the Secretariat of State for Trade. This order established the procedure whereby external trade authorisations are processed in application of Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain items that could be used in the enforcement of the death penalty or to inflict torture.

The Community Regulation contains nineteen Articles and five Annexes.

Annex II includes a list of items related to the enforcement of the death penalty the export and import of which is prohibited, as is any related technical assistance: gallows and guillotines, electric chairs, gas chambers, lethal chemical injection systems and electric-shock belts. This prohibition does not apply to shipments of this equipment to museums. Technical-health items are excluded as well.

Annex III lists torture-related equipment: restraint chairs and shackle boards, handcuffs, gang chains, shackles, individual handcuffs and wrist shackles, thumb-cuffs, portable anti-riot devices for administering an electric shock, incapacitating chemical substance

dispensing devices and two chemical substances used in the manufacture of tear gas. These items may be exported and imported but they need prior authorisation and a control document listing the recipient, use and end user.

Transit and brokering transactions are not included in this Regulation. A refusal and consultation procedure similar to the one used for the European Union Code of Conduct on Arms Exports has been set up (Articles 11 and 13). And lastly, in the case of Spain, the sanctions regime envisaged under Article 17 will entail amendment of the Anti-Smuggling Act, Law 12/1995.

## 2. Control bodies

*A) Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble Uso (the Inter-Ministerial Regulatory Board on External Trade in Defence or Dual-Use Material – Spanish initials JIMDDU)*

This Board was first constituted in 1988 as an inter-ministerial administrative body and is vouchsafed to the Ministry of Industry, Tourism and Trade. The JIMDDU meets on a monthly basis with the exception of the month of August and has a Working Group responsible for preparing operations and reports.

Its makeup is determined by Article 13 of Law 53/2007 and Article 17 of Royal Decree 2061/2008. Those units of the administration which are directly involved in the control of external trade in defence material, other material and dual-use goods and technologies (Ministries of Industry, Tourism and Trade; Foreign Affairs and Cooperation; Economy and Finance; Defence; and the Interior) are represented.

The JIMDDU's most important function is the compulsory and binding review of administrative authorisations and preliminary agreements relating to the said materials and the compulsory review of amendments made to regulations governing this trade.

*B) General Secretariat for External Trade*

Authorisation for import/export transactions concerning defence material, other material and dual-use items and technologies, duly informed by the JIMDDU, is the responsibility of the General Secretariat for External Trade. The processing procedure for the issuing of licenses and control documents is undertaken by the Deputy Directorate-General of External Trade in Defence and Dual-use Material which, in turn, also serves as the Secretariat of the JIMDDU.



## PART II. EXPORT OF DEFENCE MATERIAL

---

### 1. Legislation in force

The following laws were in force during the period covered by these statistics: the Anti-smuggling Act, Organic Law 12/1995 of 10 December 1995, Law 53/2007 of 28 December 2007 on the control of external trade in defence and dual-use material and Order ITC/822/2008 of 19 February 2008 amending the annexes of Royal Decree 1782/2004 of 30 July 2004 establishing the Regulation controlling external trade in defence material, other material and dual-use items and technologies.

Defence material subject to control under Spanish law is based on the Wassenaar Arrangement Military List, the Common List of Military Equipment of the European Union Code of Conduct on Arms Exports and also includes categories I and II of the Missile Technology Control Regime.

Among the items which are not classified as defence material, special mention should be made of certain specific cases.

Transport aircraft which are not specifically designed or modified for military use and which are registered with the Directorate-General of Civil Aviation as civil aircraft are expressly excluded from the international lists. Cargo or transport vessels and ships, provided they do not have military specifications or equipment, are also exempt from control.

### 2. Statistical analysis

#### *A) Exports completed*

The tables showing the export figures corresponding to defence material are included in Annex I of this report.

The import/export flow has stabilised over the last several years as a result of the participation of several Spanish companies in joint military cooperation programmes (Eurofighter programmes, the A 400M transport aircraft, the Tiger helicopter, the Leopard tank, Meteor and Iris-T Missiles and the MIDS electronic communications programme).

In 2008 there was a small increase of 0.2% in the export of defence material in comparison with 2007. The value of exports totalled €934.4 million.

Year	Amount (€ millions)
2002	274.71
2003	383.10
2004	405.90
2005	419.45
2006	845.07
2007	932.94
2008	934.45

The following table, based on the statistical data from Annex I, shows Spain's principal export markets. It lists countries and groups of countries (NATO and European Union), amount and percentage of exports and the main categories exported in each case.



Countries DM	Amount (€ millions)	%	Categories
<b>EU NATO countries</b>	<b>368.85</b>	<b>39.47</b>	
Germany	169.37	18.13	3,4,10,15
United Kingdom	95.53	10.22	4,8,10,15
Italy	62.32	6.67	10,11,15
Others	41.63	4.45	1,2,4,6,8
<b>EU non-NATO countries</b>	<b>11.80</b>	<b>1.27</b>	
Austria	11.74	1.26	2,3,10,15
Others	0.06	0.01	1,4
<b>NATO countries (non-EU)</b>	<b>290.10</b>	<b>31.04</b>	
Norway	265.69	28.43	3,4,8,9
United States	22.38	2.39	1,3,4,8,10
Others	2.03	0.22	1,4,10,21
<b>NATO + EU</b>	<b>670.75</b>	<b>71.78</b>	
<b>Other countries</b>	<b>208.49</b>	<b>22.31</b>	
Morocco	113.90	12.19	6
Brazil	63.45	6.79	4,10
Colombia	31.14	3.33	1,6,10,11
<b>Remaining countries</b>	<b>55.21</b>	<b>5.91</b>	
<b>TOTAL</b>	<b>934.45</b>	<b>100</b>	

The table shows that dispatch to European Union countries was lower in relative terms than in years past accounting in 2008 for 40.7% of the total compared with 59.8% in 2005 and 79.6% in 2004.

However in absolute terms, sales to EU countries totalled €380.6 million which is higher than the 2006 and 2005 figures which were €241.9 million and €251.0 million respectively. Dispatches were basically distributed between Germany the United Kingdom and Italy. Most of the exports were parts and components for the EF-2000 fighter jet to Germany, the United Kingdom and Italy and A400M military transport aircraft to the United Kingdom and Germany. Fuel was another important export category to the United Kingdom (aviation kerosene and NATO specification naval gas-oil). We would stress that shipments to Germany also included parts and components for the Leopard tank and Iris-T missile.

NATO countries accounted for 70.5% of the dispatches/exports, with very special mention of the export of a third frigate to

the Norwegian navy (exports to that country totalling €265.7 million and accounting for 28.4%). Special mention should also be made to exports to the United States (€22.4 million accounting for 2.4% consisting of parts and components for aircraft, ships, tanks and missiles in addition to small arms).

The remaining sales (€263.7 million - 28.2%), not counting dispatch/export to EU or NATO countries, was distributed among 40 countries among which special mention should be made of Morocco accounting for €113.9 million (12.2%) consisting of 1,015 off-road vehicles, ambulances and tank trucks, fire engines and non-armoured tow trucks. Relevant shipments were also made to Brazil (2 troop transport aircraft for €63.4 million - 6.8%) and to Colombia (1 troop transport aircraft for €31.1 - 3.3%).

It is important to underscore exports to some especially sensitive destinations.

In 2008 a total of €157,200 worth of defence material was authorised for Israel and €2.4 million in exports were completed. The reason for this is that some of the 2008 dispatches were made with licenses authorised in 2007 and which were still valid.

The shipments break down as follows:

- Components for sporting pistols valued at €128,170 which an Israeli company assembles for re-export to the United States.
- Calibre 30 x 173 mm rounds valued at €36,400 for a Piranha III-type armoured vehicle for operational tests of a remote control tower by an Israeli company (manufacturer of the tower) for a Swiss company

- Aircraft parts and components. Their value was zero because they were returned to origin from Israel to the Spanish Army Headquarters as erroneously sent material.
- Electronic image processing cards with zero value to be integrated into equipment for re-export to Italy, Colombia and Brazil for aircraft from the Armed forces of those countries.
- Sets of infrared sensor lenses valued at €2.2 million used in systems which are subsequently re-exported to the United Kingdom for the EF-2000 (Eurofighter programme) for delivery to the Armed Forces of the countries taking part in this programme.

We would also draw attention to India where exports of 20 x 110 mm rounds and spare parts for a 70 mm canon intended for the Ministry of Defence totalled €1.9 million.

Exports to Indonesia totalled €3.7 million and consisted of sporting pistol and their components intended for an armoury and grenade launchers, bombs and 105 and 110 mm rounds for the Armed Forces.

Exports to Pakistan totalled €199,412 and consisted of 105 mm illuminating rounds for the Ministry of Defence.

Exports to Sri Lanka totalled €138,780 and consisted of fuses and adaptors intended for the Armed Forces of that country.

Exports to Thailand totalled €156,904 and consisted of consoles for the Navy.

Exports to Venezuela totalled €111,450 and consisted of sporting carbines for an armoury and tear gas intended for the Armed Forces and the police.

Exports to certain Sub-Saharan Africans (Guinea Bissau, Equatorial Guinea and South Africa) consisted of hunting rifles intended for private buyers.

Lastly, attention should be drawn to the donation of 1 D3A-01 aircraft to the Ministry of Defence of Senegal within the framework of collaboration in combating illegal immigration

It should also be mentioned that in the statistics report of the first half of 2008, a donation valued at €600,000 of 1 Mirage aircraft and a test bench to Jordan was erroneously listed. This operation has been eliminated in Annex I of this report.

37.0% of the exports authorised (€2,526.4 million) were actually completed mostly owing to three individual technical documentation export licenses for a project to manufacture two strategic ships in Australia valued at €920 million, 12 transport planes to Portugal totalling €274.9 million and blocks, documentation and logistical support for the construction of one patrol ship intended for use along the Venezuelan coast valued at €92.5 million which were not entirely used in 2008.

Focusing on item categories, we would draw attention to the export of "Aircraft" totalling €321.9 million accounting for 34.4% of the total and "Warships" totalling €258.9 accounting for 27.7%.

*B) Operations processed and exempt from the preliminary report and/or control document*

This information can be found in Annex IV.

In 2008 a total of 717 applications for the export of defence material were processed and break down as follows: 516 for individual licenses, 4 for global licenses (for multiple shipments to different countries and recipients), 9 for global project licenses (similar to global licenses but focusing on cooperation programmes in the defence field) and 188 for temporary licenses. In addition to the foregoing, 7 inward processing traffic licenses were processed and rectifications were made to 192 licenses granted previously (rectification refers to an extension of the expiration date or a change in the customs release post).

Of the 516 individual licenses, 449 were approved, 5 denied, 7 were abandoned by the exporter, 12 expired due to failure to submit the end-use control document associated to the license by the deadline date and 43 were left pending authorisation in 2009. The 4 global licenses were approved as were the 9 global project licenses. All of the 188 temporary licenses were approved except for 2 which were left pending. All of the license rectifications were approved with the exception of 7 which were abandoned by the exporter. The 7 traffic licenses were approved. Mention should also be made of the 18 preliminary export agreements which were approved and the one denied in 2008. This is an administrative approval signalling initial conformity regarding future shipments.

Annex IV offers information concerning the time it takes to process licences and the number of licences exempt from the preliminary report and/or control document.

The exemptions determined by the JIMDDU were limited to dispatches of non-sensitive material to allied countries or members of international control and non-proliferation fora. Specifically, these exemptions were related to defence cooperation programmes (the Eurofighter, the A 400M military transport aircraft, the Tiger combat helicopter, the Leopard tank, Iris and Meteor missiles, the MIDS electronic communications programme), military specification fuel exports to EU and NATO countries, returns to origin and the export of low-cost, non-sensitive material (under €12,000) to member countries of international export control fora.

The JIMDDU also exempted temporary exports consisting of repairs, revisions, tests, homologations, fairs and exhibitions from the preliminary report and the control document. It should be recalled that these dispatches are not reflected in the statistics since they are not permanent exports.

#### *C) Entries in the Special Register of External Trade Operators in Defence and Dual-use Material*

In 2008, 5 entries were made in the REOCE (special register) concerning companies trading in defence material and 1 broker.

#### *D) Licenses denied*

In 2008, three licenses for defence material were denied owing to the enforcement of the European Union Code of Conduct on Arms Exports. Two of the refusals were for 1 pistol and 5 rifles to the same destination for a value of €5,800 and were based on criterion 7 (risk of diversion), the importer failing to offer sufficient guarantees. The third refusal corresponded to a preliminary

export agreement for 3,000 complete rounds valued at €3.9 million based on criterion 4 (regional situation).

Similarly, a further 3 transactions were denied consisting of 17,200 cluster bombs and technology for their manufacture to different destinations and valued at €77.3 million. These transactions were denied based on the Spanish Government's approval on 11 July 2008 of a unilateral moratorium prohibiting the use, development, production, acquisition and external trade in munitions of this type.

Two defence material brokering requests were filed for the first time within the scope of control of these transactions, one being denied from the Ukraine to Yemen involving the shipment of tank spare parts and the second being approved for the same country of origin and item but to the Government of Iraq. This latter transaction is pending submission of the control document.

2008 also saw collaboration with the United Nations Panel of Experts on sanctions placed on Sudan.

Prior to informing the operations, the JIMDDU conducted a case-by-case analysis of all 2008 transactions applying the following parameters:

- a) Full and absolute respect for United Nation, European Union and OSCE embargoes currently in force (Annex VII).
- b) Observance of commitments undertaken at international control and non-proliferation fora to which Spain is party.

c) Application of the eight criteria of the European Union Code of Conduct on Arms Exports to exports of defence material.

d) Adoption of restrictive principles in approving exports to certain countries immersed in domestic or regional situations of conflict thus preventing the shipment of arms or equipment that, in light of their characteristics, could be used to take life or injure or could be used for the purpose of domestic repression or as anti-riot material.

e) As concerns transactions involving small arms and light weapons, in 2001 the JIMDDU took the decision to make export authorisation of these arms contingent upon the end recipient/user being a public body (armed forces and law enforcement officials) in the case of particularly sensitive countries or in those where there is a risk of diversion in terms of the end use made of this material.

The requirement of submitting a control document continued throughout all of 2008 specifying this point as a prerequisite for license authorisation.

f) Spanish export of certain devices for the restriction of bodily movement such as leg shackles and waist chains has been prohibited as from December 2001.

This prohibition was incorporated as Additional Provision Twelve to the Fiscal, Administrative and Social Order Act, Law 24/2001 of 27 December.

In 2008, the Ministry of Foreign Affairs and Cooperation authorised 391 transits of defence material and denied 8.

### 3. Principal actions undertaken and exchanges of information in the field of conventional arms in 2008

#### *A) COARM – Working Group of the Council on conventional arms exports*

The duty of the COARM Group is to study those initiatives whose purpose is to strengthen conventional arms trade controls. In addition to that responsibility, its central point of debate focuses on aspects related with the European Union Code of Conduct on Arms Exports which became a Common Position on 8 December 2008. It is comprised of 8 criteria and a series of operational provisions.

From among the most important advances made in 2008, we would stress the following (X Annual Report on enforcement of the Code of Conduct):

1. *Transformation of the Code of Conduct into a Common Position.* Technical discussions regarding the review of the Code concluded in June 2005. The 8 June 1998 European Union Code of Conduct on arms exports became a Common Position on 8 December 2008 (Common Position 2008/944/CFSP).
2. *Review of the Code of Conduct Common List of Military Equipment.* On 10 March 2008, the Council adopted an updated version of the Common List based on the changes made to the Wassenaar Arrangement Military Equipment List. This version was published on 18 April 2008.

3. *Improvement of the Code of Conduct “User’s Guide” and the refusal database.* Both were compiled in 2003 and became fully operational as of 1 January 2004. The Guide features clarifications on procedures to be applied to the communication of refusals and consultations stemming from the latter in addition to guidelines concerning the interpretation of the criteria and requirements for the provision of data for the Annual Report. The database managed by the General Secretariat of the EU Council contains all of the refusals issued by Member States organised according to the denying country, country denied and criterion on which the refusal was based.

Following the September 2005 adoption of best practices for the interpretation of Code of Conduct criterion 8 (compatibility of the arms exports with the technical and economic capacity of the recipient country), in June 2006 the Member States approved the best practices for the interpretation of criterion 2 (respect for human rights) and criterion 7 (risk of diversion). Criterion 3 (internal situation) and criterion 4 (regional situation) were reviewed in June 2006, criteria 1, 5 and 6 in June 2007 and criterion 5 in February 2008.

4. *Participation and information dissemination activities.* In accordance with the mechanism agreed in 2004, several measures were taken to enhance the coordination of external activities undertaken by Member States in promoting the principles and

criteria of the Code among candidate countries and third countries. This mechanism mainly consists of a database containing information on national activities undertaken in the said countries. On 4-6 May 2008, a seminar was held in Slovenia organised by the Slovenian Presidency targeting Eastern European countries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia). Several aspects relating to export authorisations were debated there such as the possibility of compiling and publishing a regional report on arms exports focusing on Eastern Europe.

Meetings with other countries and international organisations interested in joining the Code were held and information was exchanged on countries' respective refusals of military equipment based on the application of the Code. Since the adoption of the Code on 8 June 1998 six further countries – Bosnia and Herzegovina, Canada, Croatia, Iceland, Norway and the former Yugoslav Republic of Macedonia – have joined.

5. *International Arms Trade Treaty.* On 3 October 2005, the Council supported the principle of an arms trade treaty, urging the commencement of a formal United Nations process, the only forum capable of enacting a universal instrument. In March 2005, the COARM Group created a contact group to act as a subgroup in which Member State representatives participate. The

Council adopted the conclusions of 11 December 2006, 18 June 2007 and 10 December 2007 in favour of a legally binding International Arms Treaty.

Spain was one of the 117 co-sponsors of Resolution 61/89 passed on 6 December 2006 at the 61<sup>st</sup> United Nations General Assembly. A Group of Governmental Experts was created to study its feasibility, scope and parameters and met on three occasions in 2008. Spain was among the 28 countries forming that Group. Spain was also one of the 114 co-sponsors of the Resolution adopted on 17 October 2008 at the 63<sup>rd</sup> General Assembly agreeing to move forward with efforts to put together a legally binding instrument whereby to lay down common international rules for the import, export and transfer of conventional arms.

6. *Standardisation of national contributions for the Annual Report.* While differences continue to exist in the way information is presented, significant progress has been made over the last several years in improving the standardisation of procedures used in obtaining statistical data. In 2008, particular attention was paid to the difficulties encountered in gathering information on exports completed.
7. *Arms brokering.* In 2003, the Council adopted Common Position 2003/468/CFSP of 23 June on the control of arms brokering. The said Common Position contains the criteria, instruments (licenses,

written authorisations, activities register, consultations) and definitions which the Member States agreed to include in their domestic legal systems. In accordance to Article 5 of the Common Position, Member States have established special mechanisms (specific databases) for the exchange of information on national legislation and registered brokers. At the COARM Group meeting held in April 2008, Member States also agreed to share, while respecting confidentiality, information on brokering licenses issued.

8. *Intra-Community Transfers.* On 5 December 2007 the Commission submitted a draft Directive designed to simplify intra-community transfers of defence-related items. This Directive is subject to the co-decision procedure of the Council and the European Parliament. The COARM Group impressed upon the Commission that the said items cannot be treated in the same manner as most other commercial items bearing in mind the security aspects and considering the Directive's implications as concerns the second pillar.

Priority guidelines of the COARM Group for 2009 may be summarised as follows:

- Continuation of the adoption and harmonisation process of the national reports to foster more homogeneous statistical data thus facilitating their inclusion in the Annual Report of the European Union.

- Follow-up on the adaptation of the Common Position on control of arms brokering to national legislations, broadening of the information exchange mechanism and enhancement of the transparency of the reports.
- Development of best practices for the interpretation of Code of Conduct criteria.
- Continuation of the policy to promote the principles and criteria of the Code of Conduct (Common Position 2008/944/CFSP of 8 December) and maintain assistance to adhering countries and to third countries with a view to ensuring the harmonisation of policies concerning the control of arms exports.
- Improvement of the "User's Guide" and the centralised refusal database.
- Promotion of the initiative based on an international arms trade treaty.
- Intensification of dialogue with the European Parliament and cooperation with international NGOs and the defence industry.

*B) Directive of the European Parliament and of the Council on simplifying the terms and conditions of transfers of defence-related items within the Community*

Following the Commission's presentation of a draft Directive and a set of meetings of the Council and to reach an agreement with the European Parliament, the said Draft Directive was adopted by the Parliament after the initial reading in December 2008.

The Directive seeks to simplify control on intra-Community transfers in order to palliate the fragmentation of the Community defence material market. Other objectives of the Directive include facilitation of cross-border exchanges within the Community, greater competitiveness of the European arms industry, enhancement of the participation of small and medium sized enterprises and more efficient supply of military material at a lower cost.

The Directive advocates the use of general licenses, global licenses and individual licenses.

General licenses will apply to dispatches to the Armed Forces of Member States, to certified enterprises and for use in demonstrations, evaluations and fairs. They will also serve for the maintenance and repair of equipment if the customer or the recipient is the original supplier of the defence material. These licenses may also be used in the case of military cooperation programmes between Member States.

Global licenses are used for one or several shipments to one or several recipients within the Community.

Individual licenses are limited to a single transfer when necessary to protect the essential security interests of a Member State arising from compliance with international obligations and commitments or when a Member State has serious reason to believe that the supplier will not be able to comply with all of the terms and conditions of a global license.

The list of defence material proposed in this Directive corresponds strictly with the European Union's Common List of Military Equipment.

The Directive of the European Parliament and of the Council on the simplification of intra-Community transfers of defence items is expected to be passed by the Council in the second quarter of 2009 once it has been translated into the different languages. The 27 Member States will have a two-year deadline during which to transpose the Directive into domestic legislation.

*C) European Union Joint Action on Small Arms and Light Weapons*

The European Union continues to be an actor and main contributor in the worldwide effort to combat unlawful trade in and proliferation and stockpiling of small arms and light weapons and their munitions.

Joint Action 1999/34/CFSP adopted by the European Union on 18 December 1998 and updated by Joint Action 2002/589/CFSP of 12 July on the European Union's contribution to combating the destabilising stockpiling and spread of small arms and light weapons, reinforces other already existing initiatives in the European Union, namely the so-called Programme for Preventing and Combating Illicit Trafficking in Conventional Arms of 26 June 1997 and Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, replacing the Code of Conduct on Arms Exports of 8 June 1998.

Additionally, in December 2005 the EU Strategy against the stockpiling and illegal trafficking in small arms and light weapons and their munitions was put into operation as part of its 2003 Security Strategy. Other EU programmes and strategies focusing on anti-personnel



mines and the participation of children soldiers in conflicts will round-out the construction of the Security Strategy.

Joint Action 2002/589/CFSP focuses on conflict regions and its objectives are to prevent the destabilising stockpiling and proliferation of light weapons and also to contribute to the reduction in stocks of these types of arms. The projects developed under the aegis of this Joint Action are mainly financed through the CFSP budget (specific article on “non-proliferation and disarmament”).

Council Joint Action 2008/113/CFSP of 12 February 2008 was adopted in 2008 to promote the international instrument designed to allow States to accurately identify and trace, as needed, illegal small arms and light weapons (commonly known as the "Marking and Tracing Instrument") adopted by the UNGA on 8 December 2005.

This Joint Action included three regional workshops to familiarise the corresponding civil servants and others – including the points of contact for small arms and light weapons, members of the security forces, members of the national coordination bodies and parliamentary members- with the instrument's provisions.

Execution of this Joint Action cost €299,825 and was charged to the general budget of the European Union.

Also in 2008 the European Union continued to provide technical and financial assistance with funds from different budgets for programmes and projects undertaken by different international and non-governmental organisations in the fight against the proliferation of small arms and light

weapons and assistance for victims of armed conflicts.

The European Union continues to be one of the world's major contributors in this field: the total amount of EU financial resources earmarked for the fight against the stockpiling and trafficking in small arms and light weapons and their munitions was approximately €15 million from CFSP funds for the period 1999-2007 and €366 million from European Community funds and the European Development Fund for the period 1992-2007.

The following is a summary of the actions carried out by Spain in 2008. The Ministry of Foreign Affairs and Cooperation continued organising, as in previous years, seminars to train experts in which civil servants, members of Parliament and representatives of the civil society of the majority of the Latin America countries typically take part. Other bodies, namely the Ministry of the Interior, also collaborate in this task.

Spain has increased its participation as a donor country in the framework of the fight against the illegal trade in and proliferation of firearms both in terms of technical assistance and cooperation and in voluntary contributions made to international/regional organisations and NGOs.

Special mention should be made of the following activities:

- In December 2005, Spain signed a Memorandum of Understanding with the Executive Secretariat of the Economic Community of West African States (ECOWAS) committing to contribute a

minimum of €1 million to that organisation's activities and programmes in 2006-2008; €750,000 of that amount was earmarked for the Small Arms Control Programme in West Africa. This programme concluded in 2008 with the contribution of the last €250,000.

- Within the framework of the Organisation for Security and Co-operation in Europe (OSCE), Spain continued to donate funds for the management of different projects related with the destruction of conventional arms, small arms and light weapons and munitions surpluses in the amount of €550,000.
- Within the framework of NATO's Partnership for Peace, Spain contributed €150,000 to a project targeting physical security and the management of stockpiled munitions in Afghanistan and €25,000 to a demilitarisation project in Georgia.
- A contribution of €2,000,000 was made to a UNICEF project for the reintegration of children soldiers.
- Between 2007 and 2008, €800,000 were contributed to the UNDP's Bureau for Crisis Prevention and Recovery.
- During that same period, €475,000 were donated to finance the United Nations

Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC).

Also, the AECID funded projects focusing on care for victims, their families and communities of which special mention should be made to the reintegration of ex-soldiers with special emphasis on care for children soldiers.

The Arms and Explosives Intervention Unit of the Directorate-General for the Police and *Guardia Civil* (Ministry of the Interior) carried out the following activities in 2008: 22,738 inspections of manufacturing and storage plants of these weapons and explosive plants and warehouses; holding of 278,382 firearms of different types and characteristics; 23,769 weapons pending auction; 30,048 weapons pending scrapping; 1,012 lost weapons of which 206 were recovered; 207 sanction proceedings involving weapons and 529 involving explosives filed against factories, armouries, individuals and carrier companies; confiscation at border controls of 137 weapons from Schengen countries (Belgium and Portugal) and of 48 weapons from non-Schengen countries (P.R. of China, Brazil, Colombia, Peru and Albania).

Regarding import and export, 2,631 import authorisations, 464 export authorisations and 1,462 Prior Consents and 345 Transfer Permits to the European Union were granted.

Since 1999, the Central Arms and Explosives Control Unit has been periodically attending meetings with other EU Member States regarding the European Firearms Directive focusing

on, inter alia, the harmonisation of Member States' arms and explosives laws and the transposition of the United Nations Protocol.

*D) United Nations Conference on the Illicit Trade in Small Arms and Light Weapons. Action Programme*

Spain places a high priority on international cooperation in combating and eradicating unlawful trafficking in these types of arms. The Spanish Government has lent its support to all of the work conducted in this field within the scope of the United Nations as well as in other areas (OSCE, Wassenaar Arrangement) as evidenced by the different sections of this report.

The first Conference was held in New York from 9 to 20 July 2001 for the purpose of combating all aspects of illicit trade in small arms and light weapons including the role played by brokers.

Fruit of the work undertaken at the Conference was the political commitment called the Action Programme envisaging States' adoption of measures at national, regional and international level to combat illicit trade in small arms and light weapons. The said Programme of Action includes (among others) the following elements:

- The introduction of export criteria, albeit less ambitious than those laid down in the EU's Code of Conduct.
- The marking of these arms making each one unique so that they can be identified and traced internationally implementing the current International Instrument on the marking and tracing of small arms.

- Development of an international agreement whereby transactions undertaken by brokers may be effectively controlled.
- Cooperation in the collection, control and destruction of these arms and likewise the integration and re-socialisation of combatants.
- Increase in police cooperation.

Part II of the Programme of Action envisages a series of legislative and regulatory measures to be adopted at national level (inter alia, regulation of the production, export, import, re-export and transit of small arms and light weapons and criminalisation of the production, possession, stockpiling and illegal trade in these arms). Most of these measures are much less stringent than the rules currently in force in Spain.

For example, as concerns control of the export of defence and dual-use material, the Programme of Action calls for the implementation of an authorisation system for the export of these arms which takes stock of "the risk of diversion to illicit trafficking". Spain however, in authorising or denying its exports of defence material, applies the Code of Conduct on Arms Exports approved by the Council of the European Union in June 1998 which introduces much more stringent and precise criteria than those envisaged under the Programme of Action. Similarly, in other aspects such as the marking, registration and monitoring of these arms, Spanish and European rules are more thorough and ambitious than the Programme of Action provisions or the International Instrument to identify and trace small arms and light weapons (adopted in 2005 within the framework of the UN General Assembly).

In fact, marking has been compulsory in Spain since 1929.

Moreover, the Spanish legal system already has legislation (the Criminal Code and the Anti-smuggling Act, Law 12/1995) regarding the criminal classification of the production, possession, stockpiling and illicit trade in these arms meaning that the enforcement of this Programme of Action has not required any change.

Classification of other illegal arms-related acts is regulated by Organic Law 10/1995 of the Criminal Code. Title XXII regarding "Crimes against public order", Chapter V, Section 1 describes the "possession, trafficking in and warehousing of arms, munitions and explosives" (Articles 563 to 570)

The Programme of Action also envisages the adoption by States of administrative measures to facilitate the coordination and transmission of information in the sphere of the small arms and light weapons trade. In this connection, States are urged to designate a "contact point" or are requested to voluntarily remit information regarding arms confiscated or destroyed to international organisations. In December 2003 the Ministry of Foreign Affairs and Cooperation communicated the Spanish contact point.

Lastly, the Programme of Action contains a series of political provisions. These provisions urge States to cooperate in the elimination of illicit trafficking in small arms and light weapons and to provide technical and financial assistance in this connection for States in need and to promote transparency and customs cooperation measures at regional level. At European Union level, the Joint Action on small arms and light weapons and the

Programme for Preventing and Combating Illicit Trafficking in Conventional Arms already address these issues in a broader way than the Programme of Action analysed.

In 2008 Spain carried out a significant number of legislative and executive activities along with multilateral, cooperation and international technical and financial assistance initiatives targeting third countries. Operations were undertaken to control trafficking in and the marking, tracking, registration and destruction of small arms and light weapons and to train and exchange information at institutional and international level.

Summing up, we would stress the following actions:

- Accession to the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition supplementing the United Nations Convention against Transnational Organised Crime.
- Transposition of the International Instrument on the Marking and Tracing of small arms and light weapons into domestic law.
- Approval of Law 53/2007 of 28 December on control of external trade in defence and dual-use material.
- Incorporation of a Spanish expert in the Group of Governmental Experts (GGE) who examined the feasibility, scope and future parameters of the International Arms Trade Treaty.
- Signing of the Geneva Declaration on Armed Violence and Development.

- Continuation of cooperation and technical assistance targeting third countries initiated in past years such as the organisation of seminars, regional meetings, funding of arms and munitions destruction programmes, increased depot security and others.

In close collaboration with the Programme of Action, in 2004 Spain initiated a series of meetings in the form of seminars on the control of the small arms and light weapons trade in Latin America using the training centres which the Spanish Agency for International Development Cooperation (AECID) has established throughout the region. Six seminars have been organised to date focusing on different facets of the problem surrounding the unlawful trade in and proliferation of small arms and light weapons, the most recent of which was held in February 2009 in Cartagena de Indias (Colombia). Nearly 200 Latin American experts participated in these activities.

*Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*

At the same time as the adoption of the Programme of Action, in 2001 the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their parts, components and ammunition, added to the United Nations Convention against Transnational Organised Crime (hereafter the *Firearms Protocol*), was adopted and opened for signing and Spain also played an active role in those negotiations.

The Protocol was approved by virtue of Resolution 55/255 of 31 May 2001 at the 101<sup>st</sup> General Assembly plenary session and entered into force on 3 July 2005.

On 9 February 2007 Spain deposited its instrument of accession to the Protocol which entered into force in Spain on 11 March 2007.

The Firearms Protocol and the United Nations Programme of Action are the main reference documents taken into consideration in the reports submitted, inter alia, to the Multidisciplinary Group on Organised Crime (MDG) to introduce changes and amendments to Council Directive 91/477/EEC or EUROPOL's Group of Experts on arms trafficking and Tracing.

*Parliamentary Forum on Small Arms and Light Weapons*

Since its constitution in Madrid in October 2002, Spain has been taking part in the Parliamentary Forum on Small Arms and Light Weapons with the participation of MPs from Spain, Sweden, Finland, Colombia, Central America and the European Parliament (joined recently by MPs from some African nations), in addition to government officials and representatives from inter-governmental bodies and institutions and the civil society.

The Parliamentary Forum is the only worldwide network of members of parliament devoted exclusively to the control of small arms and light weapons and to combating their proliferation.

The Forum mainly focuses on improving legislation and control mechanisms in respect of these arms; harmonisation and standardisation of attendant laws; the fostering and exchange of information between Members of Parliament and firearms commissions; and the bolstering of the role played by national Parliaments in

all subjects having to do with the stabilisation and consolidation of democracy and peace and development processes in Latin America and the Caribbean (now broadened to include Africa).

It was constituted in the Spanish Congress of Deputies in October 2002, fruit of an initiative between Spain, Sweden and the countries of Central America. An annual meeting of representatives is held. To date, its ordinary meetings have been held in Panama (2003), Stockholm and Helsinki (2004), Mexico City (2005), Montevideo (2006), Panama (2007) and Arusha (2008). Spain, which chaired the Forum from the time of its constitution until September 2004, regularly takes part in its activities.

Spain contributes economically to the Forum: €30,000 was allocated in 2007 and €80,000 in 2008 justified by the increase in the Forum's activities owing to its geographical expansion now covering countries of Latin America, Africa and Europe and expanding to the Balkans and other areas.

*Signing of the Geneva Declaration on Armed Violence and Development.*

In March 2007, Spain endorsed the Geneva Declaration on Armed Violence and Development forming part of the United Nations Programme of Action and now forms part of the "hard core" group of countries working together to develop concrete actions in fulfilment of the commitments adopted within the framework of the said Declaration: inter alia, to establish a road map and indicators to measure armed violence, to identify best practices to reduce armed violence and to prevent conflict in national development plans.

Spain drafted and endorsed Resolution 63/L.27 of 12 November 2008 entitled "Promoting development through the reduction and prevention of armed violence" which draws a parallel between armed violence and development. It points out that the main responsibility for repressing armed violence and promoting the Millennium Development Goals lies with national governments and underscores the need to apply a consistent and comprehensive focus of armed violence prevention with a view to achieving peace and sustainable development.

The Ministry of Foreign Affairs and Cooperation organised two seminars, one in 2008 and another in 2009 at La Antigua, Guatemala and Cartagena de Indias respectively targeting Latin American countries and seeking formulae for the enforcement of the Geneva Declaration and its objectives.

*E) International Arms Trade Treaty*

In 1999 Costa Rica's Oscar Arias Foundation proposed an International Arms Trade Treaty. A series of NGOs including Amnesty International, Intermón-Oxfam and Saferworld took up this idea and launched a campaign in November 2003 called "Arms under control" for the purpose of boosting its approval.

The Treaty is conceived as a legally binding instrument whereby all signatory countries commit to refrain from exporting arms to destinations where human rights and International Humanitarian Law is not respected.

Spain was one of the 117 co-sponsors of this initiative passed on 6 December 2006 at the 61<sup>st</sup> United Nations General Assembly. Resolution 61/89

commissioned the Secretary-General to establish a Group of Governmental Experts (GGE) to examine in 2008 the feasibility, scope and parameters of a complete and legally binding instrument with common international standards on the import, export and transfer of conventional arms, submitting a report in this respect to the General Assembly at its 62<sup>nd</sup> session.

To this end, 28 Member States were selected from among the 192 countries belonging to the United Nations for the creation of the said Group to comply with the mandate of the Resolution. Spain was admitted to the GGE along with Germany, Algeria, Argentina, Australia, Brazil, Colombia, Costa Rica, Cuba, Egypt, United States, Russian Federation, Finland, France, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, United Kingdom, P. R. of China, Romania, South Africa, Switzerland and Ukraine. The GGE is chaired by the Ambassador of Argentina, Roberto García Moritán.

It was agreed to hold three meetings of the GGE – the first from 11 to 16 February 2008, the second from 12 to 16 May and the third of 28 July to 8 August.

The Group concluded its work during the first week of August, managing to strike a difficult balance between positions taken in favour and against the initiative. Its report was submitted to the 63<sup>rd</sup> United Nations General Assembly. Spain was also one of the 114 co-sponsors of the Resolution adopted on 17 October 2008 at that General Assembly agreeing to move forward with efforts to put together a legally binding instrument whereby to lay down common international rules for the import, export and transfer of conventional arms.

Spain, like other countries, presented a report through the Ministry of Foreign Affairs and Cooperation giving a positive assessment of the feasibility of a future legally binding International Arms Trade Treaty.

Moreover, in 2008 Spain co-sponsored the following resolutions which directly or indirectly focused on small arms and light weapons or their ammunition: A/RES/62/22 “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”, A/RES/62/44 “Conventional arms control at the regional and sub-regional levels” and A/RES/62/47 “The illicit trade in SALW in all its aspects”.

#### *F) United Nations Register of Conventional Arms*

Annex V outlines Spain’s contribution to the United Nations Conventional Arms Register with a table showing exports of the seven categories of conventional arms and another table showing the exports of small arms and light weapons. This contribution is voluntary in nature.

The following are included in the seven categories of conventional arms: tanks, armoured combat vehicles, large calibre artillery systems, fighter jets, attack helicopters, warships and missiles and missile launchers.

The following categories are included under the “small arms” classification: automatic revolvers and pistols, rifles and carbines, light machine guns and others. Under light weapons we have: heavy machine guns, portable anti-aircraft weapons, portable anti-tank weapons, recoilless rifles, portable missile and rocket launching systems and under 75 mm calibre mortars.

Information exchange regarding arms recipients and the complete item excluding components and munitions is limited to the armed and security forces and to United Nations member countries as regards countries of destination.

*D) OSCE Document on Small Arms and Light Weapons*

The OSCE Document was adopted in Plenary session on 24 November 2000 and addresses the fundamental objective of putting an end to the excessive stockpiling of SALW and their use in certain regional conflicts. By means of this document, the participating States commit to the development of regulations, measures and principles needed to achieve the said objective. In concrete terms, unlawful trafficking in these types of arms is pursued, measures are agreed to prevent their stockpiling and a recommendation is made to authorise shipments strictly for reasons of domestic security, legitimate defence or participation in peacekeeping forces under the auspices of the United Nations or the OSCE.

One of this initiative's most important instruments is the exchange of information and increased transparency pursuant to which all countries must file annual reports on the export and import of small arms and light weapons to and from other participating States. The most recent information furnished by Spain to the OSCE refers to exports authorised and undertaken in 2008 which are listed in Annex VI attached to this report.

The following material figures under the heading "small arms": automatic revolvers and pistols, rifles and carbines, submachine guns, assault rifles and light machine guns. Under light weapons we have: grenade launchers, heavy machine

guns, portable anti-aircraft weapons, portable anti-tank weapons, portable missile and rocket launching systems, portable anti-aircraft missile launching systems and mortars under 100 mm calibre.

It should be pointed out that the exchange of information in the OSCE concerning arms recipients and the complete item excluding components and munitions is limited to the armed forces and law enforcement officials while information regarding countries of destination is limited to OSCE countries meaning that Spanish exports included in this annex are a part of the total exports of SALW. Furthermore, the figures appearing in the tables regarding authorised licenses issued do not necessarily coincide with the figures appearing in the tables on operations undertaken because not all of the licenses give rise to shipments. Moreover, shipments made in one fiscal year could be carried out under a license issued the previous year.

*H) Letter of intent (LOI) regarding the restructuring and integration of the European Defence industry.*

The signing of the Framework Agreement implementing this Letter of Intent took place on 27 July 2000 coinciding with the Farnborough aerospace trade fair (United Kingdom). This Agreement was drawn up based on the conclusions reached by six sub-committees whose creation stemmed from the 8 July 1998 signing of the Letter of Intent (LOI) on the restructuring and integration of the European defence industry by six countries: France, United Kingdom, Germany, Italy, Sweden and Spain.

The aim of the Letter of Intent is to encourage the creation of a competitive



and flexible European industrial structure in the best possible position to tackle future defence sector challenges. The Framework Agreement sets the stage for the creation of a sector-wide political and legal framework with three major aims: the industrial restructuring of the European defence sector, fostering the creation of transnational European companies in this field and encouraging the creation of a stronger and more competitive technological base.

In 2008 Spain continued to participate in the activities of the aforementioned subcommittees.

As concerns Subcommittee No 2 on Export Procedures, work focused primarily on amendment of Article 2 of the Framework Agreement and the development of a Components License (CL) applicable to dispatches, outside of the sphere of cooperation programmes, of components, parts and subsystems between companies of the six countries and those countries on the list of permitted recipients. In 2005, representatives of the European defence industry suggested the study of the implementation of a more flexible control system of shipments, over and above cooperation programmes.

Work undertaken prior to the aforementioned Subcommittee revolved around the two essential instruments contained in part 3 of the Framework Agreement: the "Global Project License" (GPL) applicable to industrial cooperation programmes in the military field (Article 12) and the lists of allowed destinations associated with those licenses (Article 13).

In the first case it was decided to create an industrial project application, standardised to the degree possible,

enabling the transfer of project-related information between the parties and the maintaining of different national formats as concerns the GPL.

As concerns the lists of allowed destinations, it was agreed that each main non-subcontracting company participating in a specific programme propose a list of potential export markets to the authorities of its country for the item arising from the programme. The governments will exchange the national lists but without informing their companies of the destinations mentioned by the other companies. The inclusion or elimination of a destination must be by consensus.

The GPL and the use of destination lists are regulated by Royal Decree 2061/2008 (Article 25).

In 2002 Subcommittee No 2 completed the Implementing Convention as concerns GPL and in 2009 is scheduled to approve the work on the CL. In the case of the former, procedures are specified for the listing and management of the allowed export destinations and the basic pieces of information that national GPLs must contain. As for the latter, a series of procedures similar to those contained in the aforementioned Convention is regulated, in addition to the list of items applicable to the CL. Items classified as more sensitive on the national lists are excluded from this latter list. The operators of the CL can be the governments of the countries in question, the companies registered as beneficiaries of this type of license by the States party to the Framework Agreement and the governments and companies of the remaining countries which are on the list of allowed destinations.

Also in 2008, the six LOI countries fostered the use of Global Project Licenses between companies involved in cooperation programmes.

Another important aspect debated in Subcommittee No 2 was the Commission initiative having to do with the liberalisation of intra-community movements of defence equipment.

*1) International initiatives on the prohibition of cluster bombs*

The precursors of these initiatives are found in the Ottawa Convention on anti-personnel mines. This convention was signed on 3 December 1997 following the preparatory Oslo Conference of 18 September 1997. Spain ratified the Convention on 7 March 1999.

Under the agreed text, each State committed to refrain from using, developing, producing, acquiring, stockpiling, conserving or exporting anti-personnel mines. The signatory countries also committed to destroying their stocks of mines within a period of 4 years except in the case of already existing mine fields (10 years). Another exception allows holding on to or the transfer of a number of mines for the development of detection or destruction techniques.

The strength of this legal instrument lies in the verification mechanisms which were approved with a view to checking their effective enforcement and, more specifically, the creation of a United Nations database containing each country's information on existing mines and their eradication programmes.

Spain has had a moratorium on the export of anti-personnel mines since 1 July 1994. The European Union adopted a similar moratorium in March 1996.

Lastly, Law 33/1998 on the total prohibition of anti-personnel mines and similar arms was passed on 5 October.

Both the Convention and Law 33/1998 exclude cluster and fragmentation bombs from the scope of the aforementioned prohibition on manufacture and trade. Moreover, the requirements laid down in Protocol V of the 10 October 1980 Geneva Convention on the prohibition or restricted use of certain conventional arms considered excessively damaging or indiscriminate (CCW) did not apply either.

However, as from 2006 two parallel processes have taken place which could pave the way for a prohibition of cluster bombs. The first is within the framework of the CCW.

The second, called the Oslo Process, has been more active. Spain was one of the 46 signatory countries of a declaration at the Oslo Conference held on 22-23 February 2007 whereby these countries undertook to conclude a process during 2008 to prohibit the manufacture, trade and use of cluster bombs. Discussion on this issue extended into successive conferences (Lima, Vienna, Wellington, Dublin).

Finally, at the Dublin Conference held from 19-30 May 2008 a draft convention was passed prohibiting cluster bombs with one exception – that they have fewer than 10 sub-munitions, weigh less than 4 kg, come equipped with a sensor or remote control to detect a single target and come equipped with self-destruction or self-deactivation mechanisms. The United States, Russia, India, Pakistan, the P.R. of China and Israel did not take part in the Conference. The Convention was signed on 3 December 2008 in Oslo and will enter into force once it is ratified

by 30 States. The Spanish *Cortes* ratified it on 18 March 2009.

The Spanish Government took the political decision to lead by moving forward before the ratification of the Convention in establishing a unilateral moratorium on the use, development, production, acquisition and external trade in cluster munitions. The Agreement, approved by the Cabinet on 11 July 2008, was tabled jointly by the Ministries of Foreign Affairs and Cooperation, Defence and Industry, Tourism and Trade.

In addition to these actions, in 2008 intense work was done to publicise new Spanish legislation through the following activities:

- Presentation of the new Law 53/2007 Asociación Armera (Eibar, 20 February).
- Defence Industry Legal Regime, Business Institute (Madrid 21 February).
- Monographic conference, International Defence Panorama: Present and Future, AFARMADE (Madrid, 25 February).
- Bilateral PSI meeting Sweden-SGCOMEX, Spain (Madrid, 14 March).
- Advanced Material Logistics and Infrastructure Course, Military Academy (Zaragoza, 1 April).
- *Defence Exports Conference, SMI* (Brussels, 8-9 October).
- Presentation of the new Law 53/2007 AFARMADE (Madrid, 5 February).

### **PART III. EXPORT OF OTHER MATERIAL AND HUNTING AND SPORTING ARMS**

#### 1. Legislation in force

Smooth-bore barrel hunting and sporting arms and their ammunition which, due to their technical specifications, are not apt for military use and are not completely automatic, were not subject to control until the entry into force of Law 53/2007 (29 January 2008). This regulation has extended control to all hunting and sporting arms, their parts and components and ammunition pursuant to the commitments undertaken by virtue of United Nations General Assembly Resolution 55/255 of 8 June 2001 approving the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

#### 2. Statistical analysis

##### *A) Exports completed*

Exports of police and security material completed totalled €25.6 million, the recipient countries being Angola (€24.3 million accounting for 94.9%), Bolivia (€1.1 million, 4.5%), Venezuela (€155,942, 0.6%) and Cuba (€8,190, 0.0%). Exports completed accounted for 82.6% of those authorised during the same period (€31.0 million).

As concerns transactions involving hunting and sporting arms (hunting shotguns, shells and spare parts), exports completed totalled €29.8 million the major destinations being the United States (€5.8 million, accounting for 19.4%), Ghana (€2.8 million, 9.3%), Turkey (€1.9 million, 6.4%), Ukraine (€1.8 million, 6.2%) and Guinea

Conakry (€1.8 million, 6.1%). The vast majority of these exports were hunting shells.

The rest of the transactions were divided among 54 destinations.

Exports completed accounted for only 7.4% of those authorised during the same period (€402.7 million). This is because 103 individual licenses were granted to the main Spanish manufacturer and exporter of hunting ammunition for a total value of €334.8 for export to third countries and only a small portion of these sales were completed in 2008.

##### *B) Operations processed and exempt from the preliminary report and/or control document*

Under the heading "Other Material" 329 individual licenses, 6 global licenses, 28 temporary licences and 19 rectifications were processed. Of those 329 individual licenses, 315 were approved, 6 were left pending, 7 expired and 1 was denied. Of the temporary licenses, 23 were approved and 5 expired. All of the global licenses and ensuing rectifications were approved.

##### *C) Entries in the Special Register for External Trade Operators in Defence and Dual-use Material*

There were 19 company registrations in the REOCE.

##### *D) Licenses denied*

One license was denied for the export of 300 hunting and sport shooting shotguns because the country of

destination was subject to an embargo affecting all types of arms and ammunition.

## PART IV. EXPORT OF DUAL USE ITEMS AND TECHNOLOGIES

### 1. Legislation in force

Regulation (EC) 1334/2000 of 22 June, amended by Regulations 2432/2001 of 20 November and 1167/2008 of 24 October apply to external trade in dual-use items and technologies. The Community Regulation lays down a regime whereby the export of dual-use items and technologies included in Annex I must be controlled (control list of 10 categories of dual-use items and technologies) along with others not included on this list pursuant to Article 4 (catch-all clause). Annex IV of the Regulation includes the subset of dual-use items and technologies whose shipments within the European Union are subject to control given their especially sensitive nature.

This Regulation was accompanied by Joint Action 2000/401/CFSP of 22 June on the control of technical assistance concerning certain military aims. Here, special attention is paid to the control of technical assistance (including that transmitted verbally) which could foster or serve as the basis for the development of weapons of mass destruction. The Joint Action introduces control of technical assistance lent to non-community countries, allowing Member States to choose between an authorisation or prohibition system. Member States are also urged to consider the possible application of control when technical assistance has a conventional military end-use and focuses on countries subject to international embargoes.

### 2. Statistical analysis

#### A) Exports completed

The tables corresponding to these exports are found in Annex III.

Export of dual use material in 2008 rose by 35.0% vis-à-vis 2007 totalling €154.24 million.

Year	Amount (€ millions)
2002	81.40
2003	22.66
2004	28.05
2005	58.64
2006	79.04
2007	114.26
2008	154.24

The following were the top ten countries of destination:

DU countries	Amount (€ millions)	%	Categories
Most relevant countries	144.43	93.64	
Iran	61.95	40.16	2,4
United States	37.21	24.12	0,1,2,3
China	14.40	9.34	0,1,2,3
Libya	11.25	7.29	0,1,6
Brazil	6.76	4.38	1,2,3
Venezuela	4.11	2.68	1
Cuba	2.41	1.56	0,1
Argentina	2.21	1.43	1,2,3
Turkey	2.08	1.35	1,2
Taiwan	2.05	1.33	1,2
Remaining countries	9.81	6.36	
TOTAL	154.24	100	

The number one destination of Spanish exports was Iran with €61.9 accounting for 40.2% of the total. Shipments consisted of steel pipes for the manufacture of steam boilers and air conditioners, steel pipes and valves for the automobile, oil, petrochemical and gas industries, a gas chromatograph to analyse sulphur in natural gas, a single-

phase transformer for the petrochemical industry and spare parts, tools and turbine accessories for the aforementioned sectors.

Spanish exports to this destination may seem surprising given that Iran is subject to embargos and numerous restriction from the United Nations and the European Union.

Export transactions to Iran were analysed on a case by case basis by the Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material (JIMDDU) and by the Secretariat-General for Foreign Trade of the Ministry of Industry, Tourism and Trade, with due consideration for United Nations Resolutions 1737 of 23 December, 1747 of 24 March 2007, 1803 of 3 March 2008 and Common Positions 2007/140/CFSP of 27 February and 2007/246/CFSP of 23 April and Regulations 423/2007 of 19 April, 441/2007 of 20 April and 618/2007 of 5 June on restrictive measures against Iran consisting of the prohibition of supply of materials, equipment, goods and technology related to the development of nuclear and missile programmes and technical assistance.

As a result of the foregoing, the so-called *catch-all* clause is applied to the exports of some Spanish enterprises who ship to Iran. The application of this clause to items not included on control lists has given rise to a significant increase in the number of export licenses granted, approval being given exclusively to those which implied no risk whatsoever of diversion or use in proliferation programmes. In comparison to previous years, the

systematic and strict enforcement of control by means of the said clause has meant an increase in the amounts recorded for Iran and the refusal of operations which failed to offer sufficient guarantee regarding their end use and destination.

The United States with €37.2 accounting for 24.1% of the total was in second place with exports of steam generators for nuclear plants, pre-impregnated carbon fibre for civil aviation and electronic components for the aerospace industry.

China was third with €14.4 million accounting for 9.3% of the total. Exports consisted of steam generators for nuclear plants for civilian use, power capacitors for electricity plants, machine-tools for the civil aviation, automobile and textile industries and electronic components for a meteorological satellite and a lunar exploration module, in addition to chemicals for laboratory analyses. This latter destination is growing in importance as a receiver of Spanish dual-use exports.

Also worthy of mentions is Libya with €11.2 million and 7.3%. Exports to that nation were predominately chemicals for laboratory analyses and surveillance radars with a possible dual use.

This country is not currently subject to any embargo given that in September 2003 the arms and trade and financial embargo imposed in 1992 by the United Nations was lifted and in October 2004 the European Union also lifted its embargo dating to 1986. The Government of Libya has declared its renouncement and dismantling of its

weapons of mass destruction programmes and has been collaborating with the IAEA and international inspectors verifying the said dismantling.

Apart from the ten main destinations listed in the preceding table, the small remaining percentage (6.4%) was distributed among 45 countries from different areas.

Of these, special mention should be made of exports to some destinations which could be considered particularly sensitive. Cuba was the recipient of exports valued at €2.4 million consisting of graphite electrodes for electric furnaces and chemicals for pharmaceutical laboratories, a cement factory and a tobacco research institute.

Shipments to Israel totalled €0.8 million and consisted of chemicals used for galvanising and alkylation processes in the petrochemical industry and electronic image processing cards for subsequent incorporation into systems re-exported to the United Kingdom for use in several aircraft.

One sterilisable freeze-dryer worth €0.4 million was exported to India for use in the pharmaceutical industry

A shipment of electric condensers valued at €30,534 was sent to the national railway company in Georgia.

Export to Syria totalled €28,092 and consisted of hydraulic cylinders and circuits in addition to gear pumps for use in cereal production.

Shipments to Rwanda were valued at €923 corresponding to chemicals for laboratory analyses.

And lastly, a shipment was sent to Lebanon valued at €29 consisting of a chemical for laboratory analysis.

Exports completed accounted for 77.1% of those authorised (€200.1).

Sales in 2008 were concentrated in two main categories: "Processing of materials" (€71.6 million) and "nuclear materials, facilities and equipment" (€46.0 million), the two together accounting for 76.4% of total exports.

*B) Operations processed and exempt from the preliminary report and/or control document*

This information can be found in Annex IV.

In 2008, 433 license applications for the export of dual-use items and technologies were processed corresponding to 432 individual licenses and 1 temporary license. 29 rectifications of licenses already awarded and 1 preliminary agreement were processed as well. No inward processing traffics were handled. Two general authorisations were granted pursuant to Article 6 of the Community Regulation on dual-use. Of the 432 individual licenses, 414 were approved, 8 denied, 5 remained pending and 5 were abandoned by the exporter himself. All rectifications were approved as was the temporary license and preliminary agreement.

Annex IV offers information concerning the time it takes to process licences and the number of licences exempt



from the preliminary report and/or control document. The exemptions made by the JIMDDU were limited to shipments of non-sensitive material to member countries of international non-proliferation fora (exempted from the preliminary report) and to the 7 countries listed in Annex II of Regulation (EC) 1167/2008.

*C) Entries in the Special Register for External Trade Operators in Defence and Dual-use Material*

In 2008, nine enterprises dealing in dual-use goods and technologies registered.

*D) Licenses denied*

Within the scope of dual-use, 8 licenses were refused and one in force was revoked. Of the 8 refused, the first was for a chromatograph valued at €21,072. The second was for a milling machine valued at €826,311. The remaining six were for varying amounts of chemicals for a total value of €6,410 all to the same destination. In these 8 cases it was felt that there was a risk of diversion to the manufacture of weapons of mass destruction, possible nuclear programmes, missiles and chemical-biological weapons.

It was likewise decided to apply the catch-all clause on 5 occasions corresponding to potential shipments of centrifugal pumps, steel pipes, impellers, measuring equipment and spare parts for electroerosion machinery. The JIMDDU also reviewed the cases in which the said clause was applied and revoked eight of the licenses and amended the conditions

corresponding to a further seven in light of changing circumstances.

The renewal of 14 refusals involving chemical products was reported to the Australia Group, a further three corresponding to pipe closing machines and a nitric acid plant were reported to the Nuclear Suppliers Group and to the Missile Technology Control Regime and one of the electroerosion machines was reported to the European Union.

Also in 2008 within the sphere of dual-use transactions, we collaborated in a legal proceeding having to do with the export of sheets of aluminium subject to control. Information was provided in five investigations conducted by two countries with respect to proliferation programmes. The Department of Customs and Excise Duties decided to apply a red inspection filter on 16 occasions at the request of the JIMDDU Secretariat.

**3. Principal actions undertaken at international control and non-proliferation forums in 2008**

*A) Ad-hoc Council Group on the export of dual-use items and technologies and the Commission Coordination Group*

The principal responsibility of these groups is the review of the Community dual-use Regulation and the update of its annexes. To this end, stock is taken of the changes decided at the principal international control and non-proliferation fora.

Following is a summary of the main subjects addressed by these groups in 2008.

1. *The EU Action Plan and Strategy against the proliferation of weapons of mass destruction adopted by the European Council in June and December 2003 respectively.* These include a commitment to enhance the effectiveness of export controls for dual-use items and technologies in the enlarged European Union.

Work continued on improving the refusals database as concerns dual-use items and technologies. In this regard, it was decided to integrate the refusals arising from other Regulations which were the consequence of embargos against countries.

Progress continued in the area of coordination and transparency, i.e. sharing information between the Member States and the European Commission as concerns domestic legislation and export data on dual-use items and technologies.

Special mention should be made of the dissemination and awareness-raising work as to the importance of export controls for European industry through conferences and other information media. Cooperation with third countries was also bolstered by helping them to improve their non-proliferation policies and export controls.

At the end of 2008 the European Union gave a positive assessment of the results

obtained through the strategy adopted in 2003 and established new lines of action to combat the proliferation of weapons of mass destruction and their delivery vehicles.

2. *Amendment and update of Regulation (EC) 1334/2000 of 22 June.* In December 2006 the European Commission submitted a draft amendment to Council Regulation (EC) 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology which included the new commitments undertaken by member countries arising from agreements with international bodies. The Commission also offered a series of solutions for difficulties found in the enforcement of the said Regulation.

This proposal addressed the following novel issues:

- Adaptation of Regulation (EC) 1334/2000 to UN Resolution 1540 (2004) of 28 April especially as concerns aspects relating to the transit, trans-shipment and brokering of dual-use items and technologies when their export poses a risk of proliferation of weapons of mass destruction.
- Broadening and enhancement of consultation mechanisms between member

countries and information sharing between member countries and the Commission.

- Introduction of a criterion facilitating the granting of global licenses in the case of exporters who have established Internal Compliance Programmes (ICP).
  - Standardisation and simplification of controls in favour of the industry's competitiveness and greater transparency and clarity of Regulation (EC) 1334/2000 especially in terms of harmonising conditions for the use of General National Authorisations.
3. *Update of Annexes I and IV of Council Regulation (EC) 1334/2000 of 22 June.* This update was done through the publication of Council Regulation (EC) No 1167/2008 of 24 October 2008, which reflects the most recent changes approved within the framework of the Wassenaar Arrangement, the Missile Technology Control Regime and the Australia Group in its annexes.
  4. *Strengthening of the restrictions on external trade with Iran and North Korea.* Once realising that Regulation (EC) 1334/2000 was insufficient to comply with United Nations resolutions 1737 (2006) of 23 December, 1747 (2007) of 24 March and 1803 (2008) of 3

March concerning Iran, the European Union adopted Regulation (EC) 423/2007 of 19 April, 441/2007 of 20 April and 618/2007 of 5 June. Moreover, on 23 April 2007, the European Council adopted Common Position 2007/246/CFSP amending Common Position 2007/140/CFSP of 28 February 2007 concerning restrictive measures against Iran. This regulation imposes a full arms embargo and likewise affects articles, equipment, material, items and technology related with nuclear and missile programmes. The regulation was updated and amended in 2008 through Regulations (EC) 116/2008 of 28 January and 1110/2008 of 10 November and by Common Positions 2008/479/CFSP of 23 June and 2008/625/CFSP of 7 August.

The second of the embargoes affected the Popular Democratic Republic of Korea by virtue of the United Nations Security Council's decision to enforce Resolution 1718 (2006) of 14 October. This took the form of an embargo on the export of conventional weapons and articles, equipment, material, items and technology related with weapons of mass destruction programmes. At the same time the European Union adopted Common Position 2006/795/CFSP of 20 November and Regulation (EC) 329/2007 of 27 March affecting shipments to that same destination. This regulation was updated and

amended in 2008 through Regulation (EC) 117/2008 of 28 January.

5. *Proposal of new General Community Authorisations.* The Council's ad hoc working group looked into the possibility of introducing new General Community Authorisations to supplement the already existing EU001. The purpose of these new General Community Authorisations is to simplify the current system of General Authorisations and establish conditions of equal competence for all EU exporters. To this end, fewer formalities will apply to the export of certain items in certain amounts and to certain destinations considered to be less of a threat. On 6 December 2008 the Commission proposed a draft Regulation which introduces six new General Community Authorisations. These authorisations target the following operations: limited value dispatches, export following repair/replacement, temporary export for exhibits or fairs, computers and analogous equipment, telecommunications and information security and chemical products.
6. *The Coordination Group* created by virtue of Article 18 of Regulation 1334/2000 continued to work on the definition of an electronic system for the exchange of information and to furnish access to a refusal database. This system will significantly improve EU countries'

information access and exchange capabilities.

7. The Council's *ad hoc Group* on the export of dual-use items and technologies reached an agreement on a best practices document based on an "end use certificate for dual-use items".
8. *Support for requests for accession of candidate countries to international non-proliferation fora.* Member States highlighted the desirability of admitting the new European Union countries into the fora of which they are not yet members.

Lastly, the European Union maintains an important cooperation and technical assistance programme with third countries (outreach) regarding the control of dual-use items and technologies.

Spain played an active role in 2008 in several of these issues by expressing its point of view and making suggestions on how to achieve the objectives set.

#### *B) Wassenaar Arrangement (WA)*

The Arrangement, having replaced the Coordination Committee on Multilateral Export Controls (COCOM) on 19 December 1995, is the principal international control and non-proliferation forum. It is comprised of 40 countries.

The following were the principal aspects debated in 2008:

1. *The destabilising stockpiling of conventional arms.* At the request of the Russian

delegation a new point has been added to the agenda of future General Working Groups and upcoming Plenaries. It has to do with that country's expressed concern regarding the destabilising stockpiling of conventional arms during the armed conflict unleashed in Georgia and Ossetia last year in which the Russian Federation was involved.

2. *Terrorism.* At the 2002 Plenary a Security and Intelligence Subgroup of Experts was created which commenced work in 2003 with the study and preparation of a list of items and technologies liable to be used by terrorist groups and which are not necessarily on the Arrangement's checklists. This Subgroup has been meeting regularly ever since and will continue its work in 2009 under the British chair. Spain is represented in this Subgroup together with 14 other countries. Spain's participation in the Security and Intelligence Subgroup of Experts is the result of the active role Spain has played in Wassenaar in this field through the timely exchange of information. The Subgroup of Experts has focused its activity on the exchange of information in counter-terrorism initiatives. Specifically, in 2008 work revolved around the possible acquisition by terrorist groups of new emerging technologies related to military and dual-use material. This programme will be extended during the call planned for 2009.
3. *Exchange of general and specific information.* There was a notable increase in the number of reports focusing on regions of concern in respect of trade in conventional arms. In 2008 presentations focused on the African Great Lakes Region. One of the presentations was entitled "Consequences of the destabilising stockpiling of conventional arms in Georgia". Spain presented the document on *Spanish statistics on the export of defence material, other material and dual-use items and technologies, 2007*. Special emphasis was put on the improvement of Spain's statistics, its transparency and the speed with which they were submitted to Parliament for the enactment of the new Law 53/2007 of 28 December 2007 on control of external trade in defence and dual-use material.
4. *Group of experts.* As part of the operational review of the Arrangement in 2007, the Group of Experts created a task force to review and update the list of items subject to control. This task was also undertaken in 2008 entailing analysis and approval of amendments to the control lists with a view to adapting these to technological changes and developments in the military equipment market and items which could have military applications.

In this connection, special mention should be made of improvements in the checks of ships featuring certain military characteristics such as high sensitivity light sensors and infrared cameras, the broadening of the checks related to device detection and disabling systems with improvised explosives and adaptation and clarification of the control parameters of materials and components.

With a view to attaining a deeper understanding of the characteristics of the control activities of other regimes, a technical dialogue was set up between the Wassenaar Arrangement Group of Experts and the Technical Group of Experts of the Missile Technology Control Regime to analyse the similarities and differences between the technical control parameters applied to similar items.

5. *Internal Compliance Programmes.* In May 2008 the General Working Group presented a document on best practices guidelines regarding programmes providing for internal control and more reliable monitoring of all the export operations undertaken by operators. A suggestion was also made to undertake outreach initiatives with the industrial sector.
6. *Development of Best Practices.* The possible acquisition of man-portable air defence systems

(MANPADS) by non-authorised third parties was cause of concern. The Plenary decided to bolster export controls on MANPADS and to study suggestions made in this regard such as: including in the reports supplementary elements relating to MANPADS such as night vision equipment, experience sharing regarding checks conducted after carrying out the corresponding transfers and compiling of a generic guide to help those who are responsible for issuing licenses. This guide would also serve as an outreach mechanism to third countries.

7. *Outreach/Participation.* The Chair reported on Wassenaar's outreach meetings with the three countries identified at the 2007 Plenary: China, Belarus and Israel. It was agreed to hold informative meetings subsequent to the Plenary with the following countries: China, Israel, Belarus, Indonesia, Kazakhstan, Arab Emirates and Chile (upon request by Spain and the United Kingdom).

Spain and the United Kingdom reported on the seminar held in Santiago de Chile on the impact that participation of that country in Wassenaar, the Missile Technology Control Regime and the Australia Group would have on Chilean industry. The Chilean authorities expressed their interest in forming part of these regimes in the near future.

The following other topics were discussed in 2008 and will continue to be addressed in 2009:

- *Licensing and Enforcement Officers Meeting (LEOM)*. Following the strengthening of the Group in 2007-2008, it was given its own chair and an indicative list of possible subjects of interest to put on the future agendas of upcoming meetings.
- *Effective National Control of the Air Transport of small arms and light weapons*. This is a document planned for discussion at the 2009 Plenary once all of the questionnaires have been received.
- *Guideline Document for Control of the Transport of Conventional Arms in order to Prevent Illicit Transfers*. To be revised in 2009 in the light of comments made by the different delegations.
- *Information systems enhancement*. The three-year information systems strategy and Action Plan will be updated to keep the Wassenaar Arrangement Information System (WAIS) operational for a further 4 or 5 years.

#### *C) Nuclear Suppliers Group (NSG)*

The aim of the (NSG) is to prevent the proliferation of nuclear weapons by means of controlling the export of nuclear products and related dual-use items, equipment, software and technology, without hampering international cooperation in the pacific

use of nuclear energy. There are currently 45 member countries and the European Commission is a permanent observer.

This forum held its meeting on 22-23 May 2008 in Berlin (Germany). At that meeting the Member States analysed the current challenges of nuclear proliferation and called on all members to exercise extreme caution when it comes to exports to ensure that no transfer contributes to nuclear arms programmes including in this control the export of items not listed which could be either directly or indirectly used in such programmes.

The participants especially highlighted the importance of this forum in combating proliferation, maintaining a balance between rights arising from NPT Article IV and the enforcement of export restrictions, the need to bolster controls on sensitive enrichment and reprocessing technologies and the prevailing concern regarding Iran and North Korea.

In this context, there was talk of establishing a policy restricting the export of sensitive enrichment and reprocessing technologies through the reinforcement of the controls laid down in paragraphs 6 and 7 of the Guidelines while upholding the condition of having ratified the Additional Protocol as a fundamental element in combating nuclear proliferation. Several countries expressed their concern over possible discrimination and restriction in gaining access to the enrichment market for civilian purposes by countries that comply with international commitments. This debate will hopefully be resolved at the next GSN Plenary in June 2009.

In this same vein, the States exchanged information on different aspects of proliferation focusing mostly on Iran's nuclear programmes. In this regard, references were made to advances made in new generation centrifuges recently put into operation in that country and the warning bell was sounded regarding the types of items considered sensitive for their manufacture, such as: advanced materials, manufacturing furnaces, electric control devices, handlers, etc.

The Group also exchanged information on acquisition methods of sensitive items used by Iran and reconsidered the difficulties encountered in enforcing the brokering control mandated by United Nations Security Council Resolution 1540 (2004) on non-proliferation, especially the difficulty in identifying financial transfers used for proliferation programmes. The Group reiterated its decision to collaborate with and support the United Nations Security Council in the enforcement of Resolution 1540.

The Group considered and approved the continuation of outreach activities with third countries carried out by the outgoing chairperson and by several member countries for the purpose of combating proliferation by adhering to the Guidelines. It was also decided to adopt the multilingual information of the Group's Web page including the Spanish version provided by Spain and in the languages which other member countries care to submit.

No accession request was filed in 2008. Observer status was granted to the chair of the Zangger Committee.

Concerning the lists of items subject to control, the recommendations of the Technical Group studying Stable Isotope Separation Technologies were adopted and it was decided to keep the group working in this regard until the close of the study on the modifications which should be undertaken to control isotope separation processes and technologies for civilian purposes but with possible applications for nuclear proliferation.

Lastly, having regard to the nuclear cooperation agreement between the United States and India pending the NSG's concession to India of a waiver in the enforcement of the restrictions laid down in the Guidelines for having failed to accept the IAEA's global safeguards on all of its facilities, and once the prerequisite concerning approval of the civilian nuclear safeguard agreement between India and the IAEA was complied with in August, the NSG held two plenary sessions in August and September and approved the said waiver within the framework of the Group. Hence it was agreed to permit nuclear and dual-use exports related with civilian nuclear facilities included within the aforementioned safeguard agreement between India and the IAEA.

The Group underscored the importance of export controls as one of the significant measures in the enforcement of United Nations Security Council Resolutions 1685 (2006), 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) regarding Iran and Resolutions 1695 (2006) and 1718 (2006) regarding North Korea.



The NSG's next plenary session will be held from 8-12 June 2009 in Budapest (Hungary).

*D) Missile Technology Control Regime (MTCR)*

The MTCR was set up in 1987 in order to control the export of missiles capable of transporting weapons of mass destruction and related equipment and technology. The commitments made by the 34 Member States constitute a noteworthy international standard in terms of the control of exports in the field of non-proliferation thus contributing to global peace and security.

The Regime held its annual plenary meeting on 5-7 November 2008 in Canberra (Australia). At this meeting the Member States took stock of their activities, analysed missile proliferation challenges faced over the last several years and reaffirmed their intention of stepping up efforts to prevent proliferation.

The delegations shared information on new trends in regional missile development programmes implying an increasing risk of the proliferation of weapons of mass destruction placing a special accent on the proliferation of missiles in Northeast Asia, Southeast Asia and the Middle East.

The importance of continuing with Regime information and promotion activities in non-member countries normally undertaken by the Chairmanship was stressed given the importance of this activity in promoting the objectives of the Regime and acquiring new voluntary followers of its Guidelines. In this connection it was

agreed to hold a trial technical meeting with representatives of the target countries of these outreach activities in order to explain changes in the Guidelines and lists of items and the reason for these changes. It was also agreed to enhance cooperation with the Gulf Cooperation Council of Arab States in combating proliferation in the region.

The applications for accession to the Regime (which generally take several years) were returned to the Plenary for consideration but no consensus was reached in this regard.

Regarding the new technical challenges of missile proliferation and export controls, the member countries agreed, within their national scope, to be vigilant in the export of reusable unmanned airborne vehicles and to take stock of the opportunity these provide to increase or substitute authorised payloads with non-authorised ones capable of disseminating weapons of mass destruction.

It was also agreed to assess the potential risk of using machine-tool exports in missile programmes by applying the catch-all clause in the case of uncontrolled machinery when the latter is liable to be used for missile programmes linked to weapons of mass destruction.

And lastly, the delegation agreed to be extremely vigilant in granting visas for specialised studies to persons who could be involved in proliferation programmes.

Furthermore, the Regime adopted a number of improvements in terms of its

internal operational procedures and practices with a view to upholding a flexible and effective control system ensuring that transfers are used as intended and are not diverted to proliferation programmes.

The Regime adopted a new Annex of items subject to control including the new amendments agreed by the Technical Working Group during the year so as to be able to adapt with precision and understanding to the rapid changes in relevant missile technology.

In a broader context, the delegations reiterated their decision to enforce Resolution 1540/2004 as an essential tool in combating the proliferation of weapons of mass destruction and their means of delivery, applying the necessary controls to export operations and reaffirmed the good will of their governments to aid non-member states in promoting effective export controls in accordance to the provisions of that Resolution and agreed on maintaining the contacts which the Regime's chair has with the Resolution Committee.

Emphasis was placed on the direct relevance of United Nations Security Council Resolutions 1685 (2006), 1696 (2006), 1718 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) concerning North Korea and Iran and MTCR export controls.

The next plenary meeting of the MTCR will be in the second half of 2009 in Brazil which will take over the Chairmanship of the Regime until its mandate draws to a close at the following plenary.

*E) Initiatives against the proliferation of weapons of mass destruction within the sphere of nuclear arms and missiles*

In 2008 Spain participated in the following international initiatives within the realm of the fight against the proliferation of weapons of mass destruction and the missiles able to deliver those weapons:

*Proliferation Security Initiative (PSI)*

This initiative dates back to the 9/11/2001 terrorist attacks. The PSI is not an institution with legal personality nor is it a treaty but is rather a collaboration forum for the exchange of information, discussion and debate regarding the different member countries' legal provisions and coordinates simulation exercises of maritime, land and air interception of sensitive items and technologies. These exercises are carried out in accordance with international (maritime and air) and national law when information is received regarding ships/aircraft transporting items related with the proliferation of weapons of mass destruction whose legality is questionable.

The initiative was announced in Krakow by the President of the United States on 31 May 2003, Spain being one of the founding States and the host of the first multilateral (founding) meeting held in Madrid on 12 June 2003.

The Ministry of Foreign Affairs and Cooperation is the body responsible for the exchange of information and coordination of actions with other PSI nations and likewise coordinates with the rest of the Spanish organisations

with competencies in this connection with regard to the action proposal in each particular case (Defence, Interior, Trade, Customs, Intelligence Services and Justice).

PSI meetings follow two different formats: 1) High-level political meetings and 2) meetings of the Operational Experts Group (OEG) focusing on more operational and practical state agencies and bodies.

The PSI's OEG met in 2008. The most noteworthy meetings took place on 4-7 February in London to prepare for the Plenary to be held subsequently in Washington and the 25-27 September meeting in Paris focusing on general subjects and interception but with a special focus on bolstering international legal instruments designed to combat proliferation.

The most important meeting was the Plenary in Washington coinciding with the Initiative's fifth anniversary celebration. The results obtained by the PSI over the last five years were analysed at that meeting and work was done to establish a renewed strategy for the future.

In addition to the political plenaries during these five years, more than 20 meetings and workshops including 15 operational expert meetings have been held. Furthermore, 26 sea, air and land interception exercises have been organised (Spain led two of these, "Sanso 03" and "Blue Action 05") in addition to another series of lesser exercises.

These exercises, not exclusively focused on military aspects, are basic

tools to test the capacity of member countries and serve to raise the awareness of third countries and as a way to deter possible proliferating agents.

*International Code of Conduct Against Ballistic Missile Proliferation (ICOC) or the Hague Code (HCOC)*

The Code is basically a political commitment for the purpose of preventing the development of missiles able to deliver weapons of mass destruction. It is based on transparency and trust-building measures (prior notification of test launchings) and compensations to states in exchange for refraining from developing these types of missiles.

The HCOC held its 7<sup>th</sup> Annual Meeting in Vienna on 29-30 May 2008 with special mention made of the accession of 4 new countries bringing State Party membership to 130.

The annual meeting focused on the critical situation facing the Code owing to very deficient compliance with pre-notification and annual statement requirements and no agreement was reached regarding measures to improve operability. The next meeting will be held in Vienna on 28-29 May 2009.

*Container Security Initiative (CSI)*

As the PSI, this Initiative dates back to the 9/11/2001 terrorist attacks and seeks coordination among participating countries to increase and improve container inspections and confiscate shipments at the world's major mega-ports.

Spain participates in the US Customs Service's CSI through Customs at the ports of Algeciras, Valencia and Barcelona.

The European Union intends to give a unified response within the framework of this initiative. To that end, and within the parameters of the EU-US Agreement on Cooperation and Mutual Assistance in Customs Matters (which was broadened to cover this initiative), meetings are held with the US Customs Department (CSI) to establish working methods, hazard rules and procedures.

Of the meetings held in 2008, the following were related to this initiative: two meetings of the Administrative Group of the EU-US Joint Customs Cooperation Committee in March and November; different meetings of the EU's Risk Rules Group focusing on security matters; one meeting of the Working Group on EU-Japanese mutual recognition in Brussels; and a CSI Conference organised by US Customs in August in Washington.

*Global Initiative to Combat Nuclear Terrorism (GICNT)*

This is the most recent international initiative developed in the nuclear field which Spain formally joined in April 2007.

The GICNT was launched jointly by the Presidents of the United States and the Russian Federation at the G-8 Summit held in St. Petersburg in July 2006.

The aim of this Initiative is to expand a partnership to combat nuclear terrorism based on the existing legal frameworks in the international arena (mainly the

International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and United Nations Security Council Resolutions 1540 and 1373). Its purpose does not include the creation of a new legal framework. One of the main goals of the GICNT is to mobilise States to adhere to the obligations they took on by virtue of the aforementioned international instruments.

Development of the Initiative is reviewed at plenary meetings and operational activities organised by Member States.

The following plenary meetings have been held to date: the inaugural in Rabat in October 2006, Ankara in February 2007, Astana in June 2007 and Madrid on 16-18 June 2008.

In addition to the plenary meetings, other smaller meetings were held focused on specific topics such as the one in Seoul on 13-17 April 2008 on the planning, structure and organisation of international exercises and in Munich on 20-22 of that same month on the international architecture and prevention of nuclear terrorism. Spain played an active role in both of these meetings.

*F) Australia Group (AG)*

The Australia Group was created in June 1985 to curtail the risk that certain exports and transfers have of contributing to the proliferation of chemical and biological weapons. The Group has 41 members.

The Australia Group's plenary assembly was held in Paris on 14-18 April where no new members joined.

Some countries made statements highlighting the important role played by the Australia Group in supporting the enforcement of the Conventions on the Prohibition of Chemical and Biological Weapons.

As to the possible admission of Russia into the Australia Group, it was decided that more time was needed for that country to continue improving its export controls, especially in brokering and transfers of intangible technology, underscoring the performance of Russia in other regimes.

Interest in participating in the Australia Group was also expressed by Brazil and South Africa and Mexico was also proposed for inclusion on the list of possible new members.

The plenary meeting focused on the following main issues:

a) Incorporation of controls on intermediaries and intangible transfers of dual-use technology were covered as ongoing issues, the Plenary accepting the proposal of including intangible transfers of technology in accordance with the definition of "export" laid down in European Regulation 1334/2000.

b) Study of the possible inclusion of chemical products, ceramic material used in the manufacture of valves, toxic gas monitoring systems and similar logical equipment on the checklist. These three proposals were accepted at a meeting held at The Hague on 8-9 October.

c) Study of a proposal on the definition of bird flu on the checklist of biological products, accepting the existing definition by the World Health Organisation. Several delegations tabled a joint proposal on the control of tangential flow cross flow equipment which was likewise accepted at the October meeting at The Hague.

d) Special attention was paid to the growing threat posed by certain new technologies and products owing to their use in chemical or biological warfare programmes, bearing in mind the growing threat posed by terrorism. Special mention was also made of the need for special care in improving visa request control mechanisms.

Parallel to the Plenary, a technical meeting of experts in oligonucleotides was held to cover certain aspects of synthetic biology. The discussion on the proposal of adding oligonucleotide control will continue in 2009.

#### *G) Chemical Weapons Convention (CWC)*

The CWC entered into force in 1997. By the end of 2008, 185 States had signed and ratified the Convention, the last two being Congo and Lebanon. There are 4 further Signatory States and only 6 countries which had not signed the Convention.

Enforcement of the Convention gives the international community an instrument with which to permanently eliminate the possibility of the development, production, use, stockpiling or transfer of chemical weapons.

Since the Convention's entry into force, 3,000 inspections have been conducted in 80 Member States and 100% of the declared chemical weapon production facilities have been deactivated. The destruction of 38% of the 8.6 million chemical munitions and containers under the CWC has also been verified as has the destruction of 22% of the world's declared arsenals accounting for approximately 71,000 tons of chemical agents.

The Organisation for the Prohibition of Chemical Weapons (OPCW) provides support for all non-party States in joining the Convention and effectively implementing a world-wide prohibition on chemical weapons.

While the main objective of the OPCW is the prohibition of chemical weapons, it also pursues international cooperation between Contracting States in the use of chemicals for pacific purposes by sponsoring scientific research, providing legal assistance, improving the capacity of laboratories and providing specialised training regarding Convention enforcement and the safe handling of chemical substances.

The body entrusted with the enforcement of the CWC in Spain is the National Authority for the Prohibition of Chemical Weapons (Spanish acronym ANPAQ).

The second Conference of the States Parties was held on 7-18 April 2008 to examine the operation of the CWC with the participation of 114 States Parties and to take stock of the enforcement of the Convention with due consideration for technical and scientific progress and the Convention's role in strengthening

international peace and security. The 13<sup>th</sup> Conference of the States Parties of the OPCW was held on 2-5 December 2008 and the 54<sup>th</sup> Executive Council on 14-17 October.

Since 2003 when the first Review Conference of the Convention was held, the total number of States Parties has grown from 151 to 185. This high level of participation means that a large majority of States considers chemical weapons to be illegal and prohibited. Attention was also drawn to the fact that over 38% of the total arsenal, i.e. 70,000 tons of the List 1 chemical weapons had been destroyed. Concern was expressed, however, over the fact that more than 60% of the arsenal is still pending destruction and that the international community is facing a growing risk that terrorists or other non-governmental agents could gain access to these weapons. The underlying debate was the Non-Aligned Group's insistence on the destruction of arsenals while the Western Group prioritised other issues such as verification, new technologies and terrorism.

Meetings number 52, 53 (with the attendance of a representative from Iraq as an observer) and 54 of the OPCW's Executive Council (of which Spain has been a member since May 2008) were held during the course of the year. At these meetings reference was made to Albania's doing away with its List 1 chemical weapons arsenals and to headway made in compliance with the new deadlines set for the destruction of chemical weapons by India, Libya, Russia and the United States.

One List 1 laboratory made its declaration in 2008. Having regard to List 2, information was requested from 50 facilities and as for List 3, information was requested from 5 facilities and their data sent to the Secretariat-General of the ANPAQ.

During the year, the OPCW conducted several inspections and visits to Spanish chemical plants. In January an inspection was conducted of an enterprise producing polyurethane foams using List 2 substances; in February an inspection was conducted of an enterprise which manufactures colourings and which, as part of the production process, engages in sulphonation, in other words, it manufactures defined organic chemical substances with sulphur atoms (PSF); in May an inspection was conducted of a manufacturer of polyurethane foam and fire retardants using List 2 substances; and in September an inspection was conducted of a manufacturer of methyl-terbutyl-ether for use as a fuel additive. No incident was detected in any of the inspections and the draft report was signed without any pending issues.

A training course targeting National Authorities from Spanish-speaking nations was held on 16-20 June in Madrid focusing on Declarations, especially electronic declarations. Officials from 16 countries took part in that course and expressed great interest in the topics covered, especially those which were particularly practical.

A conference on chemical terrorism coordinated by the French delegation was held on 10 July at The Hague with widespread participation.

An Assistance and Protection Seminar for GRULAC countries was held on 10 November in Madrid with Customs Authorities on the Transfer Regime. Also, a course on OPCW industrial inspection was held in October in Paris.

Upon request by the Ministry of Foreign Affairs and Cooperation, the Cabinet approved €100,000 in new economic support for 2008 for the OPCW's voluntary fund. This economic contribution strengthens Spain's position in the Organisation.

#### *H) Biological and Toxin Weapons Convention (BTWC)*

The BTWC entered into force in 1975. As of the end of 2008, a total of 155 Contracting States had signed and ratified the Convention. There were also 16 signatory states which had yet to ratify the Convention and 23 States which are not members.

The ratification process of the Convention's Verification Protocol is still pending.

The effective operation of the BTWC is necessary not only in prohibiting the use of biological weapons by States at war but also to prevent their possible use by non-state agents such as terrorist groups, in line with the provisions of United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction.

During the Fourth Meeting of the States Parties to the Convention held at United Nations headquarters in Geneva, discussions were held on organisational aspects but no new decisions were

taken or formal progress made. Recognition was given to progress made in the universalisation of the Convention and acceptance at the presentation of reports on trust-creating measures.

At national level, the Biological Weapons Working Group (Spanish acronym GRUPABI) met quarterly at the headquarters of the Ministry of Foreign Affairs and Cooperation. Meriting special mention were the continued efforts to create a National Authority and to institutionalise the latter styled after the ANPAQ in the field of chemical weapons.

Lastly, in 2008 the Convention participated in the following outreach activities in addition to presenting new Spanish legislation:

- 24<sup>th</sup> Spanish Machine-Tool Biennial (Bilbao, 4 March).
- Conferences on the Physical Security of Nuclear and Radioactive Items, Nuclear Security Council (Madrid, 22-23 April).
- Dissemination of the control of intangible transfers of technology, MITSUBISHI ESPAÑA (Barcelona, 21 May).
- Seminar on control regimes of weapons of mass destruction (Santiago de Chile, 20-21 August).
- Dissemination conference at SIEMENS ESPAÑA on Spanish law regarding dual-use items and technologies (Madrid, 12 November).





## ANNEX I. EXPORT STATISTICS ON DEFENCE MATERIAL, 2008

EXPORTS OF DEFENCE MATERIAL AUTHORISED (BY COUNTRY) 2008		
Country	Lic. No	Amount €
Algeria	1	690,163
Andorra	17	138,332
Angola	4	9,998,827
Arab Emirates	2	88,825
Argentina	1	0
Australia	5	920,004,121
Austria	15	2,706,720
Bahrain	7	13,621,794
Belgium	15	6,478,023
Brazil	5	947,750
Bulgaria	1	1,500
Canada	7	2,702,416
Chile	15	459,378
China (Hong Kong)	1	3,645,500
Colombia	5	110,122,027
Costa Rica	6	0
Czech Rep.	11	103,054
Denmark	9	5,414,939
Ecuador	4	915,047
Egypt	3	188,500
Equatorial Guinea	2	17,801
Finland	2	280
France	80	84,872,017
Germany	103	218,650,041
Greece	6	11,339,762
Guinea Bissau	1	300
Hungary	4	0
India	3	8,865,040
Indonesia	8	2,175,965
Ireland	2	1,415,000
Israel	21	157,200
Italy	40	130,691,958
Jordan	2	4,500,000
Kuwait	2	233,341
Libya	2	0
Lithuania	1	0
Luxembourg	17	2,664
Malaysia	1	0
Morocco	1	0
Netherlands	6	30,065,280
New Zealand	2	108,750
Norway	20	264,760,072
Oman	3	534,869
Pakistan	5	119,584
Philippines	1	0
Poland	3	1,558,877
Portugal	24	276,494,240
Qatar	5	1,475,330

EXPORTS OF DEFENCE MATERIAL AUTHORISED (BY COUNTRY) 2008 (Continued)		
Country	Lic. No	Amount €
Romania	17	10,690,725
Russia	5	100,000
Saudi Arabia	3	6,403,566
Senegal	3	200
Serbia	3	7,605
Singapore	3	1,252,000
South Africa	6	4,900
South Korea	1	20,000,000
Sri Lanka	5	3,915,780
Sweden	1	1,530
Switzerland	15	1,267,036
Thailand	1	78,452
Turkey	2	316,700
United States	75	116,327,894
Ukraine	2	122,940
United Kingdom	41	153,621,898
Uruguay	5	3,537,900
Venezuela	1	92,500,000
Vietnam	2	172
Yemen	1	0
<b>TOTAL</b>	<b>693</b>	<b>2,526,414,585</b>

**Note.-** The number of defence material licenses is higher than the number of licenses actually processed given that the global and global project licenses affecting more than one country are computed as many times as there are countries included.

## EXPORTS OF DEFENCE MATERIAL AUTHORISED (BY COUNTRY AND ITEM) 2008

Country	Categories										
	1	2	3	4	5	6	7	8	9	10	11
Algeria											
Andorra	134,532		3,800								
Angola					1,382,440						780,748
Arab Emirates							0				88,825
Argentina	0										
Australia								4,121	920,000,000		
Austria	4,855	17,345	84,520							2,600,000	
Bahrain		0		13,621,794							
Belgium	0		22,000	6,456,023							
Brazil	1,200			413,550		533,000		0			
Bulgaria	1,500										
Canada	1,305,000			1,397,416							0
Chile	47,735		137,165	132,478		50,000				92,000	
China (Hong Kong)											
Colombia	300			0		121,727				110,000,000	
Costa Rica	0										
Czech Rep.	103,054										
Denmark	2,944	29,695		5,382,300							
Ecuador		869,809	45,238	0							
Egypt			172,500								
Equatorial Guinea	14,555		3,246								
Finland	280										
France	7,686		0	11,192,309				847,613		65,842,860	2,897,217
Germany	208,380	24,325	3,686,440	74,418,441	0	2,019,068		451,200	0	137,842,187	0
Greece	12,336	0	0	0				11,327,426			
Guinea Bissau	300										
Hungary		0		0							
India		6,965,040							1,900,000		
Indonesia	10,000	751,231	43,685	1,371,049							
Ireland			590,000	825,000							
Israel	157,200			0	0						0
Italy	26,467	0	32,035	748,000						122,268,881	
Jordan	0									4,500,000	
Kuwait				233,341							
Libya										0	
Lithuania											
Luxembourg		0		0		2,664				0	
Malaysia											0
Morocco										0	
Netherlands		0		0		0				30,065,280	
New Zealand				108,750							
Norway			3,253,660	1,077,287				429,125	260,000,000	0	
Oman		49,869		485,000							
Pakistan	1,599			17,985		100,000					
Philippines	0										
Poland		9,277	1,549,600								
Portugal	12,136		570,737	604,782				392,585		274,914,000	
Qatar						1,475,330					
Romania	15,489					10,675,236					
Russia	100,000			0							0
Saudi Arabia			6,027,557					1,009		375,000	
Senegal	200									0	
Serbia	7,605	0									
Singapore		0		1,252,000							
South Africa	4,900						0			0	
South Korea										20,000,000	
Sri Lanka				3,915,780							
Sweden	1,530										
Switzerland	91,001	97,325					0			0	1,078,710
Thailand			78,452								
Turkey	200	316,500									
Ukraine	122,940										
United Kingdom	40,700	0	383,398	5,035,706			0	5,603,480		139,437,172	3,121,442
United States	42,387,242	0	59,275,929	4,415,355	32,600	1,477,100			601,530	1,535,183	6,602,955
Uruguay			20,600		17,300						0
Venezuela									92,500,000		
Vietnam	0							172			
Yemen							0				
<b>TOTAL</b>	<b>44,823,866</b>	<b>9,130,416</b>	<b>75,980,562</b>	<b>133,104,346</b>	<b>1,432,340</b>	<b>16,454,125</b>		<b>19,056,731</b>	<b>1,275,001,530</b>	<b>909,472,563</b>	<b>14,569,897</b>

## SPANISH STATISTICS ON THE EXPORT OF DEFENCE AND DUAL-USE MATERIAL 2008

EXPORTS OF DEFENCE MATERIAL AUTHORISED (BY COUNTRY AND ITEM) 2008 (Continued)												
Country	Categories											Amount €
	12	13	14	15	16	17	18	19	20	21	22	
Algeria				690,163								690,163
Andorra												138,332
Angola		7,549,920		285,719								9,998,827
Arab Emirates												88,825
Argentina												0
Australia												920,004,121
Austria												2,706,720
Bahrain												13,621,794
Belgium												6,478,023
Brazil												947,750
Bulgaria												1,500
Canada										0		2,702,416
Chile												459,378
China (Hong Kong)				3,645,500								3,645,500
Colombia												110,122,027
Costa Rica												0
Czech Rep.				0								103,054
Denmark												5,414,939
Ecuador												915,047
Egypt							16,000					188,500
Equatorial Guinea												17,801
Finland												280
France				0							4,084,332	84,872,017
Germany				0						0		218,650,041
Greece												11,339,762
Guinea Bissau												300
Hungary												0
India												8,865,040
Indonesia												2,175,965
Ireland												1,415,000
Israel				0								157,200
Italy				7,616,575								130,691,958
Jordan												4,500,000
Kuwait				0								233,341
Libya				0								0
Lithuania				0								0
Luxembourg												2,664
Malaysia												0
Morocco												0
Netherlands												30,065,280
New Zealand												108,750
Norway												264,760,072
Oman												534,869
Pakistan												119,584
Philippines												0
Poland												1,558,877
Portugal												276,494,240
Qatar												1,475,330
Romania												10,690,725
Russia				0								100,000
Saudi Arabia												6,403,566
Senegal												200
Serbia												7,605
Singapore												1,252,000
South Africa												4,900
South Korea												20,000,000
Sri Lanka												3,915,780
Sweden												1,530
Switzerland				0						0		1,267,036
Thailand												78,452
Turkey												316,700
Ukraine												122,940
United Kingdom		0									0	153,621,898
United States				0								116,327,894
Uruguay				3,500,000								3,537,900
Venezuela												92,500,000
Vietnam												172
Yemen												0
<b>TOTAL</b>		<b>7,549,920</b>		<b>15,737,957</b>			<b>16,000</b>			<b>0</b>	<b>4,084,332</b>	<b>2,526,414,585</b>

## EXPORTS OF DEFENCE MATERIAL COMPLETED (BY COUNTRY AND ITEM) 2008

Country	Categories										
	1	2	3	4	5	6	7	8	9	10	11
Algeria											
Andorra	27,624		3,083								
Angola											857,218
Arab Emirates											
Argentina	0			447,321							
Australia								1,190			
Austria	4,855	2,065,645	1,171,900							3,003,316	
Bahrain				15,945,283							
Belgium	27,600		22,000	2,936,148		1,339					
Bolivia										841,790	
Brazil	1,900			634,977				260,120		62,549,397	
Bulgaria	1,500										
Canada	19,100			897,889						3,000	
Chile	35,110	599		552,514		50,000				72,496	
Colombia	300					115,272				30,885,844	136,111
Costa Rica	0										
Czech Rep.	105,305										
Denmark	2,944			7,189,800							
Ecuador			45,238	279,044							
Egypt			219,177	31,000				96,301			
El Salvador		124,150									
Equatorial Guinea	14,555										
Finland	4,000										
France	8,736		0	7,405,824				528,575		1,127,869	496,836
Germany	208,380	10,002	3,024,826	39,542,350		643,667				114,268,891	943,086
Greece	211,445										
Guinea Bissau	300										
India		1,618,530	300,990								
Indonesia	28,080	751,231	231,739	2,730,873							
Israel	128,170		36,400								0
Italy	16,777			183,100						41,225,477	1,647,880
Jordan										860,451	
Kuwait		921,875		233,341							
Libya				3,839,215							
Luxembourg				0			0				
Mexico										108,111	
Morocco						113,900,260					0
Netherlands		0		4,572,576			0	9,200		95,188	
New Zealand				108,750							
Norway			2,959,900	3,806,937				321,983	258,602,664		0
Oman		47,638									
Pakistan				199,412							
Poland	26,392		1,549,600								
Portugal	16,366		519,969	140,109				267,691		3,591,723	
Qatar				1,149,550			808,889				
Romania	10,120	1,099				10,721,010					
Senegal											0
Serbia	7,604										
Singapore		0		570,000							
South Africa	4,000										
South Korea										1,147,327	
Sri Lanka				138,780							
Sweden	4,767			45,462							
Switzerland	244	36,830	83,490								22,140
Thailand			156,904								
Turkey										576,345	
Ukraine	2,940										
United Kingdom	700			1,577,876				5,444,060		57,126,340	1,710,843
United States	4,747,325	4,104	6,445,754	3,758,525	768,469	398,883		1,242,496	304,287	4,434,818	271,302
Uruguay				34,603							
Venezuela	6,450							105,000			
<b>TOTAL</b>	<b>5,673,589</b>	<b>5,581,703</b>	<b>16,770,970</b>	<b>98,951,259</b>	<b>768,469</b>	<b>126,639,320</b>	<b>105,000</b>	<b>8,171,616</b>	<b>258,906,951</b>	<b>321,918,383</b>	<b>6,085,416</b>

Country	EXPORTS OF DEFENCE MATERIAL COMPLETED (BY COUNTRY AND ITEM) 2008 (Continued)											Amount €
	12	13	14	15	16	17	18	19	20	21	22	
Algeria				690,163								690,163
Andorra												30,707
Angola												857,218
Arab Emirates		88,825										88,825
Argentina				1,000,000								1,447,321
Australia											500	1,690
Austria				5,497,527								11,743,243
Bahrain												15,945,283
Belgium												2,987,087
Bolivia												841,790
Brazil												63,446,394
Bulgaria												1,500
Canada												919,989
Chile												710,719
Colombia												31,137,527
Costa Rica		823,325										823,325
Czech Rep.												105,305
Denmark												7,192,744
Ecuador												324,282
Egypt							969,900					1,316,378
El Salvador												124,150
Equatorial Guinea												14,555
Finland												4,000
France				35,000								9,602,840
Germany				10,730,406								169,371,608
Greece												211,445
Guinea Bissau												300
India												1,919,520
Indonesia												3,741,923
Israel				2,194,419								2,358,989
Italy				19,246,284								62,319,518
Jordan												860,451
Kuwait												1,155,216
Luxembourg												0
Libya												3,839,215
Mexico												108,111
Morocco												113,900,260
Netherlands												4,676,964
New Zealand												108,750
Norway												265,691,484
Oman												47,638
Pakistan												199,412
Poland												1,575,992
Portugal												4,535,858
Qatar												1,958,439
Romania												10,732,229
Senegal												0
Serbia												7,604
Singapore												570,000
South Africa												4,000
South Korea												1,147,327
Sri Lanka												138,780
Sweden												50,229
Switzerland				0						4,986,084		5,128,788
Thailand												156,904
Turkey										536,842		1,113,187
Ukraine												2,940
United Kingdom				29,674,755								95,534,574
United States												22,375,963
Uruguay				8,404,719								8,439,322
Venezuela												111,450
<b>TOTAL</b>		<b>912,150</b>		<b>77,473,273</b>			<b>969,900</b>			<b>5,522,926</b>	<b>500</b>	<b>934,451,425</b>

EXPORTS OF DEFENCE MATERIAL COMPLETED WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL 2008			
Country	End user	End use	Percentage
Algeria	Armed forces	Public	100
Andorra	Armoury	Private	87.34
	Private company	Private	6.68
	Private party	Private	5.98
Angola	Police	Public	100
Arab Emirates	ARMED FORCES	Public	100
Argentina	Armed forces	Public	100
	Private party	Private	0.00
Australia	Private company	Private	70.41
	Armed forces	Public	29.59
Austria	Armoury	Private	0.04
	Private company	Private	86.99
	Armed forces	Public	12.97
Bahrain	Armed forces	Public	100
	Armoury	Private	0.92
Belgium	Private company	Private	99.04
	Armed forces	Public	0.04
Bolivia	Armed forces	Public	100
	Private company	Private	0.65
Brazil	Armed forces	Public	99.35
	Private party	Private	0.00
Bulgaria	Private party	Private	100
Canada	Armoury	Private	0.00
	Private company	Private	99.67
	Armed forces	Public	0.33
	Private party	Private	0.00
Chile	Armoury	Private	0.98
	Armed forces	Public	98.00
	Private party	Private	1.02
Colombia	Armed forces	Public	100
	Private party	Private	0.00
Costa Rica	Private party	Private	0.00
	Police	Public	100
Czech Rep.	Private company	Private	71.23
	Armed forces	Public	28.77
Denmark	Armoury	Private	99.96
	Armed forces	Public	0.04
Ecuador	Armed forces	Public	100
Egypt	Private company	Private	100
El Salvador	Armed forces	Public	100
Equatorial Guinea	Private party	Private	100
Finland	Private company	Private	100
	Armoury	Private	0.05
France	Private company	Private	91.30
	Public company	Public	0.41
	Armed forces	Public	8.20
	Private party	Private	0.04
	Armoury	Private	0.00
Germany	Private company	Private	26.24
	Public company	Public	2.33
	Armed forces	Public	71.41
	Private party	Private	0.02
Greece	Armoury	Private	0.55
	Private company	Private	99.45
Guinea Bissau	Private party	Private	100
India	Armed forces	Public	100
Indonesia	Armoury	Private	0.75
	Armed forces	Public	99.25
Israel	Armoury	Private	5.43
	Private company	Private	1.54
	Public company	Public	0.00
	Armed forces	Public	93.03



EXPORTS OF DEFENCE MATERIAL COMPLETED WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL 2008 (continued)			
Italy	Private company	Private	64.80
	Public company	Public	3.61
	Armed forces	Public	31.58
	Private party	Private	0.01
Jordan	Armed forces	Public	100
Kuwait	Armed forces	Public	100
Libya	Armed forces	Public	100
Luxembourg	Public company	Public	100
Mexico	Armed forces	Public	100
Morocco	Armed forces	Public	100
Netherlands	Private company	Private	2.04
	Armed forces	Public	97.96
New Zealand	Armed forces	Public	100
Norway	Private company	Private	1.44
	Armed forces	Public	98.56
Oman	Armed forces	Public	100
Pakistan	Armed forces	Public	100
Poland	Private company	Private	100
Portugal	Armoury	Private	0.07
	Private company	Private	1.95
	Public company	Public	5.90
	Armed forces	Public	91.77
	Private party	Private	0.31
Qatar	Armed forces	Public	100
Romania	Armed forces	Public	99.90
	Private party	Private	0.10
Senegal	Armed forces	Public	100
Serbia	Armoury	Private	100
Singapore	Armed forces	Public	100
South Africa	Private party	Private	100
South Korea	Armed forces	Public	100
Sri Lanka	Armed forces	Public	100
Sweden	Private company	Private	90.51
	Private party	Private	9.49
Switzerland	Armoury	Private	0.00
	Private company	Private	2.35
	Armed forces	Public	97.65
	Private party	Private	0.00
Thailand	Armed forces	Public	100
Turkey	Armed forces	Public	100
Ukraine	Private company	Private	100
United Kingdom	Armoury	Private	0.00
	Private company	Private	61.25
	Public company	Public	2.06
	Armed forces	Public	36.69
United States	Armoury	Private	0.02
	Private company	Private	82.69
	Public company	Public	5.21
	Armed forces	Public	11.77
Uruguay	Private party	Private	0.31
	Armed forces	Public	100
Venezuela	Private company	Private	5.79
	Armed forces	Public	94.21

EXPORTS OF DEFENCE MATERIAL COMPLETED EXCEEDING €10 MILLION, 2008			
Country	Description	Amount €millions	%
Norway	1 frigate	258.60	27.67
Morocco	1,015 vehicles and lorries	113.90	12.19
Germany	EF-2000 parts	82.17	8.79
Brazil	2 transport planes and spare parts	60.36	6.47
United Kingdom	EF-2000 parts	59.75	6.39
Colombia	1 transport plane and spare parts	29.35	3.14
Germany	Iris-T missile control section	27.70	2.96
Italy	EF-2000 parts	11.43	1.22
<b>Total</b>		<b>643.26</b>	<b>68.83</b>

EXPORTS OF DEFENCE MATERIAL COMPLETED (LEASING, CESSIONS, DONATIONS, SECOND HAND, TECHNICAL ASSISTANCE AND PRODUCTION UNDER LICENSE) 2008			
Country	Item	Operation	Amount €
Senegal	1 aircraft	Donation	0
<b>Total</b>			<b>0</b>

EXPORTS COMPLETED AS PART OF THE MOST NOTEWORTHY DEFENCE MATERIAL PROGRAMMES, 2008		
Programme/Country	Amount €	%
<b>Eurofighter (combat aircraft)</b>	<b>276,242,569</b>	<b>29.56</b>
Germany	124,074,614	13.28
United Kingdom	87,302,870	9.34
Italy	56,034,341	5.99
Austria	8,475,942	0.91
United States	354,802	0.04
<b>Iris-T (missile)</b>	<b>35,100,817</b>	<b>3.76</b>
Germany	34,715,635	3.72
Norway	385,182	0.04
<b>MIDS (communications system)</b>	<b>6,085,300</b>	<b>0.65</b>
Italy	6,085,300	0.65
<b>A400M (transport plane)</b>	<b>1,399,952</b>	<b>0.15</b>
Germany	803,784	0.09
France	485,420	0.05
United States	56,287	0.01
United Kingdom	54,461	0.00
<b>Leopard (tank)</b>	<b>643,667</b>	<b>0.07</b>
Germany	643,667	0.07
<b>Meteor (missile)</b>	<b>219,776</b>	<b>0.02</b>
Germany	203,993	0.02
United Kingdom	10,783	0.00
France	5,000	0.00
<b>Tigre (combat helicopter)</b>	<b>229,220</b>	<b>0.02</b>
Germany	229,220	0.02
<b>Total programmes</b>	<b>319,921,301</b>	<b>34.23</b>
<b>TOTAL DM</b>	<b>934,451,425</b>	<b>100</b>

**DESCRIPTION OF THE 22 ITEMS ON THE DEFENCE MATERIAL LIST  
(ORDER ITC/822/2008 OF 19 FEBRUARY)**

Category	Description 22 articles	List of items included
1	Smooth-bore weapons with a calibre of less than 20 mm.	Rifles, carbines, revolvers, pistols, machine pistols, machine guns, silencers, clips, sights and flash suppressers
2	Smooth-bore weapons with a calibre of 20 mm or more	Firearms (including pieces of artillery), rifles, howitzers, cannons, mortars, anti-tank weapons, projectile launchers, flame throwers, recoilless rifles, signature reduction devices, military smoke, gas and pyrotechnic projectors or generators and weapons sights
3	Ammunition, devices and components	Ammunition for the weapons subject to control by articles 1, 2 or 12. Fuse-setting devices including cases, links, bands, power supplies with high operational output, sensors, sub-munitions
4	Bombs, torpedoes, rockets, missiles	Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition charges, "pyrotechnic" devices, cartridges and simulators, smoke grenades, incendiary bombs, missile rocket nozzles and re-entry vehicle nosetips.
5	Fire control systems	Weapon sights, bombing computers, gun laying equipment, weapon control systems, systems for data collection, surveillance or tracking, recognition or identification
6	Ground vehicles	Vehicles especially designed or modified for military use, tanks and other armed military vehicles or equipment for the planting of mines, armoured vehicles, amphibious vehicles, bullet-proof tyres.
7	Chemical or biological toxic agents	Biological agents and radioactive materials, nerve agents, vesicant agents, tear gases, anti-riot agents
8	Energetic materials and related substances	Explosives, propellants, pyrotechnics, fuels and related substances, perchlorates, chlorates and chromates, oxidizers, binders, additives and precursors
9	Warships	Combatant vessels and surface or underwater vessels and components therefor, diesel engines especially designed for submarines, electric motors especially designed for submarines, underwater detection devices, submarine and torpedo nets
10	Aircraft	Combat aircraft, unmanned airborne vehicles, aero-engines, remotely piloted air vehicles, refuelling equipment, pressurised breathing equipment, parachutes, automatic piloting systems
11	Electronic equipment	Countermeasure and electronic counter-countermeasure equipment, underwater acoustic material, data security equipment, equipment using ciphering processes, guidance, navigation and transmission equipment
12	Kinetic energy weapon systems	Kinetic energy weapon systems, test and evaluation facilities and test models, propulsion systems, homing seeker, guidance or divert propulsion systems for projectiles
13	Armoured equipment and constructions	Armoured plate, constructions of metallic or non-metallic materials, military helmets, body armour and protective garments
14	Military training or simulation equipment	Attack trainers, flight trainers, radar target trainers, anti-submarine warfare trainers, missile launch trainers, image generating trainers
15	Imaging or countermeasure equipment	Recorders and image processing equipment, cameras, photographic equipment, image intensifier equipment, infrared or thermal imaging equipment, imaging radar sensor equipment
16	Forgings, castings and unfinished products	Forgings, castings and unfinished product parts
17	Miscellaneous equipment, materials and libraries	Self-contained diving and underwater swimming apparatus, closed and semi-closed circuit apparatus, robots, ferries
18	Production equipment	Environmental test facilities, continuous nitators, centrifugal testing apparatus or equipment, screw extruders
19	Directed energy weapon systems	Laser systems, particle beam systems, radio-frequency systems, particle accelerators
20	Cryogenic and superconductive equipment	Equipment especially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, superconductive electrical equipment
21	Software	Software designed for modelling, simulation or evaluation of military weapon systems or for the simulation of military operation scenarios, for command, communications, control and intelligence applications
22	Technology	Technology for the development, production or use of items controlled



## ANNEX II. EXPORT STATISTICS ON OTHER MATERIAL - HUNTING AND SPORTING ARMS, 2008

### EXPORTS OF OTHER MATERIAL AUTHORISED (ANTI-RIOT) (BY COUNTRY) 2008

Country	Lic. No	Amount €
Angola	8	28,108,777
Bolivia	4	1,151,827
Cuba	1	8,190
Venezuela	14	1,777,459
<b>TOTAL</b>	<b>27</b>	<b>31,046,253</b>

**Note 1.-** Value 0 €, indicates no charge made for export

**Note 2.-** The number of licenses authorised is lower than the number of licenses actually processed given that the former does not include licences denied by the JIMDDU, abandoned by the company or expired for failure to submit control documents by the stipulated date.

### EXPORTS OF OTHER MATERIAL COMPLETED (ANTI-RIOT) (BY COUNTRY) 2008

Country	Amount €
Angola	24,325,595
Bolivia	1,151,827
Cuba	8,190
Venezuela	155,942
<b>TOTAL</b>	<b>25,641,554</b>

### EXPORTS OF OTHER MATERIAL COMPLETED (ANTI-RIOT) WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL - 2008

Country	End user	End use	Percentage
Angola	Police	Public	100
Bolivia	Police	Public	100
Cuba	Police	Public	100
Venezuela	Police	Public	100

---

**LIST OF OTHER MATERIAL  
(ORDER ITC/822/2008 OF 19 FEBRUARY)**

---

- a. Firearms defined in Article 3 of United Nations General Assembly Resolution 55/255 approving the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition which are not included in Annex I.1, Article 1, 2 and 3 of the Defence Material List.
  - b. Visors and sights, telescopic sights and light or image intensification
  - c. Generator devices, projectors, smoke dispensers, gases, "anti-riot agents" or incapacitating substances
  - d. Launchers of the elements described in preceding paragraph c.
  - e. Bombs, grenades and explosive devices and, as the case may be, their launchers and laying equipment.
  - f. Armoured vehicles and vehicles equipped with metal or non-metal materials providing anti-ballistic protection
  - g. Light and deafening sound equipment for riot control
  - h. Anti-riot vehicles with any of the following characteristics: systems to produce electric shocks; systems to dispense incapacitating substances; systems to dispense anti-riot agents; water canons.
-

EXPORTS OF OTHER MATERIAL AUTHORISED (HUNTING AND SPORTING ARMS) (BY COUNTRY) - 2008		
Country	Lic. No	Amount €
Albania	1	1,800,000
Andorra	5	463,800
Angola	1	450,000
Argentina	6	2,110,200
Armenia	1	18,250
Australia	4	16,788,000
Austria	1	0
Bolivia	3	734,000
Bosnia and Herzegovina	1	3,000,000
Burkina Faso	2	400,000
Cameroon	1	150,000
Canada	2	510,000
Central African Republic	1	584,000
Chad	1	150,000
Chile	8	2,110,000
Colombia	6	1,033,220
Croatia	1	6,160
Cuba	1	350,000
Dominican Republic	3	430,000
Ecuador	2	243,750
El Salvador	1	96,000
France (French Guyana)	1	200
France (Guadalupe)	1	100,000
France (New Caledonia)	1	84,000
Gabon	1	480,000
Georgia	1	5,150,000
Ghana	14	12,029,000
Guatemala	4	737,000
Guinea Bissau	2	822,000
Guinea Conakry	15	8,207,250
Honduras	1	250,000
Iceland	5	53,950
Israel	2	600,000
Jamaica	1	200,000
Japan	3	43,280,715
Kazakhstan	1	119,000
Kenya	1	10,000
Kuwait	3	344,953
Lebanon	6	2,690,940
Malaysia	4	2,030,000
Mali	3	1,301,758
Mauritania	6	1,995,000
Mexico	5	2,500,672
Moldavia	1	34,800
Morocco	7	2,772,058
Namibia	1	500,000
New Zealand	6	7,806,215
Nicaragua	3	448,000
Norway	7	3,752,771
Pakistan	2	1,955,000
Panama	1	175,000
Paraguay	3	827,000
Peru	10	4,056,830
Philippines	3	2,570,000
Russia	20	6,535,472
Senegal	1	350,000
Serbia	2	750,000
South Africa	6	4,670,000
South Korea	2	267,000
Switzerland	8	1,124,460
Taiwan	2	1,500,000
Tanzania	1	397,000
Thailand	5	1,600,000
Trinidad and Tobago	1	100,000
Tunisia	1	300,000
Turkey	18	133,320,730
Ukraine	7	4,276,750
United States	60	105,867,898
Uruguay	5	1,124,473
Venezuela	4	1,188,000
<b>TOTAL</b>	<b>320</b>	<b>402,683,275</b>



EXPORTS OF OTHER MATERIAL COMPLETED (HUNTING AND SPORTING ARMS) (BY COUNTRY) 2008		
Country	Description	Amount €
Andorra	Shotguns and Carbines	5,028
Angola	Shotgun shells	257,700
Argentina	Shotguns and cases	126,813
Armenia	Shotguns	2,179
Australia	Shotguns and shotgun shells	710,324
Bolivia	Shotgun shells	212,078
Burkina Faso	Shotgun shells	137,440
Cameroon	Shotgun shells	212,680
Canada	Shotguns and shotgun shells	457,795
Central African Republic	Shotgun shells	250,902
Chad	Shotgun shells	16,932
Chile	Shotguns and shotgun shells	431,425
Colombia	Shotgun shells	211,843
Croatia	Shotguns	3,230
Dominican Republic	Shotgun shells	73,890
France (Guadalupe)	Shotgun shells	9,795
France (New Caledonia)	Shotgun shells	26,193
Gabon	Shotgun shells	78,810
Georgia	Shotgun shells	129,849
Ghana	Shotguns and shotgun shells	2,773,073
Guatemala	Shot guns and cases	318,285
Guinea Bissau	Shotgun shells	149,300
Guinea Conakry	Shotgun shells	1,827,960
Iceland	Shotguns	13,536
Japan	Shotgun shells	1,129,467
Kazakhstan	Shotguns	50,804
Kenya	Shotguns	6,607
Kuwait	Shotguns	15,641
Lebanon	Shotguns	348,120
Malaysia	Shot guns and cases	295,587
Mali	Shotgun shells	231,794
Mauritania	Shotgun shells	509,360
Mexico	Shotguns and shotgun shells	582,980
Moldavia	Shotguns	3,780
Morocco	Shot guns and cases	1,004,338
Namibia	Shotgun shells	312,958
New Zealand	Shotguns and shotgun shells	508,117
Nicaragua	Shotgun shells	172,932
Norway	Shotguns and shotgun shells	683,837
Pakistan	Shotgun shells	25,956
Panama	Shotgun shells	73,195
Paraguay	Shotgun shells	223,113
Peru	Shotgun shells	1,102,441
Philippines	Shot guns and cases	174,172
Russia	Shotguns and shotgun shells	1,227,061
Senegal	Shotgun shells	141,427
Serbia	Shotgun shells	75
South Africa	Shotguns and shotgun shells	1,362,152
South Korea	Shotgun shells	61,283
Switzerland	Shotguns	225,389
Taiwan	Shotgun shells	124,623
Tanzania	Shot guns and cases	122,014
Thailand	Shotguns	80,047
Tunisia	Shotgun shells	173,852
Turkey	Shotguns and shotgun shells	1,912,989
Ukraine	Shotguns and shotgun shells	1,850,428
United States	Shotguns and shotgun shells	5,795,046
Uruguay	Shotgun shells	291,094
Venezuela	Shotgun shells	535,571
<b>TOTAL</b>		<b>29,795,310</b>

EXPORTS OF OTHER MATERIAL COMPLETED (HUNTING AND SPORTING ARMS) WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL - 2008			
Country	End user	End use	Percentage
Andorra	Armoury	Private	100
	Private party	Private	0.00
Angola	Private company	Private	100
Argentina	Private company	Private	100
	Private party	Private	0.00
Armenia	Private company	Private	100
Australia	Armoury	Private	4.63
	Private company	Private	95.37
Bolivia	Private company	Private	100
Burkina Faso	Private company	Private	100
Cameroon	Private company	Private	100
Canada	Private company	Private	41.46
	Public company	Public	58.54
Central African Republic	Private company	Private	100
Chad	Private company	Private	100
Chile	Private company	Private	100
Colombia	Private company	Private	100
Dominican Republic	Private company	Private	100
France (Guadalupe)	Private company	Private	100
France (New Caledonia)	Private company	Private	100
Gabon	Private company	Private	100
Georgia	Private company	Private	100
Ghana	Armoury	Private	11.99
	Private company	Private	88.01
Guatemala	Armoury	Private	25.40
	Private company	Private	74.60
Guinea Bissau	Private company	Private	100
Guinea Conakry	Private company	Private	100
Iceland	Private company	Private	73.00
	Public company	Public	1.13
	Private party	Private	25.87
Japan	Private company	Private	100
Kazakhstan	Private company	Private	100
Kenya	Private party	Private	100
Kuwait	Private company	Private	100
Lebanon	Private company	Private	100
Malaysia	Private company	Private	100
Mali	Private company	Private	100
Mauritania	Private company	Private	100
	Private company	Private	34.77
Mexico	Armed forces	Public	65.23
	Private company	Private	100
Moldavia	Private company	Private	100
Morocco	Armoury	Private	29.00
	Private company	Private	71.00
Namibia	Private company	Private	100
New Zealand	Armoury	Private	0.67
	Private company	Private	99.33
Nicaragua	Armoury	Private	44.40
	Private company	Private	55.60
Norway	Armoury	Private	3.90
	Private company	Private	96.10
Panama	Private company	Private	100
Paraguay	Private company	Private	100
Peru	Private company	Private	100
Philippines	Private company	Private	100
Russia	Private company	Private	100
Senegal	Private company	Private	100
Serbia	Private company	Private	100
South Africa	Armoury	Private	4.82
	Private company	Private	95.18
South Korea	Private company	Private	100
Switzerland	Armoury	Private	34.70
	Private company	Private	1.94
	Private company	Private	63.36

EXPORTS OF OTHER MATERIAL COMPLETED (HUNTING AND SPORTING ARMS) WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL – 2008 (continued)			
Country	End user	End use	Percentage
Taiwan	Private company	Private	100
Tanzania	Private company	Private	100
Thailand	Private company	Private	68.09
	Private party	Private	31.91
Tunisia	Private company	Private	100
	Armoury	Private	1.90
Turkey	Private company	Private	96.23
	Public company	Public	1.87
	Private company	Private	100
Ukraine	Private company	Private	26.41
	Private company	Private	72.54
	Private party	Private	1.05
Uruguay	Armoury	Private	61.02
	Private company	Private	38.98
Venezuela	Armoury	Private	73.23
	Private company	Private	26.77

### ANNEX III. EXPORT STATISTICS ON DUAL-USE ITEMS AND TECHNOLOGIES, 2008

EXPORTS OF DUAL-USE ITEMS AND TECHNOLOGIES AUTHORISED (BY COUNTRY) - 2008		
Country	Lic. No	Amount €
Algeria	8	974,799
Arab Emirates	1	72
Argentina	31	6,494,944
Australia	19	4,417
Bolivia	2	11,743
Bosnia and Herzegovina	6	2,945
Brazil	22	54,381,341
Burkina Faso	1	403,920
Canada	2	80,000
Chile	4	14,286
China	24	5,435,583
Colombia	20	103,207
Croatia	2	881
Cuba	13	27,860
Dominican Republic	1	312
Ecuador	1	380
Egypt	6	2,275,003
Ethiopia	2	248,400
Georgia	1	30,534
Guatemala	3	93,400
India	2	3,258,000
Iran	72	57,151,628
Iraq	1	93
Israel	4	568,100
Jordan	2	142,500
Kuwait	1	1,512
Lebanon	1	29
Libya	11	4,709,512
Madagascar	1	86
Mali	1	13
Mauritania	1	20,184
Mauritius Islands	1	69
Mexico	1	380,160
Montenegro	1	1,450,000
Morocco	8	3,970,528
Netherlands (Dutch A.)	1	652,000
New Zealand	2	3,344
Nigeria	3	1,530,000
Pakistan	1	11
Panama	1	25,000
Paraguay	1	61,020
Peru	7	16,935
Philippines	2	717

EXPORT OF DUAL-USE ITEMS AND TECHNOLOGIES AUTHORISED (BY COUNTRY) 2008 (continued)		
Country	Lic. No	Amount €
Russia	21	129,722
Rwanda	4	919
Saudi Arabia	11	809,050
Singapore	17	13,240
South Africa	3	1,375,500
South Korea	1	1,128,800
Switzerland	6	1,142,500
Syria	1	20,724
Taiwan	9	1,983,610
Thailand	5	8,856
Trinidad and Tobago	1	826
Tunisia	10	27,933
Turkey	15	4,973,570
United States	3	37,040,060
Uruguay	2	129,000
Venezuela	7	6,793,756
Vietnam	2	480
Yemen	2	81
<b>TOTAL</b>	<b>415</b>	<b>200,104,095</b>

**Note.-** The number of licenses authorised is lower than the number of licenses actually processed given that the former does not include licences denied by the JIMDDU, abandoned by the company or expired for failure to submit control documents by the stipulated date.

## EXPORTS OF DUAL-USE ITEMS AND TECHNOLOGIES AUTHORISED (BY COUNTRY AND CATEGORY) 2008

Country	Categories									Amount €	
	0	1	2	3	4	5	6	7	8		9
Algeria		974,799									974,799
Arab Emirates		72									72
Argentina		5,344,680	605,908	544,356							6,494,944
Australia		4,417									4,417
Bolivia		11,743									11,743
Bosnia and Herzegovina		2,945									2,945
Brazil		50,238,194	2,780,760	1,362,387							54,381,341
Burkina Faso		403,920									403,920
Canada	80,000										80,000
Chile		14,286									14,286
China		114	4,191,747	1,243,722							5,435,583
Colombia	51	103,156									103,207
Croatia		881									881
Cuba		27,860									27,860
Dominican Rep.		312									312
Ecuador		380									380
Egypt		1,035,133	1,239,870								2,275,003
Ethiopia		248,400									248,400
Georgia				30,534							30,534
Guatemala		93,400									93,400
India			3,258,000								3,258,000
Iran			57,151,628								57,151,628
Iraq		93									93
Israel		53,300			514,800						568,100
Jordan		142,500									142,500
Kuwait		1,512									1,512
Lebanon		29									29
Libya	9,512						4,700,000				4,709,512
Madagascar		86									86
Mali		13									13
Mauritania		20,184									20,184
Mauritius Islands	69										69
Mexico		380,160									380,160
Montenegro		1,450,000									1,450,000
Morocco		3,970,528									3,970,528
Netherlands (Dutch A.)		652,000									652,000
New Zealand		3,344									3,344
Nigeria		1,530,000									1,530,000
Pakistan		11									11
Panama		25,000									25,000
Paraguay		61,020									61,020
Peru	83	16,852									16,935
Philippines		717									717
Russia				129,722							129,722
Rwanda	762	157									919
Saudi Arabia		809,050									809,050
Singapore		13,240									13,240
South Africa		1,375,500									1,375,500
South Korea			1,128,800								1,128,800
Switzerland		1,142,500									1,142,500
Syria			20,724								20,724
Taiwan		353,595	1,630,015								1,983,610
Thailand		8,856									8,856
Trinidad and Tobago		826									826
Tunisia		27,933									27,933
Turkey		3,093,570	1,880,000								4,973,570
United States	36,585,300		427,400	27,360							37,040,060
Uruguay		129,000									129,000
Venezuela		6,793,756									6,793,756
Vietnam		480									480
Yemen		81									81
<b>TOTAL</b>	<b>36,675,777</b>	<b>80,560,585</b>	<b>74,314,852</b>	<b>3,338,081</b>	<b>514,800</b>		<b>4,700,000</b>				<b>200,104,095</b>

EXPORTS OF DUAL-USE ITEMS AND TECHNOLOGIES COMPLETED (BY COUNTRY AND CATEGORY)											
2008											
Country	Categories										Amount €
	0	1	2	3	4	5	6	7	8	9	
Algeria		241,646									241,646
Arab Emirates		72									72
Argentina		749,131	613,183	846,659							2,208,973
Australia		3,336									3,336
Bolivia		43									43
Bosnia and Herzegovina		441									441
Brazil		5,102,969	813,227	842,646							6,758,842
Burkina Faso		35,640									35,640
Canada	204,181	12,281									216,462
Chile		6,406									6,406
China	9,149,285	114	3,131,902	2,119,444							14,400,745
Colombia	151	122,535									122,686
Croatia		881									881
Cuba	2,377,837	33,073									2,410,910
Dominican Rep.		11,654									11,654
Ecuador		380									380
Egypt		313,336									313,336
Ethiopia		134,190									134,190
Georgia				30,534							30,534
India			380,325								380,325
Indonesia			607,000								607,000
Iran			60,396,050		1,557,262						61,953,312
Israel		4,968			796,600						801,568
Japan		153,156									153,156
Kuwait		1,512									1,512
Lebanon		29									29
Libya	9,512	13					11,243,000				11,252,525
Mauritania		4,032									4,032
Mauritius Islands	69										69
Mexico		19,131	447,500								466,631
Morocco		1,731,175									1,731,175
Netherlands (Dutch A.)		489,118									489,118
New Zealand		3,774									3,774
Nigeria		411,840									411,840
Norway		208,145									208,145
Paraguay		40,173	540,363								580,536
Peru	83	25,976									26,059
Philippines		1,120									1,120
Russia		79		337,537							337,616
Rwanda	923										923
Saudi Arabia		158,714									158,714
Singapore		11,400									11,400
South Africa		199,566									199,566
South Korea			1,128,800								1,128,800
Switzerland		359,987									359,987
Syria			28,092								28,092
Taiwan		416,998	1,630,015								2,047,013
Thailand		7,969									7,969
Trinidad and Tobago		826									826
Tunisia		14,993	535,200								550,193
Turkey		1,138,687	940,000								2,078,687
United States	34,276,063	1,782,157	427,400	728,163							37,213,783
Uruguay		43,740									43,740
Venezuela		4,105,154									4,105,154
Vietnam		572									572
<b>TOTAL</b>	<b>46,018,104</b>	<b>18,103,132</b>	<b>71,619,057</b>	<b>4,904,983</b>	<b>2,353,862</b>		<b>11,243,000</b>				<b>154,242,138</b>

EXPORTS OF DUAL USE ITEMS AND TECHNOLOGIES COMPLETED WITH INDICATION OF THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL - 2008			
Country	End user	End use	Percentage
Algeria	Private company	Private	100
Arab Emirates	Private company	Private	100
Argentina	Private company	Private	61.67
	Public company	Public	38.33
Australia	Private company	Private	100
Bolivia	Private company	Private	100
Bosnia and Herzegovina	Private company	Private	100
Brazil	Private company	Private	96.84
	Public company	Public	3.16
Burkina Faso	Private company	Private	100
Canada	Private company	Private	100
Chile	Private company	Private	100
China	Private company	Private	84.36
	Public company	Public	15.64
Colombia	Private company	Private	100
Croatia	Private company	Private	100
Cuba	Private company	Private	99.97
	Public company	Public	0.03
Dominican Republic	Private company	Private	100
Ecuador	Public company	Public	100
Egypt	Private company	Private	100
Ethiopia	Private company	Private	100
Georgia	Private company	Private	100
India	Private company	Private	100
Indonesia	Private company	Private	100
Iran	Private company	Private	8.74
	Public company	Public	91.26
Israel	Private company	Private	0.62
	Public company	Public	99.38
Japan	Private company	Private	100
Kuwait	Private company	Private	100
Libya	Private company	Private	100
Mauritania	Private company	Private	100
Mauritius Islands	Private company	Private	100
Mexico	Private company	Private	100
Morocco	Private company	Private	99.10
	Public company	Public	0.90
Netherlands (Dutch A.)	Public company	Public	100
New Zealand	Private company	Private	100
Nigeria	Private company	Private	100
Norway	Private company	Private	100
Paraguay	Private company	Private	100
Peru	Private company	Private	100
Philippines	Private company	Private	100
Russia	Private company	Private	12.24
	Public company	Public	87.76
Rwanda	Private company	Private	100



**EXPORTS OF DUAL USE ITEMS AND TECHNOLOGIES COMPLETED WITH INDICATION OF  
THE NATURE OF THE END USER AND FINAL USE MADE OF THE MATERIAL – 2008**  
(continued)

Country	End user	End use	Percentage
Saudi Arabia	Private company	Private	100
Singapore	Private company	Private	100
South Africa	Private company	Private	100
South Korea	Private company	Private	100
Switzerland	Private company	Private	100
Syria	Private company	Private	100
Taiwan	Private company	Private	100
Thailand	Private company	Private	85.88
	Public company	Public	14.12
Trinidad and Tobago	Private company	Private	100
Tunisia	Private company	Private	100
Turkey	Private company	Private	100
United States	Private company	Private	98.23
	Public company	Public	1.77
Uruguay	Private company	Private	100
Venezuela	Private company	Private	11.75
	Public company	Public	88.25
Vietnam	Private company	Private	100

**APPLICATION OF THE CATCH-ALL CLAUSE IN THE EXPORT OF DUAL-USE ITEMS AND TECHNOLOGIES  
2008**

Country	Number	Item	Reason
Iran	5	Steel tubes, machine-tools and centrifugal pumps	Risk of being diverted to nuclear and missile proliferation

**EXPORTS OF DUAL-USE ITEMS AND TECHNOLOGIES COMPLETED EXCEEDING €10 MILLION, 2008**

Country	Description	Amount €millions	%
United States	Steam generators	34.28	22.23
Libya	Primary three-dimensional radars	11.24	7.28
<b>Total</b>		<b>45.52</b>	<b>29.51</b>

**DESCRIPTION OF THE 10 CATEGORIES OF DUAL-USE ITEMS AND TECHNOLOGIES (REGULATION EC 1334/2000 AND SUCCESSIVE AMENDMENTS)**

Category	Description 10 categories	List of items included
0	Nuclear material, facilities and equipment	Nuclear reactors, plants for the separation of isotopes of natural uranium, depleted uranium and fissile materials, gas centrifuges, mass spectrometers, graphite electrodes
1	Materials, chemicals, "microorganisms" and "toxins"	Gas masks, body armour, personal dosimeters, prepregs, tools, dies, moulds, continuous mixers, filament winding machines, fluids and lubricating materials, fluorides, sulphides, cyanides and halogenated derivatives
2	Materials processing	Bearings, crucibles, machine tools, isostatic presses, measuring instruments, robots, motion simulators and machining centres
3	Electronics	Electronic components, integrated circuits, microprocessor microcircuits, programmable gate logic arrays, microwave components, mixers and converters and electrically fired explosive detonators
4	Computers	Electronic, hybrid, digital, analogue, systolic array, neural and optical computers
5	Telecommunications and "information security"	Telecommunications transmission equipment and systems, underwater communication systems, radio equipment, optic fibre cables, telemetering and telecontrol equipment and security systems
6	Sensors and lasers	Acoustics, image intensifier tubes, optical sensors, instrumentation cameras, optics, lasers, gravity meters, gravity gradiometers and radar systems
7	Navigation and avionics	Inertial navigation accelerometers, gyros, GPS and GLONASS, hydraulic, mechanical, electro-optical and electro-mechanical flight control systems including fly-by-wire types
8	Marine	Submersible vehicles and surface vessels, hydrofoil vessels, underwater vision systems, diving and underwater swimming apparatus
9	Propulsion systems, space vehicles and related equipment	Aero and marine gas turbine engines, space launchers and space vehicles, solid and liquid rocket propulsion systems, ramjet, turbojet and turbofan engines, sounding rockets, hybrid rocket propulsion systems, launch support equipment, environmental and anechoic chambers and re-entry vehicles



## ANNEX IV. LICENCES PROCESSED AND OPERATIONS EXEMPTED

NUMBER OF EXPORT LICENSES PROCESSED 2008						
DEFENCE MATERIAL						
TYPE OF LICENSE	Approved	Pending	Expired	Denied	Abandoned	TOTAL
INDIVIDUAL	449	43	12	5	7	516
GLOBAL	4					4
GLOBAL PROJECT	9					9
TEMPORARY	186	2				188
RECTIFICATIONS	185				7	192
PRELIM. AGREEMENTS	17			1		18
INWARD PROCESSING TRAFFIC	7					7
OTHER MATERIAL						
TYPE OF LICENSE	Approved	Pending	Expired	Denied	Abandoned	TOTAL
INDIVIDUAL	315	6	7	1		329
GLOBAL	6					6
RECTIFICATIONS	19					19
DUAL-USE ITEMS AND TECHNOLOGIES						
TYPE OF LICENSE	Approved	Pending	Expired	Denied	Abandoned	TOTAL
INDIVIDUAL	414	5		8	5	432
GLOBAL						
TEMPORARY	1					1
RECTIFICATIONS	29					29
PRELIM. AGREEMENTS	1					1
GENERAL AUTHORISATIONS	2					2

PROCESSING TIME FOR DEFENCE MATERIAL, OTHER MATERIAL AND DUAL-USE ITEMS AND TECHNOLOGY LICENSES 2008			
DEFENCE MATERIAL	Preliminary report	= 0 < 30 days	59,5%
		> 30 days	40,5%
	Exempt from report	= 0 < 5 days	60,7%
		> 5 days	39,3%
OTHER MATERIAL	Preliminary report	= 0 < 30 days	75,1%
		> 30 days	24,9%
DUAL-USE ITEMS AND TECHNOLOGIES	Preliminary report	= 0 < 30 days	62,1%
		> 30 days	37,9%
	Exempt from report	= 0 < 5 days	64,3%
		> 5 days	35,7%

EVOLUTION OF EXPORTS OF DEFENCE MATERIAL, OTHER MATERIAL AND DUAL-USE ITEMS AND TECHNOLOGIES 2008				
	DEFENCE MATERIAL (Amount €)	OTHER MATERIAL (Amount €)		DUAL-USE (Amount €)
		Anti-riot	Hunting and sporting arms	
Authorised	2,526,414,585	31,046,253	402,683,275	200,104,095
Completed	934,451,425	25,641,554	29,795,310	154,242,138
Percentage	36.99%	82.59%	7.40%	77.08%

DEFENCE MATERIAL TRANSACTIONS EXEMPT FROM THE JIMDDU PRELIMINARY REPORT AND FROM END USE CONTROL DOCUMENTS  
2008

Art. RMD	Eurofighter	A400M	Tiger Eurocopter	Leopard	Iris-T Missile	Meteor Missile	MIDS	Fuel	Return to origin	Under €12,000
1									11	103
2									2	3
3			1						2	6
4					5	4			10	11
6				15					6	
8								3		9
10	30		3						5	
11	1	3								2
15			1				2		1	5
18										2
21										
22										1
<b>TOTAL</b>	<b>31</b>	<b>4</b>	<b>5</b>	<b>15</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>37</b>	<b>142</b>

## DUAL-USE ITEMS AND TECHNOLOGY TRANSACTIONS EXEMPT FROM THE JIMDDU PRELIMINARY REPORT AND FROM END USE CONTROL DOCUMENTS - 2008

Category	Exemption from the Board Report	Exemption from the Control Document
	Member countries of international non-proliferation fora	Countries listed in Annex II of Regulation (EC) 1504/2004
1	138	
2	10	
3	25	
6		
7		
<b>TOTAL</b>	<b>173</b>	



## ANNEX V. SPANISH STATISTICS AS PER THE UNITED NATIONS REGISTER OF CONVENTIONAL ARMS

Information regarding international export of conventional arms, small arms and light weapons.

### Exports

Country submitting information: Spain

National contact point: Ministry of Foreign Affairs and Cooperation

Calendar year: 2008

Conventional arms						
A	B	C	D	E	Observations	
Categories (I-VII)	End importer State(s)	Number of items	Country of origin (if not the exporter)	Intermediate location (if appropriate)	Description of the item	Comments regarding the transfer
I. Tanks		0				
II. Armoured combat vehicles	Romania Chile	20 15			VAMTAC Scorpion	
III. Large calibre artillery systems	Singapore	2			120 mm mortars	
IV. Combat aircraft		0				
V. Attack helicopters		0				
VI. Warships	Norway	1			Frigate	
VII. Missiles and a) missile launcher d b)		0				

Small arms and light weapons						
A	B	C	D	E	Observations	
Category VIII	End importer State(s)	Number of items	State of origin (if not the exporter)	Intermediate location (if appropriate)	Description of the item	Comments regarding the transfer
<b>Small arms</b>						
1. Revolvers and automatic pistols						
2. Rifles and Carbines						
3. Machine guns						
4. Assault rifles						
5. Light machine guns	Belgium Chile Czech Rep.	1 4 6				EXEMPT " IIC and EUC
6. Other						
<b>Light weapons</b>						
1. Heavy machineguns	Singapore	2				EUC
2. Portable grenade launcher with and without support	El Salvador Indonesia Kuwait Switzerland	102 389 275 2				EUC " " IIC
3. Portable anti-tank cannons						
4. Recoilless rifles						
5. Portable anti-tank missile launchers and rocket systems						
6. Mortars under 75mm calibre	Netherlands	1				EXEMPT
7. Other						

Note. – Recipients are the Armed Forces and law enforcement officials and the items are complete except for parts and ammunition.





## ANNEX VI. SPANISH STATISTICS AS PER THE OSCE DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS

---

### EXPORTS AUTHORISED IN 2008 Annual information regarding the export of small arms and light weapons

Reporting country Spain	Reporting year: 2008					
Original language: Spanish	Report date: May 2009					
Category and sub-category	End importing State	Number of items	of	State of origin (if not the importer)	Intermediate situation (if applicable)	Commentary on the transfer*
<b>A. Small arms</b>						
1. Revolvers and automatic pistols						
2. Rifles and Carbines						
3. Submachine guns						
4. Assault rifles						
5. Light machine guns	Greece	3				IIC
	Czech Rep.	6				IIC and EUC
<b>B. Light weapons</b>						
1. Heavy machineguns						
2. Portable grenade launchers with and without support	Switzerland	5				IIC
3. Portable anti-aircraft cannons						
4. Portable anti-tank cannons						
5. Recoilless cannons						
6. Launchers for portable anti-tank missile and rocket systems						
7. Launchers for portable anti-aircraft missiles						
8. Mortars under 100 mm calibre	Netherlands	1				EXEMPT

\* Control document.

Note. – Recipients are the Armed Forces and Police and Security Forces of the OSCE countries and the items are complete except for parts and ammunition.

**EXPORTS COMPLETED IN 2008**  
**Annual information regarding the export of small arms and light weapons**

Reporting country Spain	Reporting year: 2008				
Original language: Spanish	Report date: May 2009				
Category and sub-category	End importing State	Number of items	State of origin (if not the importer)	Intermediate situation (if applicable)	Commentary on the transfer*
<b>C.. Small arms</b>					
6. Revolvers and automatic pistols					
7. Rifles and Carbines					
8. Submachine guns					
9. Assault rifles					
10. Light machine guns	Belgium	1			EXEMPT
	Czech Rep.	6			IIC and EUC
<b>D. Light weapons</b>					
9. Heavy machineguns					
10. Portable grenade launchers with and without support	Switzerland	2			IIC
11. Portable anti-aircraft cannons					
12. Portable anti-tank cannons					
13. Recoilless cannons					
14. Launchers for portable anti-tank missile and rocket systems					
15. Launchers for portable anti-aircraft missiles					
16. Mortars under 100 mm calibre	Netherlands	1			EXEMPT

\* Control document.

Note. – Recipients are the Armed Forces and Police and Security Forces of the OSCE countries and the items are complete except for parts and ammunition.

## ANNEX VII. DEFENCE AND DUAL-USE MATERIAL EMBARGOES CURRENTLY IN FORCE

Countries	United Nations	European Union	OSCE
Armenia	March 2000 (v)		March 2000 (v)
Azerbaijan			February 1992 (*)
China		June 1989 (v)	
Dem. Rep. Congo (Zaire)	July 2003 August 2007 (Mod.)	April 1993 October 2007 (Mod.)	
Democratic Rep. of Korea	October 2006	November 2006 January 2008 (Mod.)	
Iran	March 2007 (v)	April 2007	
Iraq	August 1990	August 1990	
Ivory Coast	November 2004	November 2004	
Lebanon	August 2006	September 2006	
Liberia	March 1992 December 2006 (Mod.)	May 2001 February 2008 (Mod.)	
Myanmar (Burma)		July 1991 April 2006 (Mod.)	
Sierra Leone	June 1998 May 2000 (Mod.)	June 1998	
Somalia	January 1992 July 2002 (Mod.)	December 2002 June 2007 (Mod.)	
Sudan	July 2004	March 1994 May 2005 (Mod.)	
Uzbekistan		November 2005 November 2007 (Mod.)	
Zimbabwe		February 2002 February 2004 (Mod.)	

The United Nations (January 2002) and the European Union (May 2002) agreed to prohibit the export of arms and all types of related equipment to Osama Bin Laden, members of Al-Qaeda and Talibans and likewise other individuals, groups and organisations related to these.

The embargoes reflected in this table exclude prohibitions on the export of non-lethal equipment for humanitarian purposes or for certain International Organisations and United Nations personnel as well as those used for demining actions except in the case of China. In the case of the embargoes on Iraq, Lebanon, the Democratic Republic of Congo, Liberia and Sierra Leone, the prohibition of arms shipments to their governments and international peace-keeping forces is excluded. The embargo on North Korea also applies to items, equipment, materials, items and technology related to nuclear and missile programmes.

(\*) The region of Nagorno-Karabakh is subject to an OSCE embargo.

(v) Voluntary embargo.

(Mod.) Date of modification.

Countries	United Nations	European Union	Restrictive measure
Iran	July 2006 (1696) December 2006 (1737) March 2007 (1747) (v) March 2008 (1803)	February 2007	Prevent all transfer of arms and related material and dual-use items except when it is certain that these cannot be used for WMD or their delivery vehicles.
Non-governmental agents	April 2004 (1540) April 2006 (1673)		Prevent all transfer for use in WMD and their delivery vehicles
North Korea	July 2006 (1695) October 2006 (1718)	November 2006	Prevent all transfer of conventional weapons, dual-use items and luxury items

The United Nations Resolution calls on Member States to prevent the direct or indirect supply, sale or transfer through their territories or by their nationals, or using their flag vessels or aircraft, of items and their related technology, including technical or financial assistance, investments, brokering or other related services, having to do with unlawful uses and the transfer of persons related with the proliferation of WMD.

WMD: weapons of mass destruction

(v) Voluntary embargo.

## ANNEX VIII. LINKS

---

### International forum web pages

1. United Nations

<http://www.un.org>

2. European Union

<http://europa.eu>

3. Organisation for Security and Co-operation in Europe (OSCE)

<http://www.osce.org>

4. Chemical Weapons Convention (CWC)

<http://www.opcw.org>

<http://www.mityc.es/industria/anpaq>

5. Biological and Toxin Weapons Convention (BTWC)

<http://www.opbw.org>

6. *Australia Group (AG)*

<http://www.australiagroup.net>

7. International Atomic Energy Agency (IAEA)

<http://www.iaea.org>

8. Nuclear Suppliers Group (NSG)

<http://www.nsg-online.org>

9. Wassenaar Arrangement (WA)

<http://www.wassenaar.org>

10. Missile Technology Control Regime (MTCR)

<http://www.mtcr.info>

11. Zangger Committee

<http://www.zanggercommittee.org>

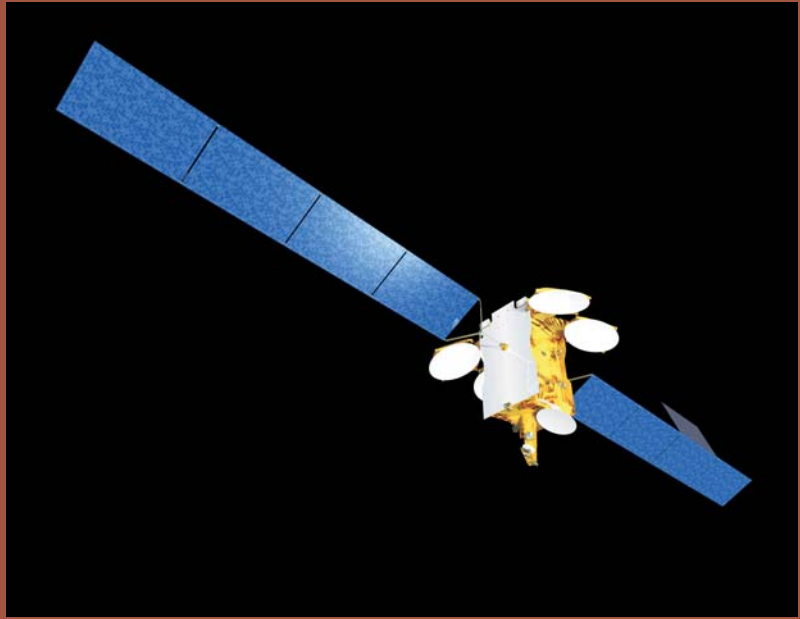
### Other links of interest

1. Stockholm International Peace Research Institute

<http://www.sipri.org>

2. Small Arms Survey

<http://www.smallarmssurvey.org>



MINISTRY OF  
INDUSTRY, TOURISM  
AND TRADE