

SOUTHEASTERN EUROPE EXPORT CONTROL SEMINAR
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GOVERNMENT OUTREACH TO INDUSTRY

Romanian Experience

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GOVERNMENT OUTREACH TO INDUSTRY - Romanian Experience

Romania Lesson Learned

A Comprehensive and Balanced Approach

In Due Time

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The value of the Presentation

- ❑ it underlines the *sui generis* features of Romanian Export Control System (a comprehensive approach)
- ❑ it underlines the linkage with the fight against terrorism
- ❑ it marks the connection between Ethics and Value (a balanced approach)
- ❑ it provides a better understanding of Romanian experience
- ❑ it explains the efforts made to keep Romania apart from *bad image* and *mistrust*
- ❑ it provides the fruits of the transparency principle implementation
- ❑ it provides the roots of *lessons learned* tactics
- ❑ it proposes a history of action (in due time)

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The Limits of the Presentation

- ❑ are the limits of the Export Control field itself
- ❑ a history shorter than those of Export Control in Romania
- ❑ one single approach
- ❑ an original model of action

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Three Basic Questions

- 1) Does *Government Outreach to Industry* is a separate block or an entire level in Export Controls Building ?
- 2) If Yes, When it should be build ?
- 3) How it should be build ? What are the relevant *lessons learned* in this respect ?

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- 1) **Does *Government Outreach to Industry* acts as a separate block in Export Controls Building ?**

INTERNATIONAL COOPERATION

GOVERNMENT OUTREACH TO INDUSTRY

ENFORCEMENT MECHANISM

INTER AGENCY COOPERATION

LICENSING PROCEDURES AND PRACTICES

NATIONAL AUTHORITY

LEGAL FOUNDATION AND REGULATORY DEVELOPMENTS

FOREIGN POLICY and POLITICAL WILL

2) If Yes, When it should be build ?

- ❑ It depends of the political and economic environment of the Export Control Building establishment and evolution
- ❑ we have no applicable histories for building Government Outreach to Industry from the very beginning of the National Export Controls Systems
- ❑ **In due time** means *inter alia* the accumulation of the following ingredients
 - ❑ Strong Political Will
 - ❑ Licensing Expertise
 - ❑ Enforcement Capabilities
- ❑ It could also mean **the necessity of adapting** an Export Control Building already in place to the dynamics of the stringent standards of the field,
 - ❑ basically after a bad experience
 - ❑ focusing the Export Control policy and mechanisms towards the end user *via* a consolidate relationship with Industry (ITT, catch all)

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What does it mean “ in due time” ?

- In Romania, *Government Outreach to Industry* was built as a separate block of Export Control Building at the end of the second stage of Romanian Export Control History

The Accumulation Stage (the Youth of Export Control)

since January 2001

- New administrative formula for ANCESIAC – under the MFA umbrella
- Technical developments for other blocks of Export Control System – enforcement, licensing expertise
- Increasing international cooperation and awareness

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What does it mean “ in due time” ?

-In Romania, *Government Outreach to Industry* was build as a separate block of CWC implementation from the very beginning (Law of ratification 125/1994 and Law of implementation 56/ 1997)

since 1994 – the Awareness Phase

- a pillar of the CWC implementation
- *specially designed* for authorities and companies

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3) How it should be build ?



- a **key-tool** for the end -users of the Export Control

- an advanced Export Control system is built on two essential prerequisites

1. **Knowledge** – a task of authorities

2. **Motivation** – a task of companies

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The Motivation within the Government – Industry Relationship

- ❑ Global > regional > national security
 - it depends of WMD transfers and developments
- ❑ International political- military (in) stability = the condition of economic prosperity (recession)
- ❑ Government willingness to include industry perspective in developing all aspects of the national export control system
- ❑ The reputation of the companies
- ❑ The violation of Export Control regime => retrieval / losing the export privileges + the partners trust
- ❑ Internalization in the corporate culture national export control goals and norms
- ❑ To improve Export Control Awareness in key industry sectors

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POLICY

REGULATION

**INTERNATIONAL
COOPERATION**

**CWC
INSPECTIONS**

**ANCESIAC =
NATIONAL AUTHORITY
EXPORT CONTROL
CWC IMPLEMENTATION**

REPREZENTATION

**CWC
DECLARATIONS**

**OUTREACH
TO
INDUSTRY**

LICENSING

ENFORCEMENT



GOVERNMENT OUTREACH TO INDUSTRY
- Romanian Experience

ANCESIAC PROGRAM 2001 - 2004

- Name Transparency Cooperation & Communication

- Motto Common mechanisms for common challenges

- Since *The first Annual Export Control Conference*
 – Bucharest, April 26 - 27, 2001

ANCESIAC PROGRAM AIMS

- ❑ to strengthen the Export Control compliance
- ❑ to disseminate national Export Control rules
- ❑ *-to know - to understand – to respect – to observe*
- ❑ to educate the Export Control teams within strategic companies
- ❑ to improve *de lege lata* procedures and practices
- ❑ to improve the effectiveness of Export Control
- ❑ to create & maintain an honest image

ANCESIAC PROGRAM RESOURCES

- Political support
- Regulation
- Expertise
- Experience
- Enforcement capabilities
- Enthusiasm
- Location
- Inter agency Council support
- ANCESIAC partners
- Other sources

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ANCESIAC PROGRAM

What we have done 2001 – mid 2003

POLICY and TRANSPARENCY

- ❑ Web sites: www.ancesiac.ro and www.export-control.ro
- ❑ Collection of 45 Export Control Policies and Practices
- ❑ IT products – specially designed for companies
 - ❑ The first Report on Romanian Arms Export Control – 2000 - 2001
 - ❑ Several Guidelines for Companies
 - ❑ Overview of Export Control Best Practices and of Major Export Control Regimes
 - ❑ Interviews and public awareness

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ANCESIAC PROGRAM

What we have done 2001 – mid 2003

COMMUNICATION *selective*

□ National/ Thematic Conferences and Seminars

- April 26- 27, 2001, Bucharest - *Export Control Regime in Romania*
- October 25 – 26, 2001, Arpechim Plant - *The CWC Implementation in Romania*
- November 2002 EXPOMIL; seminar - *Policy & Practices in Control of Sensitive Items*
- March 29, 2002 – *Recent Development in Dual Use Export Control*
- April 29, 2002, Bucharest OPCW – *5 Years of International Cooperation*
- September 25-28, 2002 - *Ten Years of Export Control System in Romania*
- February 17-18, 2003 - *Implementation of Internal Control Program*
- May 15-16, 2003 - *Recent Developments in Export Control*

□ Regional Meetings and On - Site Visits

- June 2001 - IAR Brasov; September 2001 - Aerostar Bacau

□ Permanent Consultancy - by fax, phone and e- mail

□ Public Debates

- June 2001 – *Export Control Procedures & Practices*
- September 2001 – *Arms Trade Embargoes & Restrictive Regimes*

□ Open Doors

- April 19, 2002 – *The New Standards in Pre-Licensing Procedure*
- May 31, 2002 – *Post- Delivery Phase in Export Control*

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ANCESIAC PROGRAM

What we have done 2001 – mid 2003

□ New Projects

- Adapting the Internal Control Program - US support
 - extending the Tracker System for inter-agency cooperation (basis for future e – licensing)

IN HOUSE COOPERATION

- strengthening cooperation within Inter agency Council
- **bilateral partnership** within Inter agency Council – Protocols of Cooperation and Joint Action Plans with Ministry of Interior, General Customs Directorate and MoD
- a practical coordination of export control enforcement agencies

FOREIGN COOPERATION

- **a better profile** within 4 major Export Control Regimes Romania participates thereto – NSG, ZC, AG, AW
- we built **a network of cooperation** with similar agencies by exchange of views and experience during bilateral consultation with officials from USA, UK, Germany, Poland, Hungary, France, Netherlands, Israel, Norway and Bulgaria
- **Regional Nonproliferation and Export Control Enforcement Workshop**, Bucharest, June 12-14, 2002 – representatives from 11 countries in our region

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ANCESIAC PROGRAM

What we have done 2001 – mid 2003

ENFORCEMENT *selective*

- ❑ a new approach of Enforcement and Law Observance: strengthening the preventive dimension
- ❑ a new culture of law compliance focused on knowledge and *bona fidae*
- ❑ proliferation of *best effective practices* to relevant companies
- ❑ improving the dialogue between authorities and companies
(Warning Notice concerning embargoes available on the web site)
- ❑ Programs of Awareness and Warning Programs – specially designed for the benefit of Export Control people within companies – focused on items (machine tools, baring, chemicals) and activities (CWC declarations and OPCW inspections)
- ❑ Mutual transparency and predictability for Government – Industry

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ANCESIAC PROGRAM ASSESSMENT

- ❑ Self – assessment
- ❑ Inter agency Council members assessment
- ❑ ANCESIAC partners assessment
- ❑ Companies assessment
- ❑ NGO & mass media assessment

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CONCLUSIONS

- ❑ A balance between Export Control Compliance and Economic Opportunity
- ❑ A network of cooperation National Authority ANCESIAC - Companies
- ❑ *Lessons Learned* from International Cooperation
- ❑ Proliferation of Best Effective Practices

END PRODUCT of ANCESIAC PROGRAM

Development of an advanced National Export Control System

- effective and efficient
- the highest standards of probity, integrity and conduct
- responsiveness to Government
- *bona fidae*, ethical behavior and accountability
- institutionalized Export Control inside the corporate culture