

Export controls in Denmark

The Danish Government publishes an annual report on the export of arms and dual-use goods. An English version will be prepared. Reports may be downloaded from the Ministry of Foreign Affairs website (www.um.dk). This summary covers export control regulations relating to arms as well as dual use goods. In line with UN Security Council Resolution 1540 it also covers intangible transfers, transit, trans-shipment, brokering and transport.

Arms export controls

The legal basis for export controls on arms is the Weapons Act, which bans the export of arms without permission from the Minister for Justice in each individual case. As licensing authority the Ministry of Justice submits applications for exports to the Ministry of Foreign Affairs for scrutiny and compliance with Denmark's international commitments.

Exports Policy:

Denmark follows a cautious policy based on a restrictive application of the criteria of the European Union Code of Conduct on arms exports as a minimum standard. Applications are also considered in light of other international commitments. Export licenses are not granted at all for countries subject to UN, EU or OSCE embargoes.

Items under control:

The range of equipment covered is based on a definition of weapons as follows:

- 1) weapons of all kinds, with the exception of hunting weapons,
- 2) ammunition, with the exception of ammunition for hunting weapons,
- 3) equipment for land, sea, or air warfare,
- 4) machinery, instruments (apparatus), and other means of production that are predominantly used for the production or maintenance of weapons, ammunition or equipment for warfare as well as parts and accessories for such means of production,
- 5) explosives which are covered by the ban in article 1 of the Weapons Act.

Notwithstanding the exceptions mentioned the Minister for Justice can prohibit - and has prohibited - the export of weapons and ammunition of any kind. Thus hunting weapons are also under export control.

The definitions in the Weapons Act are interpreted to include all items on the Common Military List of the European Union, which is practically identical to the Wassenaar Arrangement Munitions List.

Certain items not covered by the common list on military equipment, such as industrial guns, certain antique handguns and air guns, are subject to export control in Denmark as they are covered by the definition of weapons in the Weapons Act.

Activities controlled:

An *export* is considered to take place when the item in question is physically moved across the border. Thus *transit* and *trans-shipment* is under export control, but generally not *intangible transfers* of arms.

In the spring of 2004 the Danish Parliament passed an amendment to the Weapons Act making it illegal to *transport* arms between third countries if the destination is subject to an arms embargo or if the competent authorities in the countries concerned have not issued the required export and import licenses. The law took force on 1 October 2004.

An interagency committee under the Ministry of Justice is currently preparing legislation on *brokering* to be presented in Parliament in early 2005. This legislation will comply with the requirements in the 2003 EU Common Position on brokering.

Dual-use export controls

The legal basis for export controls on dual-use goods is the 2000 European Union Regulation on dual-use items and technology, which is the common dual-use export control instrument of all EU Member States. The Agency for Enterprise and Construction is the national licensing authority for dual-use goods.

A partially unsolved problem relates to the membership of all EU Member States in the international export control regimes. This is necessary for the EU system to function properly, and indeed for the effectiveness of the regimes themselves, as dual-use goods flow freely among Member States and export licenses issued in one Member State are valid for export from any (other) Member State.

Exports Policy: The object of the EU Regulation is to implement the commitments undertaken by EU Member States as members of the international export control regimes.

Items under control: The EU Regulation contains an Annex listing items under control. The Annex is based on the control lists of the export control regimes and is updated regularly.

Activities controlled: Activities under control include physical *exports* as well as *intangible transfers*, but not *transit*, *trans-shipment*, *brokering* or *transport*.

International cooperation

Denmark is an active member of all the international export control regimes: The Nuclear Suppliers Group, the Zangger Committee, The Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement. As an EU Member State Denmark also contributes to the growing cooperation on arms exports policy among Member States and participates in the exchange of information and denials and the corresponding consultation mechanism.

Denmark considers UN Security Council Resolution 1540 a breakthrough for export controls and submitted its report to the Council within the October 2004 deadline. As a member of the UN Security Council for 2005-2006 Denmark will take an active part in the follow-up to this resolution.