

## Recent developments of Romania Export Controls

### Part I Dual-Use goods and technologies pillar

#### A. Legislation

Since November 2003, Romania renewed the entire legislative framework in the field of dual-use items and technologies export controls. Romania fully complies with the embargoes imposed by the UN Security Council, EU Council decisions and joint actions, OSCE decisions and the provisions of multilateral export controls regimes Romania participates there to Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, Zangger Committee. Romania considers export controls as a component of the new global security architecture and a useful comprehensive tool in the fight against terrorism.

The legal framework in the field of dual-use items and technologies export controls was entirely renewed, both as primary and as implementing legislation, setting up the necessary conditions for the alignment to the *acquis communautaire*, as follows:

1. Law no.387/2003 on the dual-use items and technologies export controls regime, organic law, entered into force at November 5<sup>th</sup>, 2003, which transposes Council Regulation (EC) no. 1334/2000 and Council Joint Action 2000/401/CFSP. The novelty elements that the primary legislation contains are fully inspired by the most advanced practices and refer to the customs legislation for export/re-export/import, brokerage operations, technical assistance, "captive" military end-use, a list of international export control regimes, organisms and treaties, catch-all clause (plus mechanism of enforcement), notification for production of dual-use items and technologies in Romania, reducing bureaucracy during licensing procedure and registration procedure (a mandatory pre-licensing procedure), codification of pre-undercut policy, denial contesting procedure, modernizing sanctions regime.

It was recently adopted Law no.92/2004 for approving Romanian participation to Australia Group for export controls non-proliferation of chemical and biological weapons. It stipulates an annually Romanian contribution to AG activities up to 10,000 EURO.

2. Government Decision no.861/2004 setting up the control lists of dual-use items and technologies subject to export and import control regime which transposes Council Regulation no.149/2003 plus Wassenaar Arrangement 2003 Plenary decisions.

3. Implementing legislation for dual-use items and technologies export controls – ANCEX (ANCEX is the abbreviation of National Agency for Export Controls, policy, licensing and enforcement authority in Romania for dual-use items and technologies, conventional arms, CWC and UN Firearms Protocol implementation) President Orders no. 631/2003, no.43/2004, no.46/2004, no.69/2004.

#### B. Outreach to Industry

The preventive dimension of the enforcement focused on fostering the activities by stimulating the managers of Romanian companies to participate in activities and training programs:

1. The Conference "New regulations in the field of export controls with dual-use items and technologies", April 28<sup>th</sup>, 2004, organized with Romanian Chamber of Commerce – it was disseminated a Guideline for Diligent Manager which consists of 10 recommendations for the management of strategic companies, establishment of a National Focal Point for consultancy ([consultanta@ancex.ro](mailto:consultanta@ancex.ro)).
2. The Conference "Recent development in export controls of dual-use items and technologies", July 9<sup>th</sup>, 2004 – for training the staff (i.e. Point of contact) from Romanian companies with dual-use items and technologies activities, presentation of the new Romanian lists with dual-use items and technologies subject to the import and export control regime (covering also international transit and transshipment, ITT, technical assistance, brokering activities, and so on); guidelines for conducting operations with dual-use items; CDs with control lists and legislation procedures, distributed for free to the managers.
3. The Forth National Conference on Export Controls, September 28-29th, 2004, - the annual event for the benefit of the entire Romanian export controls community, organized in Plenary session and three different workshops.

Ancex administrates two web-sites on the Internet ([www.ancex.ro](http://www.ancex.ro) and [www.export-control.ro](http://www.export-control.ro)), permanently updated, where it informs the companies and the civil society about the national legislation procedures and national practices in export controls, including the embargoes and the restrictive measures imposed at international and regional level.

### **C. Enforcement**

During 2003 - 2004 there were carried on by ANCEX Control Unit several national campaigns: at the companies sites in order to disseminate the new law on dual-use items and technologies export controls; to ball bearing, roller bearings producers and exporters; to machine tools producers and exporters.

### **D. Interagency Cooperation**

It has been institutionalized a biannual training session for customs officers and border control police:

- The Conference "Inter-agency cooperation in export controls", March 31<sup>st</sup>, 2004 – the role of the inter-agency cooperation, essential building block of national system for strategic export controls in order to harmonize the specific control procedures, making efficient the activities and to improve the flow of transfers of products and technologies as well as avoiding the proliferation risks for weapons of mass destruction.
- The Conference "Recent developments in export controls of dual-use items and technologies", July 9<sup>th</sup>, 2004 – improvement of inter-agency cooperation for unitary interpretation and uniform implementation of the Romanian legislation concerning export controls of dual-use items and technologies.

At the same time, we may notice a robust cooperation during licensing process.

### **E. International Cooperation**

The experience gathered in the process of construction and consolidation of its own export control system enabled ANCEX to provide technical assistance in the Republic of Moldova in the field of implementation legislation of the CWC provisions, in Serbia and Montenegro, as well as in Bosnia and Herzegovina in the field of implementation legislation for export controls.

Since 2001, ANCEX has developed bilateral technical consultations with similar national authorities from Germany (BAFA), U.S.A. (Department of State and Department of Commerce), France (Institut de Radioprotection et de Surete Nucleaire) and Japan.

Romania attaches a great importance to the active and constructive participation to the external activities within WA, NSG, AG, OPCW. Romania closely cooperated with EU Member States in assessment process made in the year 2003 within WA, coordinating the task-force for documentation of export controls and, as a result of the decision of WA Plenary from December 2003, is coordinating the ad-hoc Working Group for documentation of export controls.

Romania considers exchange of information within export control regimes as an useful tool during the process of licensing the transfers of strategic goods. In this respect, ANCEX has organized "The Third Regional Meeting of National Authorities of States Parties to CWC in Eastern Europe", May 17-19, 2004, for a better understanding of the practical aspects of the scheduled chemicals.

Romanian export controls system has the internal capability to provide assistance for building similar export controls systems in other South-Eastern European countries,

## **Part II. Conventional Arms Pillar**

For Romania, accession to NATO represents a major evolution, which has a decisive influence on the foreign and domestic policy of the country. Romania as NATO member represents the guarantee of security and external stability, which is vital for ensuring the prosperous development of the country; it confirms the place of the Romanian state in the western family; it ensures the access to the process of reaching major decision on Euro-Atlantic security; it gives the opportunity to demonstrate the capacity of coping with the demands required by the member status and to contribute to promoting the objectives of the Alliance.

### **Arms export controls - Recent developments**

#### **A. Legislative framework**

1. The project of law for the approval of the Government Ordinance no. 158/1999 regarding the regime of exports and imports of strategic goods is during legislative process; the added value of this law are:

- codification of arms transfer principles;

- first national regulation for brokering activities in accordance with EU Council Common Position no. 468/2003/PESC;
- extend the validity terms of licenses up to one year;
- up-dating of sanctions regime;
- distinct regulation of technical assistance in accordance with the EU Council Common Action no. 401/2000/PESC;
- up-dating "catch-all" clause in accordance with EU Council Regulation no.1334;
- denying a license application requiring a transfer to a country under unilateral embargo imposed by NATO states, is a reflection of Romania statute as a full-pledged member of Alliance.

2. The Law nr. 9/2004 for the adherence to the UN Firearms Protocol;

In accordance with this law ANCEX was designated National Point of Contact for liaison within other states-parties to the Protocol;

3. In addition Romania is in the process of drafting a National Code of Conduct on Arms Exports that will create the necessary political umbrella for a full implementation of The EU Code of Conduct on Arms Exports in Romania.

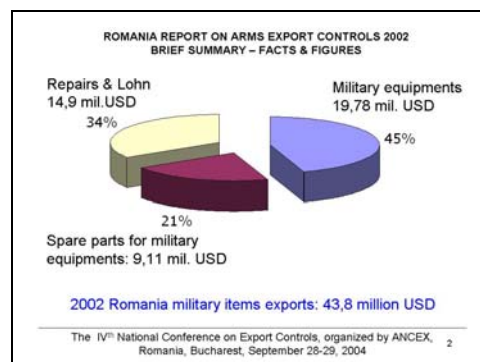
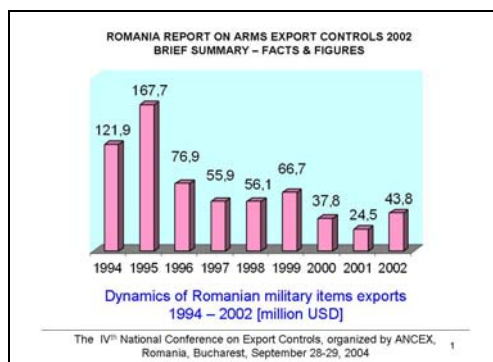
## B. Transparency

a) **Report on arms export controls 2002**, published by ANCEX in 2004, covers the main developments during 2002 of the national policy for export controls, highlighting the measures for knowledge and compliance by Romanian companies of the principles and criteria of European Union Code of Conduct on Arms Exports.

**Romania Report on Arms Export Controls 2002** consists of five chapters: the national legal and institutional framework, international cooperation in the field, the specific activities for enforcing arms export control regime during 2002, facts and figures for Romanian arms transfers and trends of future developments. A consistent part of the Report is dedicated to key-documents and statistical data, both essential for a comprehensive understanding of Romania developments. There are seven annexes, as follows: European Union Code of Conduct on Arms Exports, international embargoes on arms exports during 2002, National List of Arms, Ammunitions and Other Military Goods subject to export control regime, the main Romanian exporters and importers, breakdown by destination of Romanian military exports for 2002, the geographical distribution of Romanian exports and Excerpts from the first Report on Arms Export Controls 2000-2001.

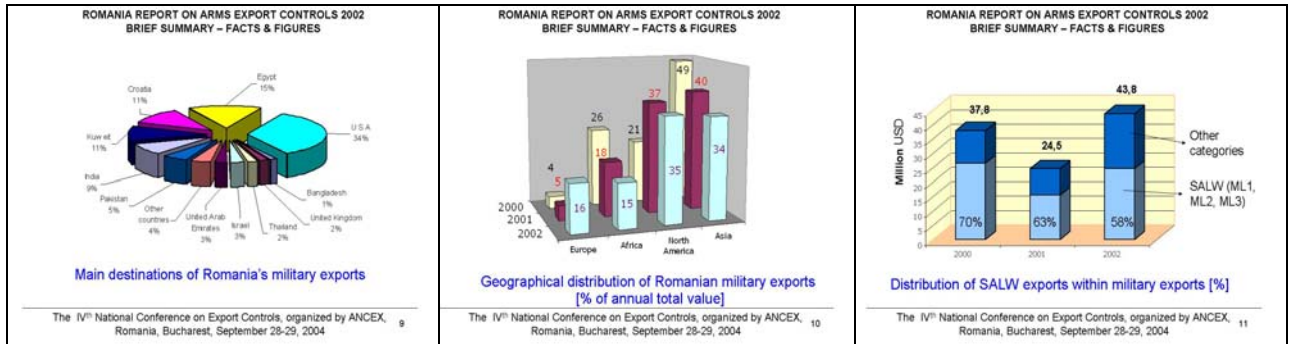
**Romania Report on Arms Export Controls 2002** is available at [www.ancex.ro](http://www.ancex.ro), full in Romanian version and a brief summary in English. The full English version is under construction.

**Romania Report on Arms Export Controls 2002** presents acts and figures regarding the value of military exports (43.8 million US dollars), military imports (77.8 million US dollars), "Top 10" of Romanian exporters, producers and importers, data regarding the value of the repairs and lohn operations with military items and also geographical distribution of Romanian exports for 2002 in comparison with 2000-2001.



The Report contains a breakdown destination by destination for Romanian military exports, USA being, by far, the main recipient.

The Report also contains facts and figures regarding Romanian SALW exports and a comparison table for 2000-2002 on distribution within annual military exports.



### C. Government Outreach to Industry

Routinely visits to exporters; seminars, public debates, open and close doors, annual national conference; dialogues with managers; distribution of guidelines products (CD and papers);

ANCEX Web-sites : [www.ancex.ro](http://www.ancex.ro), [www.export-control.ro](http://www.export-control.ro), establishment of a National Focal Point of Consultancy with e-mail [consultanta@ancex.ro](mailto:consultanta@ancex.ro);

Implementation of Internal Control Program intra-companies;

### D. International cooperation

During 2002-2004 there were conducted technical bilateral consultations with exports controls officials from USA, France, Germany, Hungary, Japan, The Netherlands, Norway, Poland and United Kingdom.

National Agency for Export Controls - ANCEX organized, with support of task-force coordinators in WA, an export control seminar in Bucharest on October 1-2, 2003: "Bucharest Seminar on Export Control: Call for Regional Cooperation".

Participants: representatives from Central and Eastern Europe states (Poland, Hungary, Bosnia and Herzegovina, Serbia and Montenegro, Republic of Moldova, FYR of Macedonia), western states (United States of America, United Kingdom, Germany, France, Japan), Wassenaar Arrangement as well as from Bucharest SECI Center.

Topics: overview of the constitutive elements of the national export control systems and debates on some actual issues as the role of the export controls in combating terrorism, implementation of catch-all clause, European standards on brokering activities, international cooperation in the field of small arms and light weapons, status of implementation of Tracker licensing system and Internal Control Program.

In 2003 Romania assumed the role of coordinator of task force of export controls documentation during the process of assessment of the Wassenaar Arrangement. As follow up of December 2003 WA Plenary Romania chairs the Ad-Hoc Working Group on Export Controls Documentation.

### E. International recognition

2004 Regular Report on Romania's Progress towards Accession (Chapter 27):

"Romania continued to align itself regularly with **EU sanctions and restrictive measures, statements, declarations and démarches** when invited to do so, including negative measures.(...) Romania has implemented the embargoes and the restrictive measures imposed by UN, EU, OSCE and others in its capacity as a state party to the Wassenaar Agreement regarding the export control for conventional arms and dual-use products.(...) Efforts have also been undertaken to promote transparency in the relationship between the government and the arms manufacturing industries and full implementation of the EU Code of Conduct for Arms Exports and the fight against unauthorised weapons transfers should be further ensured."

