## Romanian Arms Export Control System

### Legal framework

**Primary legislation**
- Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, approved with amendments by the Law no. 595/2004, subsequently amended.

**Secondary legislation**
- Government Decision no. 1040/2011 (Art. 2 – regarding the responsibilities on export controls of the Ministry of Foreign Affairs; National Agency for Export Controls – ANCEX has been incorporated into the Ministry of Foreign Affairs).
- Government Decision no. 1094/2011 setting up the List of military goods subject to control regime of exports, imports and other transfers of military goods.
- ANCEX President Order no. 59/2005 for the implementation of Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, approved with amendments by the Law no. 595/2004.
- ANCEX President Order no. 275/2002 for reporting permanent export statistics.
- ANCEX President Order no. 345/2007 for technical consultancy.

### Licencing and assessment

**National authority for export controls**
- The National Authority on export controls (National Agency for Export Controls) was established in 1992.
- Since December 2009 (Government Decision no. 1423/2009) the National Agency for Export Controls has been organised as General Directorate of the Ministry of Foreign Affairs (GD ANCEX) and subsequently as Department for Export Controls-ANCEX (Government Decision no. 1040/2011).
- Department for Export Controls-ANCEX (D-ANCEX) is coordinated by a General Director, appointed by the minister of foreign affairs.
Inter-ministry Council

All licence applications are subject of Inter-ministry Council assessment.
The Inter-Ministry Council consists of representatives, at director level, from Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economics, Ministry of Administration and Interior, National Customs Authority and intelligence services.
The Chairmanship of the Inter-Ministry Council is assured by the General Director of D-ANCEX.
The Secretariat of the Inter-Ministry Council is assured by D-ANCEX.

Registration/Authorisation

Only legal persons resident in Romania have the right to register for trading in military goods. The outcome of the registration process is the authorisation issued by D-ANCEX. The authorisation is maximum 1 year validity and it can be renewed after a new registration application is submitted by the authorized legal person.

The authorisation would in any case not replace the requirement to obtain the necessary licence for each transfer.

Licencing of transfers

Licencing of transfers is assessed on a case by case basis for exports and imports (permanent and temporary), re-export, brokering, transit, transhipment, non-commercial activities.

SALW licencing

All export licence applications of SALW (including their ammunition) are assessed by D-ANCEX and receive the assent from the Inter-Ministry Council on multi-criteria basis.

All the exports of SALW (including their ammunition) are subject to the monitoring process. It is mandatory for the exporters to notify to D-ANCEX, 5 days before the export will take place, all elements of transfers, including the serial number of SALW, transporter and the route of transportation.

In this monitoring process are involved the licensing authority, enforcement authorities and intelligence services.

Types of licences granted

Individual licence – granted to an authorized Romanian legal person, in order to carry out an operation involving one or several military goods from the same category (ML1 to ML22), to or from a single foreign partner.

Global licence – granted to an authorized Romanian legal person, in order to carry out operations involving one or several military goods, to or from several foreign partners.
Permits – granted for transit, transhipment and non-commercial activities.

Licence applications shall be answered no later than 30 days from the date the necessary documentation has been submitted. Under special circumstances, the assessment process might be extended by 15 days.

The licences are maximum 1 year validity and can be renewed after a new licence application is submitted by the legal person.

Applications for transit permit or transhipment permit shall be answered no later than 5 days from the date the documentation has been submitted. Under special circumstances, the process might be extended by 2 days.

The transit/transhipment permit is maximum 45 days validity and can be renewed after a new permit application is submitted by the legal person.

The permit applications for non-commercial activities shall be solved no later than 30 days from the date the necessary documentation has been submitted. Under special circumstances, the assessment process might be extended by 15 days.

The permits for non-commercial activities are maximum 1 year validity and can be renewed after a new permit application is submitted by the legal person.

The export licence applicant has to submit the International Import Certificate (IIC) or an End User Certificate (EUC) certified by the authority/government of the end-user’s country. The document has to be submitted in original form.

In the case of the export of military goods from Romania, the Romanian exporter should obtain a Delivery Verification Certificate (DVC) or other equivalent document issued or certified by the authority of the recipient country stating that the goods arrived at the declared destination. The DVC or the equivalent document has to be submitted to DANCEX in original form within 4 month from the date of delivery.

Brokering activities are activities of persons and entities:

a) negotiating or arranging transactions that may involve the transfer of military goods included in the lists approved by Government decision from a third country to any other third
country; or

b) who buy, sell or arrange the transfer of such items that are in their ownership from a third country to any other third country.

Any natural or legal entity resident in Romania, including public authorities, who carry out brokering activities with military goods are under the provisions of the Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, approved with amendments by Law no. 595/2004 and shall be registered/authorized by D-ANCEX.

The licence applications for brokering activities are processed and assessed in accordance with the legal provisions, and individual licences for brokering activities with military goods are granted on a case-by-case basis.

For brokering activities it is approved and issued only standard individual brokering licence.

**Enforcement**

**Sanctions/Penalties**

Violation of the provisions of the law regarding transfers of military goods, as well as those on the truthfulness of declarations, which represent crimes under the law, shall be punishable according to the provisions of the Penal Code.

Violation of the provisions of the law, unless the actions are crimes, under the Penal Code, shall constitute an offence and shall be sanctioned by a fine from 2,000 lei to 10,000 lei.

D-ANCEX – fine penalties

General Prosecutor – crime penalties

**International arms embargos/restrictive measures**

Romania has a rapid mechanism to implement the UN, EU and OSCE arms embargos, as well as restrictive measures adopted by other regional organizations.

One of the key elements of the outreach activities is the full respect of arms embargos and restrictive measures. The national authority on export controls conducts regular compliance activities in order to prevent and detect any possible violation of international and regional arms embargos.

**Outreach to Industry**

The export control legislation, rules, procedures and documents adopted in international fora are presented and
detailed in the Annual National Conference, thematic seminars, workshops and round tables.

D-ANCEX conducts a permanent and robust program of *Government Outreach to Industry*.

All the events organised by D-ANCEX are focused to support common interpretation and coherent implementation of Romanian legislation, both by government institutions and by the industry.

D-ANCEX provides, at request, free specialised consultancy to legal persons and individuals interested in carrying out export, import or other transfers of military goods.

D-ANCEX presents the Romanian export control legislation and national requirements on the occasion of Romanian military exhibitions (EXPOMIL and BSDA).

**Transparency**


D-ANCEX is publishing the annual and quarterly reports on arms export controls ([www.ancex.ro](http://www.ancex.ro)) since 2006.

D-ANCEX also makes available on the website ([www.ancex.ro](http://www.ancex.ro)) the national legislation that consist of: the legal framework, the national control list, the principles and criteria for exports, international arms embargos, rules and procedures, the authorization (the registration) of companies, licencing requirements, the export control documentation, etc.

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