



Council of the
European Union

Brussels, 6 March 2017
(OR. en)

6857/17
ADD 5

CFSP/PESC 204
COARM 83

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

No. prev. doc.: 5696/17 ADD 5 CFSP/PESC 151 COARM 69

Subject: Eighteenth Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment

Delegations will find attached Table C.

TABLE C

**MEMBER STATES' IMPLEMENTING LEGISLATION OR ADMINISTRATIVE RULES FOR COMMON POSITIONS 2003/468/CFSP
AND 2008/944/CFSP**

Member State	Council Common Position 2003/468/CFSP on the control of arms brokering		Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment	
	National legislation reference no.	Information concerning state of play		National legislation or administrative rules reference no.
Austria	Foreign Trade Act (AußWG, Federal Gazette I No. 50/2005 as last amended by Federal Gazette I no. 112/2011) and War Material Act (KMG, Federal Gazette I no. 540/1977 in its current version)	Implementation completed	Foreign Trade Act (AußWG, Federal Gazette I No. 50/2005 as last amended by Federal Gazette I no. 112/2011) and War Material Act (KMG, Federal Gazette I no. 540/1977 in its current version)	Implementation completed.

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Belgium	Law of 25 March 2003, article 15, (published in Moniteur belge of 7.7.2003, modifying law of 5.8.1991	Partial implementation.	<u>Flemish Region</u> : Flemish Parliament Act on the import, export, transit and transfer of defence-related products, and other materials for military use, law enforcement materials, civilian firearms, components and munitions – 15/06/2012 <u>Walloon Region</u> : Decree regarding the import, export, transit and transfer of civil weapons and	<u>Flemish Region</u> : Implementation completed <u>Walloon Region</u> : Implementation completed <u>Brussels Capital Region</u> : implementation completed <u>Federal government</u> : implementation completed

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	<i>National legislation reference no.</i>	<i>Information concerning state of play</i>	<i>National legislation or administrative rules reference no.</i>	<i>Information concerning state of play</i>
			defence material – 21/06/2012 <u>Brussels Capital Region:</u> Ordinance regarding the import, export, transit and transfer of defence material, military material, law enforcement material, civil weapons, and parts, components and ammunitions - 20/06/2013 <u>Federal government:</u> Law of 26 March 2003 (published in Moniteur belge of 7.7.2003),	

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			modifying law of 5.8.1991	

Bulgaria	<p>Latest amendments: Export control of defence-related products and dual use items and technologies Act, entered into force 30.06.2012</p> <p>Regulation for the implementation of the Export Control Act (adopted by Decree 205/15.07.2012)</p>	Implementation completed.	Ministerial Decree - November 2009	Implementation completed.
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Croatia	Act on the trade control of military goods and non-military lethal goods (OG 80/13, in force since 6 July 2013)	Implementation completed.	Act on the trade control of military goods and non-military lethal goods (OG 80/13, in force since 6 July 2013)	Implementation completed.
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<p>Cyprus</p>	<p>Cyprus issued the ‘Export, brokering and the provision of technical assistance (military equipment) Regulations of 2011 in December 2011.</p> <p>These Regulations set the legal framework for the implementation of Common Position 2008/944/CFSP, Common Position 2003/468/CFSP and Joint Action 2000/401CFSP.</p>	<p>Implementation completed;</p>	<p>Cyprus issued the “Export, brokering and the provision of technical assistance (military equipment) Regulations of 2011 in December 2011.</p> <p>These Regulations set the legal framework for the implementation of Common Position 2008/944/CFSP, Common Position 2003/468/CFSP and Joint Action 2000/401CFSP.</p>	<p>Implementation completed</p>
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Czech Republic	Act No. 38/1994 Coll. on foreign trade in military material, as amended by Act No. 357/2004 Coll. and by Act No. 220/2009 Coll. refer to brokering activities	Implementation completed.	Act No. 38/1994 Coll. on foreign trade in military material amended by Act No. 220/2009 Coll. and Act No. 248/2011 Coll. reflects certain provisions of the Common Position. Further amendments to this law are pending approval	Updated national ML listing 22 items in conformity with the EU ML is included in Decree 210/2012 Coll. as amended by Decree 308/2016 Coll. of 16 September 2016.
Denmark	Act No. 555 of 24 June 2005 on brokering	Implementation completed.		Implementation completed (In Denmark national law will not have to be changed after the adoption of the Common Position. The criteria of the Common Position are taken into account as a minimum standard in the assessment of licence applications).

Estonia	Legislation on brokering was adopted in 2004. Current Strategic Goods Act (ref no RT I, 22.12.2011, 2) entered into force in 01.01.2012	Implementation completed.	Current Strategic Goods Act (ref no RT I, 22.12.2011, 2) entered into force in 01.01.2012	Implementation completed.
Finland	Act on the Export of Defence Materiel (282/2012)	Fully implements the Common Position on Brokering.	Act on the Export of Defence Materiel (282/2012)	Implementation completed.

<p>France</p>	<p>Code de la Défense (Art. L2331-1 to L2331-2)</p>	<p>Law Amendment to fully implement Common Position in preparation.</p>	<p>The existing legal requirements in connection with the political principles adopted by the government make it possible to immediately apply the regulations laid down in the Common Position within the Commission established by Decree n°55-965</p>	<p>General directives approved by political authorities and specific directives in the event of specific situations, such as embargoes, conflict areas, or human rights situation.</p> <p>France bases its export decisions on the criteria defined in the framework of international treaties, conventions, instruments or fora to which it subscribes (such as Common Position 2008/944/CFSP, criteria laid down by the United Nations, the OSCE, the European Council)</p>
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<p>Germany</p>	<p>War Weapons Control Act (KrWaffKontrG), in the version promulgated on 22 November 1990, Federal Law Gazette 1990 I, p. 2506, last amended by Article 4 of the Act of 27 July 2011, Federal Law Gazette 2011 I p. 1595; Foreign Trade and Payments Act (AWG), last revised in 2013, Federal Law Gazette 2013 I p. 1482; and Foreign Trade and Payments Regulation (AWV), Federal Law Gazette 2013 I p. 2865, last revised in 2016 (BAnz. 2016 AT 23.12.2016 V1)</p>	<p>Implementation completed.</p>	<p>The existing legal requirements (Foreign Trade and Payments Act -AWG, last revised in 2013, Federal Law Gazette 2013 I p. 1482; and Foreign Trade and Payments Regulation -AWV, Federal Law Gazette 2013 I p. 2865, last revised in 2016 (BAnz. 2016 AT 23.12.2016 V1) in connection with the "Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment" of January 2000 make it possible to immediately apply the regulations laid down in the Common Position.</p>	<p>Implementation completed.</p>
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Greece	Law 4028/2011 of November 11, 2011 (Government Gazette 242), which incorporated the Common Position 2003/468/CFSP	Implementation completed.	Law 4028/2011 of November 11, 2011 (Government Gazette 242), modifying Law 2168/93 of September 3, 1993 (Government Gazette 147)	Implementation completed.
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<p>Hungary</p>	<p>The provisions on the control of brokering activities have been in force in Hungary since 2004.</p> <p>Currently the control of arms brokering is regulated by Government Decree 160/2011 (VIII.18.) on licensing the export, import, transfer and transit of military equipment, related services and the certification of business entities is (in effect since January 1, 2012).</p>	<p>Implementation completed.</p>	<p>The Council Common Position 2008/944/CFSP is the Second Annex to the Government Decree 160/2011 (VIII.18.), which is regulating the licensing of export, import, transfer and transit of military equipment, related services and the certification of business entities.</p>	<p>Implementation completed.</p>
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<p>Ireland</p>	<p>Control of Exports Act 2008 (No. 1 of 2008) Control of Exports (Brokering Activities) Order 2011 (No. 86 of 2011)</p>	<p>Implementation completed.</p>	<p>SI No 216 of 2012, the Control of Exports (Goods and Technology) Order 2012 and SI No 473 of 2016, European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2016 give effect to the Common Military List in the code. The criteria of the Common Position are taken into account as a minimum standard when assessing all licence applications.</p>
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Italy	DL n. 105 dated 22.6.2012	Implementation completed.	DL n. 105 dated 22.6.2012	Implementation completed.
Latvia	Law on the Circulation of Strategic Goods, in force since 19 July 2007 (last amended on 27 April 2016)	Implementation completed.	Law on the Circulation of Strategic Goods, in force since 19 July 2007 (last amended on 27 April 2016)	Implementation completed.

Lithuania	<p>Law on the Control of Strategic Goods which came into effect on 1 August 2004, lastly amended on 14 December 2014 (amendments came into force from 24 December 2014).</p> <p>Law on the Control of Arms and Ammunition of 15 January, 2002, lastly amended on 25 September 2014.</p>	Implementation completed.	<p>Law on the Control of Strategic Goods which came into effect on 1 August 2004, lastly amended on 14 December 2014 (amendments came into force from 24 December 2014).</p> <p>Law on the Control of Arms and Ammunition of 15 January, 2002, lastly amended on 25 September 2014.</p>	Implementation completed.
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Luxembourg		New draft law, including Common Position, recently introduced to Parliament. Currently in legislative process.		New draft law, including Common Position, recently introduced to Parliament. Currently in legislative process.
Malta	Subsidiary legislation 365.13 Military equipment export control regulations	Implementation completed.	Legal Notice 168/2006.	Implementation completed.

Netherlands	Strategic Services Act (as of January 2012)	Implementation completed.	The Netherlands national law has not been changed after the adoption of the Common Position. The legal basis for the application of the regulations laid down in the Common Position consists of several existing Acts, Decrees, Decisions and Regulations.	Implementation completed.
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Poland*	Law of 29/11/2000 on foreign trade in goods, technologies and services of strategic importance to the security of the state and to maintaining international peace and security (uniform text - Journal of Laws of 2013.194) *	Implementation completed.	Law of 29/11/2000 on foreign trade in goods, technologies and services of strategic importance to the security of the state and to maintaining international peace and security (uniform text - Journal of Laws of 2013.194)	Implementation completed.
Portugal	Law no. 49/2009 of 5 August 2009	Implementation completed.	Law no. 37/2011 of 22 June 2011	Implementation completed.
Romania	Government Ordinance 158/1999 republished with additions and amendments, of 18 April 2013	Implementation completed.	Government Ordinance 158/1999 republished with additions and amendments, of 18 April 2013	Implementation completed.

* Poland first adopted legislation covering brokering activities in the Act of 11 December 1997 on administrating of foreign trade in goods and services and transfers of special goods (Journal of Laws 1997, No. 157, item 1026).

Slovakia	Act no. 392/2011 on trading in defence-related products (in force since 1 December 2011)	Implemented by act no. 392/2011	Act no. 392/2011 on trading in defence-related products (in force since 1 December 2011)	Implemented by act no. 392/2011
Slovenia	Decree on production consents and trade permits for military weapons and equipment and on preliminary permits for import, export, transit and transfer of defence products (The Official Gazette of Republic of Slovenia, no. 59/11, 88/11, 74/12, 46/13 and 29/14). Brokers are bound to obtain trading permit.	Implementation completed.	Article 77 of the Defence Act (Official Gazette 103/04) specifies that an export license may be refused on the basis of Slovenia's international commitments and obligations.	Implementation completed.

Spain	<p>Royal Decree 679/2014 of 01/08/2014.</p> <p>Law 53/2007 of 28/12/2007</p> <p>Directive 2009/43/EC of 6 May 2009</p>	Implementation completed.	Law 53/2007 of 28/12/2007	Implementation completed.
Sweden	<p>Military equipment act 1992:1300 (5§) and Military Equipment Ordinance 1992:1303 (7§)</p>	Implementation completed.	<p>Military Equipment Act 1992:1300 (1§, 6§) and Military Equipment Ordinance 1992:1303 (annex)</p> <p>- the Ordinance with Instructions for the Inspectorate of Strategic Products, No 2010:1101 (1a§)</p>	Implementation completed.

<p>United Kingdom</p>	<p>Controls on arms brokering are set out in the Export Control Order 2008, as amended. All brokering licence applications are assessed against the Consolidated EU and National Arms Export Licensing Criteria (known as the “Consolidated Criteria”).</p>	<p>Implementation completed.</p>	<p>Controls on arms exports are set out in the Export Control Order 2008, as amended. All export licence applications are assessed against the Consolidated EU and National Arms Export Licensing Criteria (known as the “Consolidated Criteria”).</p>	<p>Implementation completed.</p>
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