



Council of the
European Union

Brussels, 9 February 2015
(OR. en)

6070/15
ADD 8

PESC 157
COARM 31

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

No. prev. doc.: 5593/15 ADD 8

Subject: Sixteenth 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 tables C and E.

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.	Information concerning state of play
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
Belgium	Law of 25 March 2003, article 15, (published in Moniteur belge of 7.7.2003, modifying law of 5.8.1991	partial implementation	<p><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</p> <p><u>Walloon Region:</u> Decree regarding the import, export, transit and transfer of civil weapons and defence material – 21/06/2012</p>	<p>Flemish Region: Implementation completed</p> <p>Walloon Region: Implementation completed</p> <p>Brussels Capital Region: implementation completed</p> <p>Federal government: implementation completed</p>

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Bulgaria	Latest amendments: Export control of defence-related products and dual use items and technologies Act, entered into force 30.06.2012 Regulation for the implementation of the Export Control Act (adopted by Decree 205/15.07.2012)	Implementation completed	Brussels Capital Region: 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 Federal government: Law of 26 March 2003 (published in Moniteur belge of 7.7.2003), modifying law of 5.8.1991	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
Cyprus	Cyprus issued the "Export, brokering and the provision of technical assistance (military equipment) Regulations of 2011 in December 2011. These Regulations set the legal framework for the implementation of Common Position 2003/468/CFSP and Joint Action 2000/401CFSP.	Implementation completed	Cyprus issued the "Export, brokering and the provision of technical assistance (military equipment) Regulations of 2011 in December 2011. 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.	Implementation completed

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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 85/2014 Coll. of 17 May 2014.
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

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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
France	Decree n° 95-589 (6 th May 1995) as modified by Decree 2002-23	Law Amendment to fully implement Common Position in preparation	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.	General directives approved by political authorities and specific directives in the event of specific situations, such as embargoes, conflict areas, or human rights situation. 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)

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Germany	<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); and Foreign Trade and Payments Regulation (AWV), last revised in 2013, Federal Law Gazette 2013 I p. 2865)</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), last revised in 2013, Federal Law Gazette 2013 I p. 2865) 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>

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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
Hungary	The provisions on the control of brokering activities have been in force in Hungary since 2004. 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).	Implementation completed	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.	Implementation completed.

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Ireland	Control of Exports Act 2008 (No. 1 of 2008) Control of Exports (Brokering Activities) Order 2011 (No. 86 of 2011)	Implementation completed		SI No 216 of 2012, the Control of Exports (Goods and Technology) Order 2012 and SI No 309 of 2012 European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2014 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.
Italy		New draft law for all the sector is in preparation and will include also the Common Position		New draft law for all the sector is in preparation and will include also the Common Position

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Latvia	Law on the Circulation of Strategic Goods (in force since 19 July 2007)	Implementation completed	Law on the Circulation of Strategic Goods (in force since 19 July 2007)	Implementation completed
Lithuania	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). Law on the Control of Arms and Ammunition of 15 January, 2002, lastly amended on 25 September 2014.	Implementation completed	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). Law on the Control of Arms and Ammunition of 15 January, 2002, lastly amended on 25 September 2014.	Implementation completed
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.

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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 2004, No 229, item 2315) *	Framework provisions of the amendment of the Law of 29/11/2000 that covers trade in arms and in dual-use goods has been accepted by the Council of Ministers of Poland. The amendment is planned to be completed (adopted by the Parliament and then signed by the President) by the end of 2011. The aim of the amendment is that the Law duly reflects and complies with the provisions of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items

* 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).

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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
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

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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.	Amendments to the legislation concerning Defence exports and inclusion of provisions on Intra-Community Transfers, in line with the Directive on Intra-Community Transfers, are in preparation.
Spain	Royal Decree 679/2014 of 01/08/2014 has replaced Royal Decree 2061/2008 of 12/12/2008 modified by Royal Decree 844/11 of 17/06/2011. Law 53/2007 of 28/12/2007 Directive 2009/43/EC of 6 May 2009	Implementation completed	Law 53/2007 of 28/12/2007	Implementation completed

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Sweden	Military equipment act 1992:1300 (5§) and Military Equipment Ordinance 1992:1303 (7§)	Implementation completed	Military Equipment Act 1992:1300 (6§) and Military Equipment Ordinance 1992:1303 (annex) - the Ordinance with instructions for the licensing authority, No 2010:1101 - Budget letter for the licensing authority, No. UF2011/71169/UD/PLAN UF2011/74338/UD/NIS	Implementation completed
United Kingdom	Trade in controlled goods order effective 1 May 2004	Implementation completed	All export licence applications are required by statute to be assessed against the Consolidated EU and National Arms Export Licensing Criteria which reflects the Common Position.	The Common Position is implemented in full through the UK's Consolidated EU and National Arms Export Licensing Criteria, an updated version of which was announced to the UK Parliament on 25 March 2014.

TABLE E

Internet addresses of Member States' national websites providing national reports on arms exports

Austria:	http://www.bmeia.gv.at
Belgium:	http://www.vlaanderen.be/csg ; http://gouvernement.wallonie.be/publications/250
Bulgaria:	http://www.mi.government.bg/themes-c208.html http://exportcontrol.bg/Modulbg.php?id=2263
Croatia:	http://www.mingo.hr
Czech Republic:	www.mzv.cz/kontrolaexportu http://www.mpo.cz/en/foreign-trade/licensing-administration/default.html
Denmark:	« Udførsel af våben og produkter med dobbelt anvendelse fra Danmark » http://um.dk/da/udenrigspolitik/sikkerhedspolitik/nedrustning-og-ikke-spredning/udfoerselsrapporter/
Estonia:	http://vm.ee/en/annual-reports-strategic-goods-commission
Finland:	http://www.defmin.fi/index.phtml?s=148
France:	http://www.defense.gouv.fr/actualites/articles/publication-du-rapport-au-parlement-sur-les-exportations-d-armement-2013 http://www.ladocumentationfrancaise.fr/rapports-publics/134000461-rapport-au-parlement-2013-sur-les-exportations-d-armement-de-la-france
Germany:	http://www.diplomatie.gouv.fr/fr/actions-france_830/desarmement-maitrise-armements-control-exportations_4852/control-exportations-instrument-prevention_4867/index.html http://www.bmwi.de/EN/Service/publications,did=689342.html and: http://www.bafa.de/bafa/en/export_control/index.html (general information on the German export control system).

- Hungary: http://mkeh.gov.hu/haditechnika/haditechnika_kulkereskedelem/6a_Jelentesek
- Ireland: <http://www.djei.ie/trade/marketaccess/exports/index.htm>
- Italy: <http://www.camera.it>
- Netherlands: <http://www.rijksoverheid.nl/onderwerpen/exportcontrole-strategische-goederen> (Dutch)
<http://www.government.nl/issues/export-controls-of-strategic-goods> (English)
- Poland: <http://dke.mg.gov.pl>
- Portugal: <http://www.portugal.gov.pt/pt/os-ministerios/ministerio-da-defesa-nacional/quero-saber-mais/sobre-o-ministerio/20120227-anuarios-estatisticos/20120227-anuarios-estatisticos.aspx> (site in Portuguese language)
- Romania: www.ancex.ro, www.export-control.ro
- Slovakia: www.economy.gov.sk
- Slovenia: <http://www.mors.si/index.php?id=5&L=1> in
- Spain: (Versión en español)
<http://www.comercio.es/comercio/bienvenido/Comercio+Exterior/Informacion+sectorial/Material+de+Defensa+y+de+Doble+Uso/pagPublicaciones.htm>
(English version)
http://www.comercio.es/comercio/bienvenido/Comercio+Exterior/Informacion+sectorial/Material+de+Defensa+y+de+Doble+Uso/pagPublicaciones_en_.htm
- Sweden: <http://www.government.se/content/1/c6/24/35/15/62fe2fbb.pdf>
- United Kingdom: <https://www.gov.uk/government/publications/strategic-export-controls-annual-report-2013>
<https://www.exportcontroldb.bis.gov.uk/eng/fox>