



GOVERNMENT OF ROMANIA

INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE ARMS
TRADE TREATY, IN ACCORDANCE WITH ITS ARTICLE 13(1)

DATE OF REPORT: 23 DECEMBER 2015

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This Initial Report may be made publicly available	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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This Report contains only updates to a previously submitted initial report dated (If you tick this box, please highlight or track the changes made to each section OR provide a brief summary of your updates in Annex A)	<input checked="" type="checkbox"/>
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1. NATIONAL CONTROL SYSTEM AND LIST

1.1 GENERAL OVERVIEW

A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(Please list below. If the national control system is governed in whole or part by other means than
legislation or ordinances, please indicate these also)

Primary legislation:

- [Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished in the Romanian Official Journal, Part I, no. 749, from 2 August 2021;](#)
- ~~Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished in the Romanian Official Journal, Part I, no. 610, from the 26th of September, 2013;~~
- Law no. 295/2004 regarding the regime of weapons, essential components and ammunition, as republished and subsequently amended and supplemented;
- Government's Emergency Ordinance no. 202/2008 for the application of international sanctions, published in the Official Journal of Romania, Part I, no. 825 from 8 December 2008, subsequently amended and supplemented;
- Law no. 217/2009 for the approval of Government's Emergency Ordinance no. 202/2008 for the applications of international sanctions, published in the Official Journal of Romania, Part I, no. 396 from 11 June 2009;
- Law no. 286/2009 regarding the Criminal Code, as subsequently amended and supplemented;
- Law no. 32/2014 on the ratification of the Arms Trade Treaty, published in the Official Journal of Romania, no. 252 from 8 April 2014;

Secondary legislation:

- [Government's Decision no. 16/2017 on the organization and functioning of the Ministry of Foreign Affairs, as republished and subsequently amended and supplemented \(Art. 2 point 50- regarding the responsibilities on export controls of the Ministry of Foreign Affairs of Romania\);](#)
- ~~Government's Decision no. 8/2013 on the organization and functioning of the Ministry of Foreign Affairs, published in the Romanian Official Journal, Part I, no. 34 from the 15th of January, 2013 (Art. 2 point 19 regarding the responsibilities on export controls of the Ministry of Foreign Affairs of Romania);~~
- [Order no. 3191/2021 of the Minister of Foreign Affairs for the implementation of Government's Emergency Ordinance No. 158/1999 on the control regime of exports, imports and other transfers of military goods, republished \(published in the Official Journal of Romania, Part I, No. 1074 from 10 November 2021\);](#)
- ~~Order no. 849/2013 of the Minister of Foreign Affairs for the implementation of Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, published in the Romanian Official Journal, Part I, no. 409 from the 8th of July, 2013;~~

- Government's Decision no. 1045/2021 setting up the List of military goods subject to control regime of exports, imports and other operations with military goods (published in Romanian Official Journal, Part I, no. 960 from 7 October 2021);
- ~~Order no. 493/2015 of the Minister of Foreign Affairs approving the List of military goods subject to the control regime of exports, imports and other transfers of military goods, published in the Romanian Official Journal, Part I, no. 174, from the 13th of March, 2015;~~
- Order no. 848/2013 of the Minister of Foreign Affairs approving the export controls documentation forms, published in the Romanian Official Journal, Part I, no. 638 from 16 October 2013;
- Order no. 2096/2014 of the Minister of Foreign Affairs on the reporting of foreign trade operations subject to the Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, published in the Romanian Official Journal, Part I, no. 821 from 11 November 2014;
- Order no. 922/2014 of the Minister of Foreign Affairs for the organization and functioning of the Inter-agency Council within the national control system of exports, imports and other transfers of military goods, published in the Romanian Official Journal no. 313 from 29 April 2014;

General Licences:

- General Licence no. LGIED-RO-02 (in force since 9 July 2021) for temporary import and temporary transfer (from EU countries) into Romania of military goods for the purposes of exhibition, demonstration or evaluation, approved by Minister of Foreign Affairs' Order No. 1364 of 20 May 2021 (published in the Official Journal of Romania, Part 1, No. 593 of 14 June 2021);
- ~~General License No. LGIN-RO-02 dated 7 April 2014 for the temporary transfer into Romania of military goods for the purposes of demonstration, evaluation or exhibition, approved by Order of the Minister of Foreign Affairs no. 821/ 2014, published in the Official Journal of Romania, Part I, no. 245 of 7 April 2014;~~
- ~~General License No. LGIM-RO-01 dated 7 April 2014 for the temporary import into Romania of military goods for the purposes of demonstration, evaluation or exhibition, approved by Order of the Minister of Foreign Affairs no. 822/ 2014, published in the Official Journal of Romania, Part I, no. 245 of 7 April 2014;~~
- General Licence no. LGTED-RO-02 (in force since 26 July 2021) for the temporary transfer from Romania (to EU countries) of military goods for the purposes of exhibition, demonstration or evaluation approved by the Minister of Foreign Affairs' Order No. 1365 of 20 May 2021 (published in the Official Journal of Romania, Part 1, No. 585 of 10 June 2021);
- ~~General License No. LGTR-RO-3 dated 8 April 2014 for the temporary transfer from Romania of military goods for the purposes of demonstration, evaluation or exhibition, approved by Order of the Minister Of Foreign Affairs no. 823/ 2014, published in the Official Journal of Romania, Part I, no. 251 of 8 April 2014.~~
- General Licence no. LGIRE-RO-02 (in force since 22 October 2021) for temporary import and transfer of military goods into Romania for maintenance and repairs, approved by the Minister of Foreign Affairs' Order No. 2174 of 16 August 2021 (published in the Official Journal of Romania, Part I, No. 910 of 22 September 2021);
- General license no. LGERE-RO-02 (in force since 22 October 2021) for the temporary transfer from Romania and export of military goods for maintenance and repairs, approved by the Minister of Foreign Affairs' Order No. 2175 of 16 August 2021 (published in the Official Journal of Romania, Part I, No. 910 of 22 September 2021);
- General License no. LGIFA-RO-01 (in force since 6 January 2016) for the permanent import and transfer of military goods into Romania for armed forces end-users, approved by Order of the Minister of Foreign Affairs No. 2544 dated 21 December 2015 (published in the Official Journal of Romania, Part 1, No. 7 of 6 January 2016);
- General License no. LGEFA-RO-01 (in force since 11 January 2017) for the permanent transfer and export from Romania of military goods to armed forces end-users, approved by Order of the Minister of Foreign Affairs No. 2352 dated 27 December 2016 (published in the Official Journal of Romania, Part I, no. 31 of 11 January 2017);
- General License no. LGTDC-RO-01 (in force since 15 May 2017) for permanent transfer of military goods from Romania to certified recipients, approved by Order of the Minister of Foreign Affairs No. 600 dated 21 April 2017 (published in the Official Journal of Romania, Part I, no. 356 of 15 May 2017).

B. The national control system includes the following:		Yes	No
i)	a national control list [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	competent national authorities [Article 5(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	one or more national points of contact to exchange information on ATT implementation [Article 5(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'Yes' to any of the items above, please consider providing further information. If 'No' to any of the items above, please explain in more detail.

The list comprising the military goods subject to the control regime for exports, imports and other operations is approved by Government's Decision, which is published in the Official Journal of Romania, Part I and it is yearly updated. It can be accessed at the following webpage: <http://www.ancex.ro/?pag=87>. The national control list of military goods is based on the on EU Common Military List that is primarily based on the Wassenaar Arrangement Munition List.

The list comprising firearms and ammunition for civilian use is included in the Annex of Law no. 295/2004 regarding the regime of weapons, essential components and ammunition, as republished and subsequently amended and supplemented.

According to Law no. 32/2014 on the ratification of the Arms Trade Treaty, the Ministry of Foreign Affairs, through the Department for Export Controls, is responsible for the ATT implementation. Accordingly, it has been designated as the national point of contact.

C. Additional voluntary information about the national control system

(Please elaborate below - for instance regarding inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system or parts thereof)

- Within the control system for exports, imports and other operations with military goods, an Inter-agency Council is established, comprising of representatives of the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economy, Ministry of Internal Affairs, Romanian Intelligence Service, Foreign Intelligence Service and National Customs Authority. The Inter-agency Council analyses and gives its assent for exports, imports and brokering license applications for military goods.
- These National Authorities conduct a permanent and robust program of Government Outreach to Industry. For instance, the export control legislation, rules and procedures, as well as documents adopted in international fora are presented and discussed in thematic seminars, workshops and round tables. All these events organized are focused to support common interpretation and coherent implementation of Romanian legislation, both by the government institutions and by the industry.
- ANCEX provides, at request, free of charge, specialized consultancy to legal persons and individuals interested in carrying out export, import or other transfers of military goods.
- ANCEX presents the Romanian export control legislation and national policies with the occasion of the annual Romanian military exhibitions.

1.2 NATIONAL CONTROL LIST

D. The national control list covers the following arms:		Yes	No
i)	Battle tanks [Article 2(1)(a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Armored combat vehicles [Article 2(1)(b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Large-caliber artillery systems [Article 2(1)(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Combat aircraft [Article 2(1)(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Attack helicopters [Article 2(1)(e)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	Warships [Article 2(1)(f)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii)	Missiles and missile launchers [Article 2(1)(g)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	Small arms and light weapons [Article 2(1)(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The national control list also includes the following items, in order to enable the application of Articles 3 and 4:		Yes	No
ix)	Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'Yes' to any of the items above, please consider providing further information. If 'No' to any of the items above, please explain in more detail below

The National Control List of military goods is based on the on the EU Common Military List that is primarily based on the Wassenaar Arrangement Munition List.

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E. Does your State maintain a national control list for the following types of transfers? [Articles 2(2) & 5(2)]:		Yes	No
i)	Export	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Import	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Transit or trans-shipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Brokering	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Does the same control list apply to all these types of transfers (or do you maintain different lists for different types of transfers)? (If 'No', please explain)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
G. Arms for recreational, cultural, historical and sporting purposes are included in the national control list [Article 2(1)(h) & Preamble, 13th para]		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If 'No', please provide further information below, for instance whether a separate set of controls are applied to these types of arms			
Arms for recreational, cultural, historical and sporting purposes are included in the Annex of Law no. 295/2004 regarding the regime of weapons, essential components and ammunition, as republished and subsequently amended and supplemented.			
H. Additional categories not listed under Section A1.D are included in the national control list [Article 5(3)] (If 'Yes', please specify below what the additional categories are)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The National Control List of military goods has 22 categories and is based on the EU Common Military List that is primarily based on the Wassenaar Arrangement Munition List.			
I. Are items on the national control list defined? [Article 5(3)] (If 'Yes', which definition(s) or descriptions do you use:		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
i)	United Nations Register of Conventional Arms [Article 5(3)]	<input type="checkbox"/>	<input type="checkbox"/>
ii)	National definitions	<input type="checkbox"/>	<input type="checkbox"/>
iii)	Other (please specify, e.g. Wassenaar Arrangement, EU Common Military List, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The National Control List of military goods is based on the EU Common Military List that is primarily based on the Wassenaar Arrangement Munition List.			
J. The national control list is publicly available [Article 5(4)] (If 'Yes', please provide information below as to how your control list is made publicly available - if available on the open internet please provide the hyperlink. If 'No', please explain)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The National Control List of military goods is published in Romanian Official Journal and is publicly available on the export control authority's website and it can be accessed at the following webpage: http://www.ancex.ro/?pag=87 .			
1.3 NATIONAL POINT(S) OF CONTACT			
K. The contact details of the national point(s) of contact are as follows [Article 5(6)]:			
Name:	Eugen Mihuț	Mr. <input checked="" type="checkbox"/>	Ms. <input type="checkbox"/>
Position/Job:	Director General		
Ministry:	Romanian Ministry of Foreign Affairs		
Agency/Department:	Department for Export Controls		

Email address (individual and/or institutional) :	dancex@mae.ro
Telephone no.:	+40374306905
Address:	Romania, 8 Polonă Street, District 1, zip code 010501, Bucharest

2. PROHIBITIONS

A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, if:		Yes	No
i)	the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes [Article 6(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms [Article 6(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	the State Party has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party [Article 6(3)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If 'Yes', please consider providing further information. If 'No' in any respect, please elaborate below)			
<p>Every export (including brokering, transit and trans-shipment) license application for military goods is assessed by the national authorities involved in the decision-making process on a case-by-case basis, taking into account criteria mentioned in the Arms Trade Treaty and in the European Union Council Common Position 2008/944/CFSP.</p>			
<p>B. Which international agreements that you are a Party to do you consider relevant for the application of Article 6(2)? (Please list below. Please be advised that the ATT Secretariat maintains a non-exhaustive list of examples of the international agreements other States Parties have reported 'are relevant' to Article 6(2) in their Initial Reports. The list is available at [<i>insert link##</i>]. States Parties are welcome to consult the list when preparing their answer to this question.)</p>			
<p>The relevant international obligations under international agreements to which Romania is Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms, emanate from:</p> <ul style="list-style-type: none"> • The United Nations Charter and measures adopted by Security Council acting under Chapter VII, in particular arms embargoes • The Arms Trade Treaty • UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects • International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons • The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol) • Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment • Regulation (EU) No 258/2012 implementing Article 10 of the U.N. Firearms Protocol, and establishing export authorization, and import and transit measures for firearms, their parts and components and ammunition • Organization for Security and Co-operation in Europe documents • The Wassenaar Arrangement adopted documents • The Hague Code of Conduct Against Ballistic Missile Proliferation <p>Furthermore, Romania, as European Union Member State, respects the restrictive measures and political commitments adopted at the EU level.</p>			

C. Which international agreements are you a Party to and do you consider relevant for defining ‘war crimes’ in the context of Article 6(3)

(Please list below. Please be advised that the ATT Secretariat maintains a non-exhaustive list of examples of the international agreements other States Parties have reported ‘are relevant’ to Article 6(3) in their Initial Reports. The list is available at [insert link###]. States Parties are welcome to consult the list when preparing their answer to this question.)

Relevant international obligations under international agreements of a legal or political character, to which Romania either is a State Party or a Participating State or which are considered legally or politically binding, are the following:

- Convention (III) relative to the Opening of Hostilities (The Hague, 18 October 1907)
- Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague, 18 October 1907)
- Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (Geneva, 17 June 1925)
- Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva, 12 August 1949)
- Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Geneva, 12 August 1949)
- Convention (III) relative to the Treatment of Prisoners of War (Geneva, 12 August 1949)
- Convention (IV) relative to the Protection of Civilian Persons in Time of War (Geneva, 12 August 1949)
- Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Geneva, 10 June 1977)
- Protocol (II) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Geneva, 10 June 1977)
- Protocol (III) additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Geneva, 8 December 2005)
- Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954) including its Protocols:
- Protocol (I) for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954)
- Protocol (II) to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 26 March 1999)
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (10 April 1972)
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Geneva, 10 October 1980) including its Protocols:
- Protocol (I) on Non-Detectable Fragments (Geneva, 10 October 1980)
- Protocol (II) on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Geneva, 10 October 1980)
- Protocol (III) on Prohibitions or Restrictions on the Use of Incendiary Weapons (Geneva, 10 October 1980)
- Protocol (IV) on Blinding Laser Weapons (Vienna, 13 October 1995)
- Protocol (V) on Explosive Remnants of War (Geneva, 28 November 2003)
- Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (Paris, 13 January 1993)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Oslo, 18 September 1997)
- Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (25 May 1993)
- Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States, between 1 January 1994 and 31 December 1994
- Statute of the International Criminal Court (Rome, 17 July 1998)

D. Do you have guidelines on the application of the prohibitions to an individual case?

(If ‘Yes’, please provide further information)

Yes

No

The law stipulates that ANCEX based on the Inter-agency Council assent will deny any license application for operations with military goods if its approval would be inconsistent with Romania’s international commitments and obligations to apply the sanctions on arms trade imposed by the United Nations, the European Union or the Organization for Security and Cooperation in Europe. Besides, every license application is assessed on a case-by-case basis, in accordance with the User’s Guide to the EU Common

Position 2008/944/CFSP and the internal procedures of each authority involved in the decision-making process.
E. Additional voluntary information relevant to prohibitions under Article 6 (Please elaborate below - for instance: if prohibitions are applied to a wider range of products than defined in Articles 2(1), 3 and 4; the national interpretation of key concepts in Article 6)
Prohibitions are applied to all the items included in the national control list.

3. EXPORTS

A. The national control system includes the following:	Yes	No
i) an authorization or licensing system for arms exports [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) export assessment criteria [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) a risk assessment procedure [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'No' to any of the items above, please explain in more detail below		
B. National legislation, regulations or administrative procedures include a definition of export [Articles 6(1) to 6(3) and Article 7] (If 'Yes', please specify. If 'No', please explain.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, defines export as the exit of military goods from Romanian custom territory, temporary or permanent, to a natural or legal person from any third country, including re-export activities, technical assistance and transmission of software and technology by intangible means.		
C. National export controls apply to all the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4 (If 'No', please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
D. The competent national authority(-ies) for the control of exports [Article 5(5)] (Please specify the Ministry, Government Agency or Department below)		
Ministry of Foreign Affairs through its Department for Export Controls (ANCEX) is the national authority for the export controls of military goods. Ministry of Internal Affairs through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for the export controls of firearms, their parts and essential components and ammunition for civilian use.		
E. The national risk assessment procedure includes all the criteria described in Article 7(1)(a) and (b), and Article 7(4) (If 'Yes', please consider providing further information. If 'No' in any respect, please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Every export license application is assessed by the national authorities involved in the decision-making process on a case-by-case basis, taking into account criteria mentioned in the Arms Trade Treaty and in the European Union Council Common Position 2008/944/CFSP.		
F. If a risk is identified, does the State ever consider whether there are measures that could be undertaken to mitigate identified risks [Article 7(2)] (If 'Yes' please give examples when mitigation measures are considered and the types of risk mitigation measures that are most often used)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
There are several measures that the national authorities undertake to mitigate identified risks, that include, inter alia, the following: <ul style="list-style-type: none"> • If relevant in the assessing process of a license application, the applicant is required to provide additional information. This could also include documents issued by the competent authorities in the importer's or consignee's countries; • Impose specific terms and conditions to an export license (e.g. no transit/ or trans-shipment allowed); • On-site post-delivery verification; • Require the Romanian exporter to provide a delivery verification certificate or an equivalent document after each delivery is made, where multi-shipments are involved; • Verification or confirmation of end-user certificates or delivery verification certificates (or other export control documentation) through diplomatic channels; 		

<ul style="list-style-type: none"> • Require legal entities registered for trade with military goods to provide the Internal Compliance Program; • Outreach activities with private actors to raise awareness on the existing risks related to a possible transaction; • Provide free of charge, specialized consultancy to legal persons and individuals with respect to the national export policies; • Inter-agency cooperation; • Information exchange (e.g. related to export policies or denials issued) and co-operation with other like-minded states. 		
<p>G. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)] (If 'Yes', please consider providing further information. If 'No', please provide further information below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The export licenses are issued by ANCEX prior to an actual export. Any export carried out without a valid license is sanctioned according to the law. The national authorities conduct a permanent dialog with industry and all interested legal entities and natural persons on the national export controls policies, requirements and procedures. The export control documentation, including licenses forms, is publicly available (www.ancex.ro). It contains detailed instructions for filling the applications. Regular meetings between the national authorities and law enforcement agencies, such as the Customs Authority, are also carried out.</p>		
<p>H. The national control system allows appropriate information about an export authorization to be made available, upon request, to the importing State Party and/or to the transit or trans-shipment States Parties [Article 7(6)] (If 'No' please elaborate below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>I. The national control system allows exports of controlled equipment without a licence or under simplified procedure under certain circumstances [for instance temporary exports or exports to trusted partners] (If 'Yes' please provide further information below)</p>		
<p>Are exempted from the provision of the control regime the legal operations performed in connection with the participation of:</p> <ul style="list-style-type: none"> - armed forces, law enforcement and national security structures of Romania in military missions, operations, exercises, training activities and ceremonies outside of the Romanian territory; - foreign armed forces or law enforcement structures from abroad having the approval of the Romanian authorities for entry, stationing, conduct operations or transit through Romania. <p>The General licenses issued by ANCEX (see point 1.1.) are also tools for simplifying procedures under certain circumstances.</p>		
<p>J. Do you have guidelines on the application of the export assessment requirements to an individual case? (If 'Yes', please provide further information)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>According to the law, the control regime for exports, imports and other operations with military goods shall be accomplished in compliance with:</p> <ul style="list-style-type: none"> a) the fundamental guidelines of Romania's foreign policy; b) Romania's national security and economic interests; c) the principles and criteria referred to in the Common Position 2008/944/CFSP of the European Council from December 2008 defining common rules governing the control of exports of military technology and equipment; d) the obligations stemming from the implementation of embargoes on weapons transfers established by the United Nations Security Council Resolutions, a common position or joint action adopted by the Council of the European Union, a decision of the Organization for Security and Cooperation in Europe, or established by other EU or NATO Member States; e) the objectives of non-proliferation of weapons of mass destruction, of vectors carrying such weapons, and of other military goods used for the purpose of destabilizing accumulations; f) the international conventions, treaties and agreements, the non-proliferation mechanisms Romania is a party to, and other international undertakings assumed by Romania as a participating state in the international non-proliferation and export controls regimes; g) the principle of co-operation with the states promoting non-proliferation policies similar to Romania's policies in this field. 		
<p>K. The national risk assessment procedure includes other criteria <u>not</u> mentioned in the articles cited in 3.E above (If 'Yes' please specify below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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<p>Every export license application is assessed by the national authorities involved in the decision-making process on a case-by-case basis, taking into account criteria mentioned in the Arms Trade Treaty and in the European Union Council Common Position 2008/944/CFSP.</p>		
<p>L. Measures to exercise control over exports are applicable also to other categories of conventional arms than those covered in Articles 2(1), 3 and 4 [Article 5(3)] (If 'Yes', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Measures to exercise control over exports are applicable to all military goods included in the National Control List.</p>		
<p>M. An export authorization can be reassessed if new relevant information becomes available [Article 7(7)] (If 'Yes', please provide further information below.)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Article 91 of the Order no. 3191/2021 of the Minister of Foreign Affairs for the implementation of Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, stipulates that the licenses can be suspended by ANCEX in case of any new relevant information that require additional risk assessment procedure.</p>		
<p>N. Are there measures in place to suspend or withdraw a license? [Article 7(7)] (If 'Yes', please elaborate under which circumstances. For example, such a provision might exist with respect to arms embargoes but not otherwise. If 'No', please explain.)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Article 91 of the Order no. 3191/2021 of the Minister of Foreign Affairs for the implementation of Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, stipulates that ANCEX can withdraw or suspend an export license if there are significant changes in governmental, military or economic elements in the end-user state.</p>		
<p>O. Information / documentation included in an application for an export authorization (Please specify below)</p>		
<p>There are three types of export licenses granted by ANCEX, as follows:</p> <ul style="list-style-type: none"> • individual license – granted to a registered Romanian legal person, in order to carry out an operation involving one or more military goods, to or from a single foreign partner; • global license – granted to a registered Romanian legal person, in order to carry out repetitive operations involving one or more military goods, to or from several foreign partners; • general license - is granted to a registered Romanian legal person in order to carry out repetitive operation involving one or more military goods to or from several importers, exporters or suppliers. <p>To apply for an <u>individual export license</u>, legal persons have to fulfill a specific form, which contains information related to the exporter/supplier, importer/consignee, broker/agent, end-user, end-use, description of goods, categories within National Control List, quantity, value and currency, contact details of the exporter/supplier, country of origin, exporting country, country of final destination, payment terms, delivery terms, contract/agreement, customs regime and the customs code within the Harmonized System or Combined Nomenclature (HSCN).</p> <p>To apply for a <u>global export license</u>, legal persons have to fulfill a specific form, which contains information related to the exporter/ supplier, foreign partner, broker/ agent, end-use, description of goods, categories within National Control List, contact details of the exporter/ supplier, customs regime, payment terms, value and currency.</p> <p>Additionally, when applying for an individual or global export license, legal persons shall present the following documents: end-use/r assurances (such as international import certificate, end-user certificate, end-user statement or non-transfer and use certificate), a copy of the contract/agreement/order, a copy of the invoice, contact details of all partners involved in the transaction and any other relevant information requested by ANCEX.</p> <p>General licenses are granted under certain terms and conditions [see 1.1 above].</p> <p>To apply for an <u>export authorization for firearms and ammunition for civilian use</u>, the applicant shall present to the Ministry of Internal Affairs the following documents: an application form, an authorization issued by the importing state's authorities (which shall clearly stipulate the brand, type, caliber and quantity of the products that are subject to transaction), authorizations issued by the third states of transit, the pro-forma invoice, a certificate issued by the manufacturer or by an international body attesting that the weapons and ammunition meet the safety conditions of use, documents attesting that the foreign partner is authorized as an armorer (this only applies to partners from states that are not members of the European Union), documents attesting that measures to guard and secure the consignment have been taken and other relevant documents.</p>		
<p>P. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization [Article 5(5)] (Please specify below)</p>		

<p>All members of the Inter-agency Council are involved in the decision-making process for an export license (Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economy, Ministry of Internal Affairs, Romanian Intelligence Service, Foreign Intelligence Service and Customs Authority)</p>		
<p>Q. The national control system provides information requested of it by a State of final destination concerning pending or actual export authorizations pertaining to it [Article 8(3)] (If 'No', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>R. Additional voluntary information relevant to national export controls (Please specify below - for instance: on the control of re-exports, or further detail on relevant national measures; the national interpretation of key concepts in Article 7)</p>		

4. IMPORTS

<p>A. The national control system includes measures to prevent imports of conventional arms covered under Article 2(1) [Article 8(2)], as well as items covered under Articles 3 and 4 in violation of the prohibitions in Article 6. [Articles 6(1) to 6(3)] (If 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Importers have to register for trade with military goods and apply for an import license prior to transaction, for all items in the national control list. All license applications for either permanent or temporary imports are subject of Inter-agency Council assessment, on a case by case basis.</p>		
<p>If 'Yes', please also answer the following question</p>		
<p>B. The competent national authority(-ies) for the regulation of imports [Article 5(5)] (Please specify the Ministry, Government Agency or Department below)</p>		
<p>Ministry of Foreign Affairs through its Department for Export Controls (ANCEX) is the national authority for the export controls of military goods. Ministry of Internal Affairs through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for the export controls of firearms, their parts and essential components and ammunition for civilian use.</p>		
<p>C. National legislation, regulations or administrative procedures include a definition of import [Articles 6(1) to 6(3) and Article 8] (If 'Yes', please specify. If 'No', please explain.)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>The Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, defines import as the entrance of military goods on Romanian custom territory, temporary or permanent, from a natural or legal person from any third country, including transmission of software and technology by intangible means.</p>		
<p>D. The national control system allows the State to provide, pursuant to national law and upon request, appropriate and relevant information to assist another State Party that is conducting an export assessment[Article 8(1)] (If 'No', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>E. Imports of conventional arms subject to regulation are, under specific circumstances, permitted without specific authorization or under simplified procedure (If 'Yes' please provide further information below)</p>		
<p>Are exempted from the provision of the control regime the legal operations performed in connection with the participation of: - armed forces, law enforcement and national security structures of Romania in military missions, operations, exercises, training activities and ceremonies outside of the Romanian territory; - foreign armed forces or law enforcement structures from abroad having the approval of the Romanian authorities for entry, stationing, conduct operations or transit through Romania. General licenses issued by ANCEX are tools for simplifying procedures under certain circumstances (see point 1.1).</p>		

<p>F. Measures to regulate imports are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (If 'Yes', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Measures to exercise control over imports are applicable to all military goods included in the National Control List.</p>		
<p>G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an import authorization (when such an authorization is required) [Article 5(5)] (Please specify below)</p>		
<p>All members of the Inter-agency Council are involved in the decision-making process for an import license (Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economy, Ministry of Internal Affairs, Romanian Intelligence Service, Foreign Intelligence Service and Customs Authority)</p>		
<p>H. Information / documentation required for an import authorization (Please specify below)</p>		
<p>There are three types of import licenses granted by ANCEX, as follows:</p> <ul style="list-style-type: none"> • Individual license – granted to a registered Romanian legal person, in order to carry out an operation involving one or more military goods, to or from a single foreign partner. • Global license – granted to a registered Romanian legal person, in order to carry out repetitive operations involving one or more military goods, to or from several foreign partners. • General license - is granted to a registered Romanian legal person in order to carry out repetitive operation involving one or more military goods to or from several importers, exporters or suppliers. <p>To apply for an individual import license, legal persons have to fulfill a specific form which contains information related to the importer/ consignee, exporter/ supplier, broker/ agent, end-user, end-use, description of goods, categories within National Control List, quantity, value and currency, contact details of the importer, country of origin, exporting country, country of final destination, payment terms, delivery terms, contract/agreement, customs regime and the customs code within the HSCN.</p> <p>To apply for a <u>global import license</u>, legal persons have to fulfill a specific form which contains information related to the importer/ consignee, foreign partner, broker/ agent, end-use, description of goods, categories within National Control List, contact details of the importer/ consignee, customs regime, payment terms, value and currency.</p> <p>Additionally, when applying for an individual or global import license, the legal person shall present the following documents: end-use/r assurances (end-user statement), a copy of the contract/agreement/order, a copy of the invoice, contact details of all partners involved in the transaction, a request for an international import certificate or an equivalent document certified by ANCEX (if necessary) and any other relevant information requested by ANCEX.</p> <p>General licenses are granted under certain terms and conditions [see 1.1 above].</p> <p>To apply for <u>an import authorization for firearms and ammunition for civilian use</u>, the applicant shall present to the Ministry of Internal Affairs the following documents: an application form, the pro-forma invoice, a certificate issued by the manufacturer or by an international body attesting that the weapons and ammunition meet the safety conditions of use, documents attesting that the foreign partner is authorized as an armorer (this only applies to partners from states that are not members of the European Union), documents attesting that measures to guard and secure the consignment have been taken and other relevant documents.</p>		
<p>I. Additional voluntary information relevant to national import controls (Please specify below)</p>		

5. TRANSIT & TRANS-SHIPMENT

<p>A. The national control system includes measures to prevent the transit of conventional arms covered under Article 2(1) [Article 9], as well as items covered under Articles 3 and 4 in violation of the prohibitions in Article 6. [Articles 6(1) to 6(3)] (If 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Legal persons have to register and apply for a transit license prior to transaction, for all items in the national control list. The Romanian Gendarmerie must escort the transit for certain military goods. The provisions of the export controls regime do not apply to a transit when it is related to a transfer of military goods between European Union Member States.</p>		

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<p>B. The national control system includes measures to prevent the trans-shipment of conventional arms covered under Article 2(1) [Article 9], as well as items covered under Articles 3 and 4 in violation of the prohibitions in Article 6. [Articles 6(1) to 6(3)] (If 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Legal persons have to register and apply for a trans-shipment license prior to transaction, for all items in the national control list. The provisions of the export controls regime do not apply to a trans-shipment when it is related to a transfer of military goods between European Union Member States.</p>			
<p>C. National legislation, regulations or administrative procedures include a definition of transit [Articles 6(1) to 6(3) and Article 9] (If 'Yes', please specify. If 'No', please explain.)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, defines transit as the transport through Romanian territory of military goods originating from and intended to other countries.</p>			
<p>D. National legislation, regulations or administrative procedures include a definition of trans-shipment [Articles 6(1) to 6(3) and Article 9] (If 'Yes', please specify. If 'No', please explain.)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, defines trans-shipment as the operation of unloading military goods from a means of transport followed by loading them into another means of transport during transit operations or during the entrance or exit operations in or from the territory of Romania.</p>			
<p>E. Measures to regulate transit and/or trans-shipment cover : (If 'Yes' to (ii) or (iii), please indicate in the free text field how enforcement is conceived - systematic control or only when information is available?)</p>		Yes	No
i)	Transit / trans-shipment through land territory (including internal waters)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Transit / trans-shipment through territorial waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Transit / trans-shipment through national air space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>All goods in transit or transshipment through Romania are subject to customs rules and, therefore, are under control by the Customs Authority everywhere on the national territory in accordance with Article 14 of Law no. 86/2006 regarding the Romanian Customs Code.</p>			
<p>F. Does your State apply control measures to prevent transit and trans-shipment other than in violation of the prohibitions in Article 6? (If 'Yes', please specify the other control measures that your States applies to transit and trans-shipment.)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>As mentioned above, legal entities have to register and apply for a transit/trans-shipment license prior to transaction. Any transit/trans-shipment carried out without a license is sanctioned, according to the law.</p>			
<p>G. The competent national authority(-ies) for the regulation of transit and trans-shipment [Article 5(5)] (Please specify below)</p>			
<p>Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of National Defence, Customs Authority, Ministry of Transport.</p>			
<p>H. Transit / trans-shipment of controlled equipment is permitted without a specific authorization or under simplified procedure under certain circumstances (for instance in a free trade area) (If 'Yes' please provide further information below)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Are exempted from the provision of the control regime the legal operations performed in connection with the participation of: - foreign armed forces or law enforcement structures from abroad having the approval of the Romanian authorities for entry, stationing, conduct operations or transit through Romania. The legal provisions of the export control regime do not apply to the control of transit and trans-shipment when they are related to a transfer of military goods between European Union Member States.</p>			
<p>I. Measures to regulate transit and/or trans-shipment are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (If 'Yes', please elaborate below)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Measures to regulate transit or trans-shipment are applicable to all military goods included in the National Control List.</p>			

<p>J. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required) [Article 5(5)] (Please specify below)</p>
<p>The following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization: Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of National Defence, Customs Authority, Ministry of Transport, Intelligence Services and any other national institution that can provide relevant information.</p>
<p>K. Information / documentation required in an application for a transit / trans-shipment authorization (Please specify below)</p>
<p>To apply for a transit or trans-shipment license, legal persons have to fulfill a specific form which contains information related to the applicant, exporter/ supplier, importer/consignee, end-user, transporter, third parties involved in the transaction, transport means, description of goods, categories within National Control List, quantity, value and currency, contact details of the applicant, exporter's country, shipping country, country of final destination, the customs code within the HSCN, point of entrance, point of exit, contract no. for the Romanian Gendarmerie escort services (if necessary). Additionally, when applying for a transit or trans-shipment license, the legal person shall present the following documents: agreement/ contract between the applicant and the beneficiary of the international transit/ trans-shipment services, a copy of the export license or an equivalent document issued by the national authorities within the exporter's country, the import license or an equivalent document issued by the national authorities within the importer's country, a copy of the invoice, contact details of foreign partners, packing list, details about the means of transportation and the person accompanying the consignment, transit or trans-shipment license or an equivalent document issued by the national authorities within the neighbouring country where the goods will enter after leaving Romania, documents attesting that measures to guard and secure the consignment have been taken and any other relevant information requested by ANCEX.</p>
<p>L. Additional voluntary information relevant to national transit / trans-shipment controls (Please specify below)</p>

6. BROKERING

<p>A. The national control system includes measures to prevent the brokering of conventional arms covered under Article 2(1) [Article 10], as well as items covered under Articles 3 and 4 in violation of the prohibitions in Article 6. [Articles 6(1) to 6(3)] (Pf 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Brokers have to register for trade with military goods and apply for a brokering license prior to transaction, for all items in the national control list. All brokering license applications are subject of Inter-agency Council assessment, on a case by case basis. Brokering activities are authorized by means of individual brokering license.</p>		
<p>If 'Yes', please also answer the following question</p>		
<p>B. The measures to regulate brokering include:</p>	Yes	No
i) Requiring brokers to register before engaging in brokering [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Requiring brokers to obtain written authorization before engaging in brokering [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>
<p>All brokering license applications are subject of Inter-agency Council assessment, on a case by case basis. Brokering activities are authorized by means of individual brokering license.</p>		
<p>C. National legislation, regulations or administrative procedures include a definition of brokering [Articles 6(1) to 6(3) and Article 10] (If 'Yes', please specify. If 'No', please explain.)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Government's Emergency Ordinance no. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, defines brokering activities as activities carried out by a person regarding:</p>		

<p>(i) the negotiation or organization of transactions involving the export of military goods from a third country to another third country or the transfer between European Union Member States, or related to an export from / import to an European Union Member State to/from a third country;</p> <p>(ii) the purchase, sale or organization of the export of military goods which are in that person's ownership from a third country to another third country, or the purchase, sale or organization of the transfer between European Union Member States, or related to an export from / import to an European Union Member State to/from a third country;</p> <p>(iii) the negotiation or organization of transactions involving the exit from or the entrance into Romanian territory of military goods. The negotiation or organization of transactions includes representation activities, promotion of military goods in Romania or in other European Union Member States or third countries, organization of demonstrations, marketing activities, consulting services for Romanian or foreign (legal or natural) persons.</p>			
<p>D. Does your State apply control measures to prevent brokering other than in violation of the prohibitions in Article 6? (If 'Yes', please specify the other control measures that your States applies to brokering)</p>		<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>As mentioned above, legal entities have to register and apply for a brokering license prior to transaction. Any brokering activity carried out without a license is sanctioned according to the law.</p>			
<p>E. The competent national authority(-ies) for the regulation of brokering [Article 5(5)] (Please specify below)</p>			
<p>Ministry of Foreign Affairs through its Department for Export Controls (for military goods). Ministry of Internal Affairs through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances (for firearms, their parts and essential components and ammunition for civilian use)</p>			
<p>F. National brokering controls contain exemptions (for instance for national armed forces or defence industry) [Articles 6 & 10] (If 'Yes', please provide further information below)</p>		<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>
<p>G. Measures to regulate brokering are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (If 'Yes', please elaborate below)</p>			
		<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Measures to regulate brokering are applicable to all military goods included in the National Control List.</p>			
<p>H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering [Article 5(5)] (Please specify below)</p>			
<p>All members of the Inter-agency Council are involved in the decision-making process for a brokering license (Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Economy, Ministry of Internal Affairs, Romanian Intelligence Service, Foreign Intelligence Service and Customs Authority)</p>			
<p>I. Information / documentation required in an application related to brokering (Please elaborate below)</p>			
<p>To apply for a brokering license, legal persons have to fulfill a specific form which contains information related to the applicant, importer/consignee, exporter/ supplier, agent, end-user, end-use, description of the goods, categories within National Control List, quantity, value and currency, origin of the goods, country of final destination, payment terms, delivery terms, contract/agreement, customs regime and the customs code within HSCN. Additionally, when applying for a brokering license, legal persons shall present the following documents: end-use/r assurances, documents proving the brokering relationship, invoice, contact details of all partners involved in the transaction and any other relevant information requested by ANCEX.</p>			
<p>J. Additional voluntary information relevant to national brokering controls (Please specify below)</p>			
<p></p>			

7. DIVERSION

<p>A. Measures foreseen in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)]</p>		<p>Yes</p>	<p>No</p>
<p>i)</p>	<p>assessing the risk of diversion of an export [Article 11(2)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

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	(if 'No', please provide background below)		
ii)	cooperation and information exchange, where appropriate and feasible and pursuant to national law, with other States Parties [Article 11(3)] (if 'No', please provide background below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. The national control system includes appropriate measures to be taken, pursuant to national law and in accordance with international law, when a diversion of transferred conventional arms under Article 2(1) has been detected [Article 11(4)] (If 'No', please elaborate below)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)] :		Yes	No
i)	establishment of mitigation measures [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	provision, upon request, of end use / end user documentation to the exporting State [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	requirement for end use / end user assurances from an importing State (or industry) [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	examination, where appropriate, of parties involved in a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	requirement, where appropriate, for additional documentation, certificates, assurances for a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	exchange of relevant information with other States Parties on effective measures to address diversion, as well as on illicit activities and actors [Articles 11(5) & 15(4)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii)	reporting through the Secretariat to other States Parties on measures taken to address diversion of transferred conventional arms covered under Article 2(1) [Articles 11(6) & 13(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	other measures [Article 11(1)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
See Section 3 F			
D. Measures included in the national control system, to be taken when a diversion of transferred conventional arms has been detected [Article 11(4)]		Yes	No
i)	alerting potentially affected States Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	investigative and law enforcement measures at the national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	using international tracing mechanisms to identify points of diversion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	other measures (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Measures taken to prevent or address diversion are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (If 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Measures taken to prevent or address diversion are applicable to all military goods included in the National Control List.			
F. Additional voluntary information relevant to the prevention of diversion of conventional arms			

(Please specify below - for instance regarding measures in place to avoid diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty)

As mentioned above, all export and brokering license applications of SALW (including their ammunition) are assessed by ANCEX and receive the assent from the Inter-agency Council on multi-criteria basis. Some exports of SALW (including their ammunition) are subject to the monitoring process, depending of the destination and the partners. It is mandatory for the exporters to notify ANCEX, 5 days before the export will take place, all elements of transfers, including the serial number of SALW, the transporter and the route of transportation. In this monitoring process are involved the licensing authority, enforcement authorities and intelligence services.

8. RECORD KEEPING

A. The national control system includes provisions for maintaining records regarding: [Article 12(1)] (it is mandatory to retain records for one of the two options below)		Yes	No
i)	issued authorizations for the export of conventional arms covered under Article 2(1) [Article 12(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	actual exports of conventional arms covered under Article 2(1) [Article 12(1)] (if 'No' to both (i) and (ii), please elaborate below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Records are kept for a minimum of 10 years [Article 12(4)] (If 'Yes', please elaborate for how many years records are kept. If 'No', please elaborate below)			
		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
According to the legislation, exporters have the obligation to keep for 15 years the documents on operations carried out with military goods subject to control. Legal persons who carry out activities related to the export, import, transfer or brokering which are in connection with international instruments concerning the traceability, have the obligation to keep at least 20 years the documents related to the operations carried out. Legal persons who manufacture military goods which are related to international instruments concerning to traceability, have the obligation to keep at least 30 years the documents related to the operations carried out.			
C. The national control system includes provisions for maintaining records regarding :		Yes	No
i)	imports of conventional arms covered under Article 2(1) into national territory as final destination [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	authorizations related to the conduct of brokering activities included in the scope of the national control system (for instance relating to a register of brokers) [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Records cover other categories of conventional arms than those specified in Article 2(1) (If 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Records cover all military goods included in the National Control List.			
E. Additional voluntary information relevant to national record keeping (Please specify below - for instance types of information preserved in national records for exports and imports respectively)			
By the Order no. 2096/2014 of the Minister of Foreign Affairs the registered companies must submit periodically to ANCEX reports on the trade operations with military goods carried out. Thus, the exporters and brokers submit quarterly reports and the importers submit half-yearly reports.			

9. REPORTING

A. The national control system allows for the provision of information for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under article 2 (1) as required by Article 13(3) (If 'No' or only partially, please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
B. Additional voluntary information relevant to national reporting (please specify below, for instance if national reports are publicly available - if available on the open internet please provide the relevant hyperlink)		
ANCEX publishes Quarterly and Annual Reports. They are available at the following webpage: http://www.ancex.ro/?pag=89		

10. ENFORCEMENT

A. Measures are in place that provide the ability to enforce the national laws and regulations that implement the provisions of the Arms Trade Treaty [Article 14] (If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
B. National legislation allows the provision to another State Party of jointly agreed assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty [Article 15(5)] (If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
C. National measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms covered under Article 2(1) of the Treaty becoming subject to corrupt practices [Article 15(6)] (Please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
In some cases, Romania cooperates with similar authorities from other States Parties or like-minded states, providing assistance to destination country of concern.		
D. Additional voluntary information relevant to national enforcement (Please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)		
<p>According to the export control legislation, any unauthorized operation with conventional arms as stipulated by Article 2(1) and 3 of the ATT, represents crime under the law, and is punishable with imprisonment from 5 to 12 years. Any unauthorized operation with other military goods, including those stipulated in Article 4 of the ATT represents crime under the law and is punishable with imprisonment from 1 to 5 years or a judicial fine.</p> <p>Violation of the provisions of the law, unless the actions are crimes under the Criminal Code, constitute offence and are sanctioned by a fine.</p>		

11. INTERNATIONAL COOPERATION

A. Cooperation is possible with other States Parties of the Treaty with a view to its effective implementation, where such cooperation is consistent with national law and security interests [Article 15(1)] (If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
B. Additional voluntary information relevant to participation in international cooperation		

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(Please elaborate below - for instance in terms of the measures suggested in Article 15, or in terms of participation in international or regional cooperation in the transfer control area)

By law, Romania co-operates with similar authorities from other states, for the purpose of:

- (i) **mutual information and consultation in respect of registration, certification and license applications for military goods, if there are reasonable grounds to believe they might be used for other purposes than the stated ones;**
- (ii) **updating and implementing regulations in the field, including the lists of military goods;**
- (iii) **notifying violations of the control regime to allow the competent authorities in each country to sanction such violations.**

12. INTERNATIONAL ASSISTANCE

A. National regulations and policy allow for the provision - upon request and if in a position to do so - of implementation assistance as set out in Article 16(1) (If 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
B. The State is in a position to provide assistance with the following:		Yes	No
i)	Establishing and/or maintaining a national control system [Article 5(2)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Establishing and/or maintaining a national control list [Articles 5(2)-(4)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Designating competent national authority (-ies) [Article 5(4)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Designating a national point of contact(s) [Article 5(6)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Establishing measures to regulate the export of arms and items, including a process for conducting risk assessments [Article 7] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	Establishing measures to regulate the import of arms [Article 8] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii)	Establishing measures to regulate the transit and trans-shipment of arms [Article 9] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	Establishing measures to regulate the brokering of arms [Article 10] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ix)	Establishing measures to prevent and address diversion [Article 11] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	Record-keeping [Article 12] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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xi)	Reporting [Article 13] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
xii)	Other (if 'Yes', please specify below)	<input type="checkbox"/>	<input type="checkbox"/>
Romania is part of the international team of experts that provides international assistance under the European Union Outreach Programs. At the same time, Romania stands ready to assist other countries to implement the ATT, in a national capacity.			
C. The State would like to receive assistance with the following:		Yes	No
i)	Establishing and/or maintaining a national control system [Article 5(2)] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Establishing and/or maintaining a national control list [Articles 5(2)-(4)] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Designating competent national authority (-ies) [Article 5(4)] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Designating a national point of contact(s) [Article 5(6)] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v)	Establishing measures to regulate the export of arms and items, including a process for conducting risk assessments [Article 7] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
vi)	Establishing measures to regulate the import of arms [Article 8] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
vii)	Establishing measures to regulate the transit and trans-shipment of arms [Article 9] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
viii)	Establishing measures to regulate the brokering of arms [Article 10] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ix)	Establishing measures to prevent and address diversion [Article 11] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
x)	Record-keeping [Article 12] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
xi)	Reporting [Article 13] (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

xii)	Other (if 'Yes', please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. National regulations and policy allow for contribution of financial resources to the Voluntary Trust Fund established under Article 16(3) of the Treaty (If 'No', please elaborate below)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Under specific circumstances related to its national priorities and the availability of financial resources, Romania could consider contributing to the voluntary trust fund.			
E. Additional voluntary information relevant to the provision- or receipt of implementation assistance (Please specify below - for instance regarding assistance provision capacities or assistance needs,)			

13. DISPUTE SETTLEMENT

A. National regulations and policy allow for consultations and, by mutual consent, cooperation in the settlement of disputes regarding the interpretation or application of the Treaty by at least one of the means outlined in Article 19(1) (If 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
B. National regulations and policy allow for the settlement of disputes concerning the interpretation or application of the Treaty through recourse by mutual consent to arbitration as outlined in Article 19(2) (If 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
C. Additional voluntary information relevant to dispute settlement under the terms of the Treaty (Please specify below)			
On the 23 of June 2015, Romania filed a declaration recognizing the jurisdiction of the International Court of Justice as mandatory (except for certain disputes specified in the declaration).			

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ANNEX A. Summary of updates to the previous Initial Report

Please include a description of the parts of the State's previous Initial Report that have been updated:

The following sections have been updated (marked in blue) due to the changes in Romania's primary and secondary legislation adopted in 2021: 1.1, 3B, 3G, 6C, 10D.

The updated information (marked in blue) contained in sections 1.2, 1.3, 2D, 2E, 3I, 3J, 3M, 3N, 4C, 4E, 5C, 5D and 8E occurred as a result of changes of template format.

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