

Romania's statement
Working Group on Effective Treaty Implementation (WGETI) Meeting
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Mr. Chair,

Thank you for giving me the floor.

First, allow me to congratulate you for your excellent work and continuous efforts as Chairperson of the working group on effective treaty implementation and to assure you of the Romanian delegation's full support. We take this opportunity to encourage all Parties to actively participate and provide national perspectives of interpretation on the relationship between Treaty articles, as shown in the joint background paper drafted by the facilitators of the sub-working groups.

We use this opportunity to welcome Gabon as the 112th State Party and congratulate Andorra, which will become the 113th State Party on the 2nd of March.

We align ourselves with the EU statement and, in our national capacity, would like to share some aspects of national export controls policies and practices relevant to these discussions.

According to the national legal framework, the Romanian control regime for exports, imports and other transfers of conventional arms and related technology shall be accomplished in compliance with:

- a) the fundamental guidelines of Romania's foreign policy;
- b) Romania's national security and economic interests;
- c) the provisions of the Arms Trade Treaty and taking into account the converging policies of the EU Member States implementing the European Union Council Common Position 2008/944/CFSP that include respect for international obligations, international humanitarian law, international human rights law, internal and regional stability and risk of diversion;
- d) the obligations deriving from the implementation of arms embargoes established by the United Nations Security Council, by the European Union, by the Organisation for Security and Co-operation in Europe, or established by 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; and
- g) the principle of co-operation with the states promoting non-proliferation policies similar to Romania's policies in this field.

Pre-transfer risk assessment remains a primary responsibility of the export controls system in Romania. Thus, every export, import and brokering licence application is assessed on a case-by-case basis, by an Inter-agency Council comprised of representatives from the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Internal Affairs, Ministry of Economy, Customs Authority and Intelligence Services which adopts its decisions by consensus.

The Romanian export control legislation stipulates that following its issuance, the license for military goods could be suspended when the export controls authority becomes aware of new information regarding the transfer and the initial risk assessment requires further consultations.

According to the law, the Romanian exporter is required to provide, as support documentation:

- ✓ the end user documentation, which may include re-export clauses or an undertaking that the exported goods will not be used for purposes other than the declared intended use;
- ✓ details about all parties involved in the transaction, including brokers; and
- ✓ after delivery, but no later than 4 months, a delivery verification certificate issued or certified by the competent authority in the importing country or country of final destination, certifying that the military goods have reached their destination, must be obtained from the foreign partner.

Furthermore, based on the risk assessment, the national export controls authority may:

- ✓ perform verification of the end user documentation through diplomatic channels;
- ✓ request for additional information, documentation and/or other assurances about the transaction under evaluation, countries of transit and final destination or the end user; and

As a risk mitigation measure, it can impose specific terms and conditions to an export license (e.g. No transit/ or no trans-shipment is allowed).

When it comes to SALW and their ammunition, in order to mitigate the risk of diversion, some exports are subject to a monitoring process. The process requires that, 5 days prior to the export, the Romanian exporter provide the national authority relevant elements of the transfer, including the serial number of SALW, the packing lists, confirmation of payment, customs point, transporter, route of transportation, estimated time of transport, identification and ownership of transport means, and distribution of the crates when the transport is by air or by sea. In this monitoring process are involved the licensing authority, enforcement authorities and intelligence services.

Thank you.