On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Executive Summary

A.) National level

1. National coordination agency

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3. Legislation, regulations, administrative procedures

i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

- production
- export
- import
- transit
- retransfer

<table>
<thead>
<tr>
<th>National Laws, Regulations and Decrees</th>
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<tbody>
<tr>
<td><strong>Area:</strong></td>
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<tr>
<td>Production</td>
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<tr>
<td>Export</td>
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**Title of the law in English translation (and short form)**
- Law no 295 / 2004 on the Regime of Arms and Ammunition
- Law no. 235/2007 amending and completing article no. 2 of the Law no. 295/2004 on arms and ammunition regime
- Law no 31 / 1996 on the regime of the Monopoly of State

**Short description explaining how the law, either alone or in combination with other national measures, ensures that effective control is exercised over SALW in the area of production.**

Is a state monopoly:
- a) the manufacture and the commerce with armament, ammunition and explosives.

**Art. 2 / Law no 31 / 1996 on the Regime of the Monopoly of State**

The production, the manufacture, the change, the process, the experiment, the disposal and the destruction of arms can be done only by armourers constituted in the suborder or coordination of the state institutions having competences in the fields of defense, national security and public order, in conditions established by orders of the heads of these institutions.

**Art. 103 / Law no 295 on the Regime of Arms and Ammunition**

- Law no. 235/2007 does not modify the provisions of article no. 103 of Law no. 295/2004, mentioned in the Romanian report for the year 2005

**Web link**

**Title of the law in the original language**
- Legea nr. 595/2004, cu modificările ulterioare privind aprobarea Ordonanței de urgență a Guvernului nr. 158/1999 privind regimul de control al exporturilor, importurilor și altor operațiuni cu produse militare, aprobată cu modificări și completări prin
- Hotărârea Guvernului nr. 1.607/2009 pentru aprobarea Listei cuprinzând produsele militare supuse regimului de control al exporturilor, importurilor și altor operațiuni

**Title in English translation (and short form)**
- Law no. 595/2004 with amendments for approval of the Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods
- Government Decision no. 1607/2009 setting up the List of military goods subject to control regime of export, import and other transfers of military goods
Short description … in the area of export (as above)

*Art. 1 from Law no. 595/2004 with amendments stipulates:*

The following operations involving military goods are subject to the control regime stipulated in the present ordinance:

- export, import, re-export and any other transfer, permanent or temporary;
- non-commercial activities;
- brokering activities;
- transit;
- transshipment

- According to the provisions of Art.1, Art. 10, Art. 11 and Art. 12 of the Government Ordinance no. 158/1999 approved with amendments by Law no. 595/2004, amended the export, import, re-export, transit, transshipment, brokering activities and other transfers of military goods are carried out only by the authorized companies and each transfer is licensed individually on case-by-case basis.

- Government Decision no. 1607/2009 setting up the List of military goods subject to control regime of export, import and other transfers of military goods

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### Administrative Procedures

<table>
<thead>
<tr>
<th>Area</th>
<th>Administrative procedures</th>
</tr>
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<tbody>
<tr>
<td>Production</td>
<td>Legal basis for the procedure</td>
</tr>
<tr>
<td></td>
<td>-Government Decision no 130 / 2005 on the approval of the Methodological Norms for the implementation of the Law no 295 / 2004 on the regime of arms and ammunitions</td>
</tr>
</tbody>
</table>

Short description … in the area of production (as above)

-Chapter V of the Government Decision no 130 / 2005 establishes the Regime of the operations with arms and ammunitions. In this chapter are described the steps to be followed by a company to be authorised to make operations with arms and ammunitions.

All arms manufactured in Romania must be marked and recorded in special registers. These registers are to be monitored by the General Inspectorate of the Romanian Police that holds also the database with all manufacturers of arms.

*Art. 89, 90 Law no 295 / 2004*

-Government decision no. 1254/2006 amending Methodology norms for the implementation of Law no. 295/2004 on arms and ammunition regime, approved by Government decision 130/2005

Web link
### Legal basis for the procedure

- The authorization (the registration) of the companies and licensing procedures for approving export, import and other transfers of military goods (including SALW) are regulated by the Government Ordinance no. 158/1999 approved with amendments by Law no. 595/2004, amended

- Government Decision no. 1607/2009 setting up the List of military goods subject to control regime of export, import and other transfers of military goods

- Government Decision 1423/2009 regarding the responsibilities of Export Controls of the Ministry of Foreign Affairs (MFA)

### Short description … in the area of export (as above)

- The license applications are processed and assessed in accordance with the legal provisions, and individual licenses for export, import and other military transfers of SALW are granted on case-by-case basis.

- The license applications are subject of Inter-ministry assessment.

- The Inter-ministry Council consists of representatives from Ministry of Foreign Affairs, Ministry of National Defense, Ministry of Administration and Interior, National Customs Authority and intelligence services.

- The final decision is taken by the State Secretary on Export Controls within Ministry of Foreign Affairs, who coordinates the export controls authority (Directorate General for Export Controls)

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ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

- Manufacture
- Stockpiling
- Possession

- Transfer

Law 295 / 2004 on the Regime of Arms and Ammunitions and the Government Decision no 130 / 2005 on the approval of the Methodological Norms for the implementation of the Law no 295 / 2004 establish the legal framework in the field of national control of the manufacture, stockpiling and possession of SALW. These documents comprise also aspects on SALW transfer control.
During the manufacturing process, the Romanian Armourers licensed to manufacture arms and ammunition are obliged to apply markings on arms designated for their identification.

Art. 89 Law no 295 / 2004
The arms and ammunition manufactured in Romania can be possessed or stockpiled only if they fulfill the following conditions:
   a) there are marked by the armourer authorised to produce them;
   b) there are validated by the National Authority for the Validation of Arms and Ammunitions;
   c) there are registered in the National Register of Arms and they have appropriate ID documents

The arms and ammunitions manufactured abroad, that entered in Romania can be commercialised or possessed only if:
   a) there are marked by the foreign producer
   b) there are validated by the National Authority for the Validation of Arms and Ammunitions, to correspond to the validation norms;
   c) there are registered in the National Register of Arms and for each of them were released the appropriate ID documents.

Art. 88 Law 295 /2004 on the conditions to be respected by the arms and ammunitions to be possessed or commercialised

The unauthorised erase or modification of the arms markings constitutes an offence and is punished with prison from 1 to 5 years.

Art. 137 Law 295 / 2004
Any unauthorised operation with arms and ammunitions constitutes an offence and is punished according with the provisions of Art 406 of the Penal Code.

Art. 138 / Law 295 / 2004

The national authority on export controls (National Agency for Export Control - ANCEX and since December 2009 Ministry of Foreign Affairs/Directorate General for Export Controls – MFA/DGEC), doesn’t approve any transfer of unmarked or inadequately marked SALW.

All the exports of SALW are subject to the monitoring process. It is mandatory for the exporters to notify the MFA/DGEC, 5 days before the export will take place, all elements of transfers, including the serial number of SALW.

All the imports of SALW are subject to the notification (or confirmation) of serial number in maximum 10 days after the import took place.

iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

All national laws and government decisions on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are published in the Romanian Official Gazette.

Romanian Police published on the INTERNET the main rules regarding the possession of weapons and the content of the specific legal frame.

Some regulations regarding the possession and stockpiling of arms that belong to state institutions are restricted.
The national legislation on the export, import and other transfers of military goods (including SALW) is published in the Official Gazette of Romania. MFA/DGEC also makes available on its website (www.ancex.ro) the national legislation that consist of: the legal framework, the national control list, the principles and criteria for exports, international arms embargoes, rules and procedures, the authorization (the registration) procedures, licensing requirements, the export control documentation, etc.

The export control legislation, rules and procedures are presented and detailed within Annual National Conference on Export Controls, seminars, workshops and round tables.

In 2009 MFA/DGEC continued to have a robust and aggressive program of Government Outreach to Industry.

**4. Law enforcement/criminalization**

i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

<table>
<thead>
<tr>
<th>Area:</th>
<th>Law / other measure</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Manufacture</td>
<td>Title in original language</td>
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<tr>
<td></td>
<td>Articolul 342 din Codul Penal</td>
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<tr>
<td></td>
<td>Nerespectarea regimului armelor și munițiilor</td>
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<td></td>
<td>Title in English translation (and short form)</td>
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<td></td>
<td>Article 342 of the Penal Code</td>
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<td></td>
<td>Non-observance of the regime of the arms and ammunitions</td>
<td></td>
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<tr>
<td></td>
<td>Short description, including details of penalties</td>
<td></td>
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<td></td>
<td>1) Illegal holding, wear, manufacture or any other operation of lethal arms</td>
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<td>circulation, of the ammunition, mechanisms or their devices or the functioning of</td>
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<td>the lethal arms workshops is punished with prison from one to five years.</td>
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<td></td>
<td>If the illegal act has as object prohibited weapons or ammunitions, or their devices</td>
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<td>or mechanisms the limits of the punishment will increase with one third</td>
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<tr>
<td>Possession</td>
<td>Title in original language</td>
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<td>Articolele 342 și 343 din Codul Penal din 2009</td>
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<td>Nerespectarea regimului armelor și munițiilor</td>
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<td>Uzul de armă fără drept</td>
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<td></td>
<td>Title in English translation (and short form)</td>
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<td></td>
<td>Article 342 and 343 of the Penal Code</td>
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<tr>
<td></td>
<td>Non-observance of the regime of the arms and ammunitions</td>
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<tr>
<td></td>
<td>Illegal use of weapons</td>
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</tbody>
</table>
| Stockpiling | Title in original language | Articolul 342 din Codul Penal 2009  
Nerespectarea regimului armelor și munițiilor |
| --- | --- | --- |
| Title in English translation (and short form) | Article 342 of the Penal Code  
Non-observance of the regime of the arms and ammunitions |
| Short description, including details of penalties | Stealing of lethal weapons or ammunition is punished with imprisonment from 2 to 7 years and limitation of some rights |
| Web link |  |

<table>
<thead>
<tr>
<th>Trade</th>
<th>Title in original language</th>
<th>Art. 30 din Ordonanța de urgență a Guvernului nr. 158/1999 privind regulamentul de control al exporturilor, importurilor și altor operațiuni cu produse militare, aprobată cu modificări și completări prin Legea nr. 595/2004, cu modificările ulterioare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title in English translation (and short form)</td>
<td>Art. 30 of the Government Ordinance no. 158/1999 approved with amendments by Law no. 595/2004, amended</td>
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</tbody>
</table>
| Short description, including details of penalties | Art. 30 of the Government Ordinance no. 158/1999 approved with amendments by Law no. 595/2004, amended:  
Violation of the provisions of the ordinance regarding transfers of military goods, as well as those on the truthfulness of declarations, represent crimes under the law, are punished according to the provisions of the Penal Code  
According to the Art. 302 of the Penal Code, the export, import or other transfers of military goods carried out without license are considered criminal offence and the perpetrators are punished with imprisonment from 2 to 7 years. |
| Web link | www.ancex.ro |
ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

The Law no. 595/2004 introduced a rapid mechanism for the implementation of UN Security Council resolutions on arms embargo. The rapid mechanism was revised and strengthened in 2009 (Law no. 7/2010).

MFA/DG ANCEX informed constantly Romanian arms exporters and brokers on arms embargoes and restrictive measures imposed by UN Security Council and other bodies.

<table>
<thead>
<tr>
<th>Area: Enforcement of UN arms embargoes</th>
<th>Legal means</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law: Title/provision in original language</td>
<td>Legea nr. 595/2004, cu modificările ulterioare privind aprobarea Ordonanței de urgență a Guvernului nr. 158/1999 privind regimul de control al exporturilor, importurilor și altor operațiuni cu produse militare, aprobată cu modificări și completări prin</td>
<td>2004</td>
</tr>
</tbody>
</table>

Title/provision in English translation (and short form)

- Law no. 595/2004 as amended for approval of the Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, approved with amendments by
MFA/DGEC has an effective and rapid mechanism for the enforcement of the embargoes on military goods imposed by the UN Security Council Resolutions.

Excerpts from the Law no. 595/2004 as amended in 2009

“Article 28

1. The Agency shall deny the issuance of a license for transfers of military goods, based on the Inter-ministry Council’s advice, if the issuance is not consistent with international obligations and commitments of Romania in respect with the embargos on arms transfers imposed by the United Nations, the European Union, or by the Organization for Security and Co-operation in Europe.

2. The Agency may deny issuance of a license for transfers of military goods, based on the Inter-ministry Council’s advice, if the final recipient’s state or the end-user is under a unilateral embargo on arms transfers or under restrictive measures, as applicable, set out by NATO member states.”

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### National measures for the enforcement of UN Security Council arms embargoes

<table>
<thead>
<tr>
<th>Area: Enforcement of UN arms embargoes</th>
<th>Administrative means</th>
<th>In place since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short description of the procedure(s) used to prevent/punish violations</td>
<td>2004</td>
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<tr>
<td>MFA/DGEC informs Romanian arms exporters and brokers on arms embargoes and restrictive measures.</td>
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<tr>
<td>MFA/DGEC and other enforcement agencies conduct regular compliance activities in order to prevent and detect any possible violation of international and regional arms embargoes.</td>
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<tr>
<td>Web link <a href="http://www.mae.ro">www.mae.ro</a> <a href="http://www.ancex.ro">www.ancex.ro</a></td>
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5. Stockpile management and security

i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

### National standards and procedures for stockpile management and security

<table>
<thead>
<tr>
<th>Group: Standards / procedures</th>
<th>Date</th>
</tr>
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</table>


ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)
According to “A 114 – Regulation for supplying with weapons and ammunition in peace time”:
-service weapons and ammunition:
  -daily: platoon commander and daily duty officer
  -weekly: company commander
  -monthly: unit commander (or chief of staff officer) with daily duty officer
-stock weapons and ammunition
  -monthly: unit/subunit command
  -quarterly: chief of staff (25% of total amount, so, during one year period, all the quantity to be accounted for)
-weapons and ammunition storage facilities
  -yearly, all the quantity by a committee

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)
-During the period of regular checking, verifications and technical inspection, restructuring and modifications in organizational chart

6. Collection and disposal

i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)
ii) Is destruction the means used to dispose of such stocks? (II.18)

iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)

iv) Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

v) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

7. Export controls

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

Romanian export control system consists of:

- **Legal framework**
  - Primary legislation regarding the export controls regime
  - Secondary legislation for implementation
  - List of military goods subject to control regime of export, import and other transfers of military goods
  - 1\(^{st}\) pillar: Authorization (registration) of companies to trade with military goods
  - 2\(^{nd}\) pillar: Licensing of each transfer: export and imports (permanent and temporary), re-export, brokering, transit, transshipment, non-commercial activities

- **Licensing and assessment**
  - National authority for licensing (MFA/DGEC)
  - Inter-ministry Council for assessment of license applications
  - Rules and procedures on licensing procedures
  - Transfer of SALW is approved only on individual license with conditions

- **Enforcement**
  - Enforcement and compliance authorities (MFA/DGEC, National Customs Authority, Ministry of Administration and Interior)
  - Sanctions provisions (MFA/DGEC, Ministry of Justice)

- **Outreach to Industry** (Annual National Conference on Export Controls, seminars, workshops, round tables)


ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

Romania legislation regarding exports, imports and transfers of military goods is also applicable for the export, the transit and the transshipment of SALW. SALW exporters are authorised (registered) by the MFA/DGEC for maximum 1 year. Only authorised (registered) exporters can apply for SALW export licenses. All export licence applications of SALW are assessed by the MFA/DGEC and Inter-Ministry Council on multi-criteria basis. All exports of SALW are subject of monitoring process. In this process are involved the licensing authority, enforcement authorities and intelligence services.

All transits of SALW are subject of export controls and these operations are licensed by the MFA/DGEC as transit permits. Only a Romanian legal person may apply and obtain a transit permit. All SALW transits must be secured by the Specialised Unit of the Romanian Gendarmerie.

For the issuance of a transit permit it must be presented to MFA/DGEC the export license, the import license and the transit permit from the subsequent country. In the assessment process of a transit permit applications it is taken into account UN Security Council resolutions and principles and criteria of the EU Code of Conduct on Arms Exports (EU Common Position 2008/944/CFSP).

In order to secure the transits on military goods, MFA/DGEC developed a very strong and valuable cooperation with other enforcement authorities (National Customs Authority and Ministry of Administration and Interior).

The National Customs Authority (NCA) supervises the transit of military goods in accordance with the provision of permit issued by the MFA/DGEC. NCA confirms to MFA/DGEC that the transit was done in the full respect of the terms of the transit permit.

| National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit |
|---|---|---|
| Area: Export Transit | Laws / regulations / procedures | Date |
| Title in the original language | Legea nr. 595/2004, cu modificările ulterioare privind aprobarea Ordonanței de urgență a Guvernului nr. 158/1999 privind regimul de control al exporturilor, importurilor și altor operațiuni cu produse militare, aprobată cu modificări și completări prin | 1999 |
iii) Does your country use authenticated end-user certificates for this purpose? (II.12)

According the Romanian legislation the applicant must present as support for an export license application all documents referring the transaction, including the End-User Certificate. The End-User Certificate must be original and authentic. The originality of the EUC is verified with graphological specific means by a Specialized Unit from Ministry of Interior. The authenticity of the EUC is verified through diplomatic channels at the issuing authority.

iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

Yes.

8. Brokering

i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)

The main legislative act regulating the export control regime of conventional weapons, including SALW is the Government Ordinance no.158/1999 on the control regime of the exports, imports and other transfers of military goods, approved with amendments by the Law no. 595/2004, amended (published in the Official Gazette of Romania no. 1239/22 December 2004, Part I).

The provisions on control of arms brokering are covered in Chapter I – “General provisions”, art.1., art. 2. and art. 5., and Chapter V – “Sanctions” of the Law no. 595/2004.

Romanian legislation stipulates that only legal persons who have the residence in Romania can apply for registration as brokers. This registration takes a form of authorisation to act as brokers which is issued by MFA/DGEC.

The authorisation has maximum 1 year validity and can be renewed upon a new application presented by the company.

The licences for brokering activities are granted only after the case-by-case assessment process. As support documentation for a brokering license application,
the applicant must present, among other relevant documents, an End-User Certificate (EUC) authentic and original.

According to the national legislation the licensing authority keeps a copy of the EUC, the original being returned to the applicant in order to obtain the export license. The originality of the EUC is verified with graphological specific means by a Specialized Unit from Ministry of Interior. The authenticity of the EUC is verified through diplomatic channels at the issuing authority.

For brokering activities is approved and issue only standard individual brokering licenses.
All brokering license application of SALW is assessed by the MFA/DGEC and Inter-Ministry Council on multi-criteria basis.

According to the Law no. 595/2004, the export, import or brokering activities carried out without licence are considered criminal offence and the perpetrators are punished with imprisonment, according to the Penal Code.

9. Marking, record keeping and tracing

i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)
YES

During the manufacturing process the Romanian Armourers licensed to manufacture arms and ammunition are obliged to apply markings on arms designated for their identification.

Art. 89 Law no 295 / 2004 para 1

ii) Is this marking unique? (II.7)
YES

The marking of arms consists of three alphanumeric groups:
   a) the first group consists of five capital letters, the first being RO and the other three identifying the producer;
   b) the second group consists of a capital letter from A to D, corresponding to the arm category and other two figures identifying the arm characteristics;
   c) the third subgroup consists of at least three figures, of which, the first two indicating the last digits of the manufacturing year and the others the number of weapon established for each category of weapon each year.

Art. 94 Government Decision 130 / 2005

iii) Does this marking identify the country of manufacture? (II.7)
The arms markings must comprise the following elements:
   a) the country indicative of Romania;
   b) the indicative of the producer;
   c) the indicative of each category of arm;
   d) the manufacturing year and the number of each arm established for each category.

Art. 89 Law no 295 / 2005
iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

According to the provisions of the new legislation (Law no 295 / 2004 and its implementation norms) all arms should be registered in the National Arms Register. The implementation of this new legal framework is ongoing. Starting from the information stored in the National Register of Arms the arms can be easily traced.

v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

The registers on the manufacture are kept 10 years by the armourers licensed to produce arms and ammunitions and then are took over by the Romanian Police for archive.

If the armourer stops its activity the registers should be taken over by the Romanian Police in less than ten days since the activity stopped.

Art. 90, 91 Law 295 / 2004

The register keeping registers on operations on arms and ammunitions have a special regime

Art. 7 / Ord. 522 / 2005 of the Minister of Administration and Interior on the models of registers on operations with arms and ammunitions

The update and keeping of the National Arms Register records have permanent character.

Art. 23 / Order of the Minister of Administration and Interior no 389 / 2004 on the Organisation and Functioning of the National Arms Register

The registers of the Ministry of National Defence used for record keepings on arms are to be kept permanently.

MFA/DGEC created in 2006 the “Register of SALW Transfers” for SALW exported and imported, that includes data regarding the type, model, caliber, serial number and other relevant information.

MFA/DGEC informed the Romanian companies authorized to trade with military goods regarding the obligations under the provisions of the International Instrument. During 2009, MFA/DGEC constantly informed all SALW Romanian exporters, importers and manufacturers about the obligations under the provisions of the International Instrument. MFA/DGEC considers that SALW transfers are one of the most important components of export controls and it is approach with caution and very high interest.

vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

Each state institution holding SALW has its own regulations on the stockpiling, wearing and handling of the armament and ammunition. These regulations specify how the weapons should be passed to its personnel and how should be kept the records on the stockpiling, distribution or other operations with arms. Starting from these records the arms can be traced.

The establishment of the “Register of SALW Transfers” for small arms and light weapons which have been exported and imported provides all the relevant information regarding the exports and imports such as: type, model, calibre, serial
number and other relevant information and facilitates the international exchange of information.

vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III.11)

The General Inspectorate of the Romanian Police, by its own structure administrating the National Arms Register fulfills the following attributions subject to the holding and circulation of arms on the Romanian territory:
-cooperates and realises the data and information exchanges with the similar institutions from the European Union on the circulation of arms, by supporting the SIRENE Office consultation or updating on the arms and ammunitions under national or international investigation.
MFA/DGEC participated in the exchange of information mechanism and provided in a timely and reliable manner all the data requested by interested countries from South America regarding the exports of SALW.

10. Disarmament, demobilization and reintegration (DDR)

i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21)

ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)

In Romania it is not the case.

iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

11. Awareness-raising

i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapons and the voluntary surrender of SALW). (II.20)

ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

B.) Regional level

1. Legally binding instruments
i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

Yes

ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (II.25)

2. Moratoria and action programmes

i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

3. Regional Cooperation

i) Please describe any involvement your country has had in the establishment of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

ii) Please describe any initiatives your country has undertaken to encourage regional and subregional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

C.) Global level

1. International instruments against terrorism and crime

i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)

**UN Conventions related to terrorism**

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)

- **Signed:** 27.12.1974  
- **Ratified:** Decree no. 254/1978

International Convention against the Taking of Hostages (New York, 1979)

- **Ratified:** Decree No. 111/1990

International Convention for the Suppression of Terrorist Bombings (New York 1997)

- **Signed:** 30.04.1998  
- **Ratified:** Law no. 257 / 2004

Convention on Offences and Certain Other Acts Committed on Board Aircraft
Signed: 15.02.1974  Ratified: 16.05.1974 by the Decree no. 627 / 1973

Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

Convention on Physical Protection of Nuclear Material (Vienna and New York, 1980)
Ratified: Law no. 78/1993


Ratified: Law no. 123 / 1992

Ratified: Law no. 123 / 1992

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)
Ratified: Law no. 139/1998

Other conventions or agreements
European Convention on Suppression of Terrorism (Strasbourg, 1977)
Ratified: Law no. 19 / 1977

Protocol Amending the European Convention on the Suppression of Terrorism
Ratified: Law no. 366 / 2004

Cooperation agreement between the Government of Romania and the European Police Office
Cooperation agreement between the participants states to the Economic Cooperation at the Black Sea on combating the crime especially its organised forms


2. International cooperation and assistance

i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)

In March 2009, a regional policy seminar on “Mitigating the risk of diversion of international transfers of small arms and light weapons” was organized by Saferworld in Bucharest, co-hosted by the MFA/DGEC in co-operation with EURISC Foundation from Romania.

ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)

iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III.15)

iv) Please give details of your country’s cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)

The data received by channels of the INTERPOL on arms internationally checked or investigated are distributed to the responsible structures in Romania.

v) Please give details of your country’s use and support of Interpol’s International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)

vi) Please give details of your country’s cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)

MFA/DGEC has an effective and immediate mechanism for the implementation of the embargoes on military goods imposed by the UN Security Council Resolutions, Common Positions and Joint Actions adopted by EU Council, OSCE Decisions or imposed by a NATO Member State.

vii) Please describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understandings
of the basic issues and the scope of the problems related to illicit brokering in SALW. (II.39)

In the framework of Wassenaar Arrangement, Romania expressed support for adopting the Statement of Understanding on Arms Brokerage (2002) and for approving Elements for Effective Legislation on Arms Brokering (2003).

In 2007, Romania was part of the Group of Governmental Experts to Consider Further Steps to Enhance International Cooperation in Preventing, Combating and Eradicating the Illicit Brokering in Small Arms and Light Weapons (GGE).

In 2008, Romania was part of the Group of Governmental Experts to examine, the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.

In 2009 Romania continued to have valuable contribution within Open Ended Working Group on Arms Trade Treaty.

3. Cooperation with civil society and NGOs

i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

Since 2001, Romania developed a national strategy for raising the awareness of civil society, defence industry and media on issues related with non-proliferation and export controls. In this context, the MFA/DGEC organise the Annual Conferences dedicated to the exporters, importers and manufacturers of military goods, including SALW and aimed to update them with the latest developments in the export controls field.

However, all the events organised by the MFA/DGEC are focused to support common interpretation and coherent implementation of Romanian legislation, both by government institutions and by the industry.

The information provided by the MFA/DGEC on its website (www.ancex.ro) reflects high transparency and proves to be a great value for civil society, NGOs and media.

In 2009 Small Arms Survey Transparency Barometer placed Romania on 9th place from 45 countries (15.75 points from max. 25 points). The scoring system for the 2009 Barometer has become more comprehensive, nuanced and consistent from 2008.

4. Information exchange

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)

Romania presented information on its national marking systems on SALW to OSCE.
ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)

5. Training, capacity-building, research

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)
Marking

National practices on marking are fully consistent with the best practices established by the UN Firearms Protocol, the Wassenaar Best Practice Guidelines for Exports of Small Arms and Light Weapons, the OSCE Best Practice Guide on Marking, Record Keeping and Traceability of Small Arms and Light Weapons and the Instrument to Enable States do Identify and Trace in a Timely and Reliable Manner Illicit Small Arms and Light Weapons (ITI).

During the manufacturing process the Romanian Armourers licensed to manufacture arms and ammunition are obliged to apply markings on arms designated for their identification.

The marking of arms consists of three alphanumeric groups:

d) the first group consists of five capital letters, the first being RO and the other three identifying the producer;

e) the second group consists of a capital letter from A to D, corresponding to the arm category and other two figures identifying the arm characteristics;

f) the third subgroup consists of at least three figures, of which, the first two indicating the last digits of the manufacturing year and the others the number of weapon established for each category of weapon each year.

Art. 94 Government Decision 130 / 2005

The arms markings must comprise the following elements:

e) the country indicative of Romania;

f) the indicative of the producer;

g) the indicative of each category of arm;

h) the manufacturing year and the number of each arm established for each category.

Art. 89 Law no 295 / 2005

According to the provisions of the new legislation (Law no 295 / 2004 and its implementation norms) all arms should be registered in the National Arms Register. The implementation of this new legal framework is ongoing.
Starting from the information stored in the National Register of Arms the arms can be easily traced.

Record-Keeping

The registers on the manufacture are kept 10 years by the armourers licensed to produce arms and ammunitions and then are took over by the Romanian Police for archive.

If the armourer stops its activity the registers should be taken over by the Romanian Police in less than ten days since the activity stopped.

Art. 90, 91 Law 295 / 2004

The record keeping registers on operations on arms and ammunitions have a special regime
Art. 7 / Ord. 522 / 2005 of the Minister of Administration and Interior on the models of registers on operations with arms and ammunitions

The update and keeping of the National Arms Register records have permanent character.

Art. 23 / Order of the Minister of Administration and Interior no 389 / 2004 on the Organisation and Functioning of the National Arms Register

The registers of the Ministry of National Defence used for record keepings on arms are to be kept permanently.

Record-keeping for transfers

All exports of SALW are subject to the monitoring process. It is mandatory for the Romanian exporters to notify the Ministry of Foreign Affairs / Directorate General for Export Controls (MFA/DGEC), 5 days before the export will take place, all elements of transfer, including the serial number of SALW, details of the carrier, the transport modality and the route. In this manner the transfer segment is kept under strict control by the export controls authority.

If the transfer could be made directly from Romania to the country of final destination the export licence is issued with restriction on transit and transshipment.

All imports of SALW are subject to the notification of serial number in maximum 10 days after the import took place.

The national authority on export controls (MFA/DGEC) doesn’t approve any transfer of unmarked or inadequately marked SALW.

MFA/DGEC created in 2006 the “Register of SALW Transfers” for SALW exported and imported, that includes data regarding the type, model, calibre, serial number and other relevant information that facilitates the international exchange of information. The Register contains also information about the ammunition transfers. MFA/DGEC informs regularly the Romanian exporters and importers that trade with SALW regarding the obligations under the provisions of the International Tracing Instrument (ITI).

All exporters and importers that trade with SALW and their ammunition are obliged to keep their own records of transfers.

According to the internal procedures based on the ITI provisions, the manufacturers are obliged to keep the records for minimum 30 years and the exporters / importers for minimum 20 years. The Enforcement Teams of the licensing authority verify on-site if the licensing conditions are fully respected.

The violations of the Romanian legislation or any general or specific conditions included in the licenses are punished according to the Penal Code.

National point of contact (for transfers):

Ministry of Foreign Affairs – Directorate General for Export Controls
Tel +4021 305 72 02
Fax +4021 311 12 97
E-mail: ppasnicu@ancex.ro

Cooperation in tracing

In 2009 MFA/DGEC participated in the exchange of information mechanism and provided in a timely and reliable manner the data requested by one interested country form South America.
National point of contact (for tracing)

Ministry of Foreign Affairs – Directorate General for Export Controls
Tel +4021 305 72 02
Fax +4021 311 12 97
E-mail: ppasnicu@ancex.ro