



UN Programme of Action

National Reporting Tool

Romania

2016

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? Yes

- a) Name of agency : Ministry of Foreign Affairs of Romania OSCE, Asymmetrical Risks and Nonproliferation Directorate
 b) Address : Aleea Alexandru nr. 31, Sector 1, 011822 Bucharest
 c) Contact details :
 i) Contact person : Monica Matei, Director
 ii) Telephone number(s) : +40.21.431.13.73
 iv) Email : monica.matei@mae.ro

Sources National Point of Contact

PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)? Yes

2.1. Details:

- a) Name : Monica Matei, Director
 b) Organization or agency : Ministry of Foreign Affairs of Romania/ OSCE, Asymmetrical Risks and Nonproliferation Directorate
 c) Address : Aleea Alexandru nr. 31, Sector 1, 011822 Bucharest, Romania
 d) Telephone number(s) : +40.21.431.13.73
 f) Email : monica.matei@mae.ro

ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)? No

ITI 25 2.3 If the answer to Question 2.2 is 'no', does your country have a National Point of Contact for purposes of exchanging information and liaising on all matters relating to the ITI? Yes

2.3.1 Details:

- a) Name : Eugen Mihuț, Director General
 b) Organization or agency : Ministry of Foreign Affairs/Department for ExportControls-ANCEX
 c) Address : Str. Polona nr. 8, sector 1, 010501, Bucharest, Romania
 d) Telephone number(s) : +40.21 311 2083
 f) Email : ancex@ancex.ro

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

PoA II.2 3. Are there any SALW manufactured in your country? Yes

3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW? Yes

3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country

Law no 295 / 2004 on the Regime of Arms and Ammunition • Government Decision no. 130 / 2005 on the approval of the Methodological Norms for the Implementation of the Law on the Regime of Arms and Ammunition • Law no 31 / 1996 on the Regime of the State Monopoly stipulates that the manufacture of and the commerce with armament, ammunition and explosives is a state monopoly • Law no 122 / 2011 on the Regime of Military Arms, Devices and Ammunition of the MoD establishes that the MoD has the right to repair, modify, transform, test or dispose arms. • Romanian Penal Code establishes that illegal detaining, wearing, manufacturing, transport and any other operation regarding the circulation of arms and ammunitions or the illegal functioning of the workshops is punished with prison

3.1.2. Does your country license the manufacture of SALW? Yes

PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country? Yes

Sources Marking at manufacture

PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture? Yes

ITI 8a 3.2.1. What information is included in the marking (check relevant boxes)?

- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other

ITI 10a

3.2.2. What part of the SALW is marked?

According to the national Law on Arms and Ammunition all arms should have a clear and visible marking for the assembly as well as markings on their individual parts.

3.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture?

No

Sources Record-keeping by manufactures

PoA II.9; ITI 11

3.3. Does your country require that manufacturers keep records of their activities?

Yes

ITI 12a

3.3.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW manufactured
- b) Type or model of SALW manufactured
- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

information regarding the exports of SALW (e.g. destination country, other brokers involved in the transfer)

ITI 12a

3.3.2. How long must manufacturing records be kept?

30 Years

Sources Actions taken during the reporting period

PoA II.6

3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)?

No

Sources International assistance

PoA III.6

4. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture?

No

SECTION 3: INTERNATIONAL TRANSFERS**Sources Laws, regulations and administrative procedures**

PoA II.2, 12

5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

Yes

PoA II.11

5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.

- Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, republished
- Ministerial order no. 493/2015 setting up the List of military goods subject to control regime of export, import and other transfers of military goods (published in Romanian Official Journal, Part I, no. 174 from 13 March 2015)
- Secondary legislation – Ministerial orders for different administrative procedures

Sources Licensing and authorisation

PoA II.11

5.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country?

Yes

PoA II.3

5.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?

Yes

PoA II.11

5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12

a) An end-user certificate (EUC) from the importing country**i) What elements does an end-user certificate in your country contain (check relevant boxes)?**

- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter's details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other

b) Other types of end-user documentation

Non-transfer End-Use Certificate is another type of end-user documentation that comprise all of elements checked above. This is a Romanian form that is promoted to exporters in cases when the end-user documentation provided is not in accordance to our national export controls standards. In some cases, an International Import Certificate could be considered as end-user documentation for SALW exports.

PoA II.12

5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation

Yes

provided?

5.5.1 Details:

Usually, MFA/ANCEX verifies through diplomatic channels the authenticity of the end-user documentation (End-User Certificates, International Import Certificates) provided by the foreign importer to the Romanian exporter.

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?

Yes ▼

5.6.1 Details:

The International Import Certificates, Delivery Verification Certificates, Licenses and Permits issued by MFA/ANCEX have security elements and holograms to ensure that this documentation cannot easily be reproduced. There are also security features related to the identification number of the documentation mentioned above.

Sources Post-delivery controls

5.7. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?

Yes ▼

5.8. After exporting, does your country verify or seek to authenticate DVCs provided?

Yes ▼

5.8.1 Details

Under special circumstances, MFA/ANCEX can verify through diplomatic channels the DVCs. Moreover, MFA/ANCEX can conduct physical verification at the End-User of the military items exported (including SALW and their ammunition). There are cases when the Romanian exporter is required to accompany the export up to the End-User.

5.9. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?

Yes ▼

Sources Marking at import

ITI 8b

5.10. Does your country require that SALW imported into your country be marked at the time of import?

Yes ▼

5.10.1. Who is required to mark the SALW?

Marking should be applied by the producer.

5.10.2. What information is included in the marking on import (check relevant boxes)?

- a) Country of import
- b) Year of import
- c) Other

5.10.3. Are there exceptions to the requirement to mark imported SALW?

No ▼

5.10.4. If marked SALW imported into your country do not bear a *unique* marking when they arrive, does your country require that they be given such a marking?

Yes ▼

5.10.4.1 Details:

The marking should be unique, clear and visible.

Sources Record-keeping

PoA II.9; ITI 12

5.11. Does your country require that exporters and importers of SALW keep records of their activities?

Yes ▼

5.11.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW traded
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
- i) Identity of buyer/seller
- ii) Country SALW are to be delivered to or purchased from
- iii) Date of delivery
- e) Other

5.11.2. How long must records of transfers be kept?

20 years

20 years ▼

Sources Actions taken during the reporting period

PoA II.6

5.12. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?

No ▼

Sources International assistance

PoA III.6

6. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

No ▼

SECTION 4: BROKERING

Sources Laws, regulations and administrative procedures

PoA II.14

7. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

Yes ▼

7.1. List laws and/or administrative procedures regulating SALW brokering in your country.

- Government Ordinance no. 158/1999 on the control regime of exports, imports and other transfers of military goods, republished

8.1.1 Are those laws and procedures part of the national arms export control system?

--- Select --- ▼

7.2. Does your country require registration of SALW brokers?

Yes ▼

7.3 Does your country require a licence, permit or other authorisation for each brokering transaction?

Yes ▼

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker?

--- Select --- ▼

7.4 Does your country regulate activities that are closely associated with the brokering of SALW?

Yes ▼

7.4.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- | | |
|-----------------------------------|-------------------------------------|
| a) Acting as dealers or agents | <input checked="" type="checkbox"/> |
| b) Providing technical assistance | <input checked="" type="checkbox"/> |
| c) Training | <input checked="" type="checkbox"/> |
| d) Transport | <input type="checkbox"/> |
| e) Freight forwarding | <input type="checkbox"/> |
| f) Storage | <input type="checkbox"/> |
| g) Finance | <input type="checkbox"/> |
| h) Insurance | <input type="checkbox"/> |
| i) Maintenance | <input type="checkbox"/> |
| j) Security | <input type="checkbox"/> |
| k) Other services | <input type="checkbox"/> |

Sources Actions taken during the reporting period

7.5 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

No ▼

Sources International assistance

PoA III.6

8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?

No ▼

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17

9. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW?

Yes ▼

PoA II.17

9.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- a) Appropriate locations for stockpiles

- b) Physical security measures
- c) Control of access to stocks
- d) Inventory management and accounting control
- e) Staff training
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
- g) Procedures and sanctions in the event of theft or loss
- h) Other

Sources Surplus

PoA II.18 9.2. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

9.3. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other transfer to the National Company ROMARM

Sources Actions taken during the reporting period

PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks?

Sources International assistance

PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management?

PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons?

SECTION 6: COLLECTION

Sources Collection

12. During the reporting period, did your country collect any SALW?

Sources International assistance

PoA III.6 13 Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

ITI 8d 14. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?

14.1. Describe the markings that are applied to government-held stocks.

Stockpiles in the possession of the authorised governmental authorities are marked either with markings according to the provisions of the former standards used for the armament production either after 2004 with markings that observe the provisions of the Law on Arms and Ammunition. The markings are clearly visible and unique.

ITI 8c 14.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?

ITI 8e 15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?

15.1 Details

The implementation of the marking provisions of the Law on Arms and Ammunition follows attentively the markings to be done in such a way as to prevent the removal or alteration

Record-keeping

PoA II.9 16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?

16.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?

Department for Export Controls -ANCEX created in 2006 the "Register of SALW Transfers" for SALW exported and imported, that includes data regarding the exporter, the importer/buyer, type, model, caliber, serial number, delivery dates and other relevant information.

ITI 12 a,b 16.2. How long does the government keep such records?

Department for Export Controls -ANCEX archives the records for 20 years. The main law stipulates the maintenance of manufacturing records for at least 30 years (for manufacturers) and all other records, including records of import and export, for at least 20 years (exporters and importers).

ITI 13 163. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?

Sources International assistance

PoA III.6, ITI 27 17. Does your country wish to request assistance in building capacity for record-keeping?

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

PoA II.10; 18. Does your country have procedures in place to trace SALW?

ITI 14, 24

Sources Tracing requests

- ITI 25; 31a **18.1. Which government agency is responsible for making a tracing request to another country?**
The ITI National Point of Contact (see 2.3)
- ITI 17 **18.2. What information does the designated agency include in a tracing request? (check relevant boxes)**
- a) Circumstances under which the SALW was found
 - b) Reasons why the SALW is considered to be illegal or illicit
 - c) The intended use of the information being sought
 - d) Any markings on the SALW
 - e) Type/calibre of SALW
 - f) Other

Sources Cooperation with INTERPOL

- PoA II.37; ITI 33 **19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?**

Sources International assistance

- PoA II.36; III.6; ITI 27 **2420. Does your country wish to request assistance in developing procedures to trace SALW? <td>**
- &n
- PoA III.10; ITI 28 **2521. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW? <td>**
- &n

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources Assistance requested / received / provided

- PoA III.3, 6 **2622. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI? <td>**
- &n
- Any further comments on PoA and ITI, including implementation challenges and opportunities? <td>**
N/A
- Additional information may be uploaded/attached, if necessary:**

SECTION 10: INFORMATION TO BE SUBMITTED

Information on national marking practice

- 2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary: <td>**
- a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.
N/A
- Additional information such as images and illustrations may be uploaded/attached, if necessary:**

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.