

## Romania

Romania is a State Party to NPT (1970), BWC (1979) and CWC (1995) and participates to the international non-proliferation regimes such as Wassenaar Arrangement (1996), Nuclear Suppliers Group (1991), Zangger Committee (1991) and Australia Group (1995). The Additional Protocol to the Safeguards Agreement between Romania and the IAEA has been in force since 7 January 2001. Romania is also a signatory to the International Code of Conduct against Ballistic Missile Proliferation (HCOC).

The result of this policy is the restrictive legislative approach taken by the Government with respect to the transfer of military equipment and dual-use items and technologies. The national export control system is based on multilateral, regional and bilateral obligations and political commitments entered into by Romania. The Inter-Ministerial Council for Export Control of Dual Use Goods and Technologies, the Inter-Departmental Group for Non-proliferation and the Inter-ministerial Council for Counter-terrorism are responsible for actions to put in place Romania's non-proliferation activities, both at policy and technical levels. They also ensure the implementation of Security Council resolution 1540 (2004). Romania does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any and all such support is prohibited by Romanian law.

All international obligations undertaken by Romania as a state party to the NPT, BWC and CWC are fully translated into domestic legislation, including the export control regulations and Penal Code. The most recent law passed by the Parliament of Romania (Law no. 407/2004) approves Romania's participation in the Australia Group. The national legislation and regulations can be consulted on the ANCEX's official website: [www.ancex.ro](http://www.ancex.ro)

An Inter-Departmental working group was set up in 2003 to consider and recommend possible updates to the national legislation in the biological field, in particular by addressing issues related to prevention and countering of bioterrorism. Law 472/2002 on punishing terrorist activities covers acquisition or spread in air, ground, underground and water of products, substances, materials, micro-organisms or toxins jeopardizing health of human beings and animals, or the environment. The maximum penalty for non-observance of the law is up to 20 years of imprisonment.

Decisions to import and export military equipment and dual-use items are made upon the thorough evaluation of each particular case. In approving a license for the export of military equipment and dual use items due consideration is given to whether:

- the transfer would affect in any way peace and security or create instability
- the transfer would breach international commitments undertaken by Romania
- the end-user/broker is not reliable.

The national system for strategic exports control as updated in 2003, is a result of the positive achievements in this field, both at national and international level, during 1992-2003. Romania has continuously improved its mechanisms and procedures of non-proliferation and export controls by taking into account the results achieved within the international non-proliferation arrangements such as NSG, AG, MTCR, and the WA, as well as "best practices" in this field. Within the measures put in place to improve the control system, Romania has developed a

sound enforcement component, which amplifies the inter-institutional information sharing process and strengthens administrative co-operation on both prevention and response. Romania is a staunch partner in the promotion of regional and international initiatives aimed at preventing the proliferation of WMD and their delivery systems, in particular against possible risks of diversion of strategic goods to terrorists.

The national control authority is the National Agency for Export Control (ANCEX). ANCEX is also the National Authority for implementation of CWC. The National Authority was set up through Government Decision no. 594/1992. Between 1993 and 2000, ANCEX operated as a specialized body of the Government, being subordinated directly to the Prime–Minister. Since 2001, ANCEX has functioned as a specialized body of the central public administration, subordinate to the Ministry of Foreign Affairs. The on-site control activity of ANCEX is coordinated since 2003 by the Minister Delegate for enforcement activities. ANCEX is headed by a President with the rank of State Secretary.

The Inter-ministerial Council for the export and import control of dual use items was established by Government Decision, following the promulgation of Law 387/2003. The Council approves or denies license applications for export/import of dual use goods and technologies. The control list of dual use items was updated through the Government Decision 861/2004. The Council meets weekly and its decisions are taken by consensus. The Inter-ministerial Council consists of representatives from:

- Ministry of Foreign Affairs – Non-proliferation and Arms Control Department and International Trade Department;
- Ministry of National Defense – Department of Procurement;
- National Customs Authority;
- Ministry of Economy and Trade;
- Ministry of Interior – Division for Economic Investigations;
- Romanian Intelligence Service;
- Foreign Intelligence Service;
- National Commission for Nuclear Activities Control;
- National Agency for Export Control (ANCEX).

The Council is chaired by the President of ANCEX.

According to the national legislation the following items are defined as being “strategic goods”:

- Dual-use goods (nuclear materials, facilities and equipment; materials, chemicals, micro-organisms and toxins; processing materials; electronics; computers; telecommunications; information security; sensors and lasers; navigation and avionics; marine; propulsion systems, space vehicles and related equipment). The dual-use list is consistent with EU regulations, Nuclear Suppliers Group, Zangger Committee, Australia Group, Wassenaar Arrangement and MTCR Guidelines and decisions.
- Arms, munitions and other military goods
- Intangible transfer of technologies.

Romania signed the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare on 17 June 1925 and ratified it on 23 August 1929 with two reservations. These were withdrawn through the Romanian Parliament Act no. 39 of 1 June 1991. The Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction was signed

by Romania on 10 April 1972 and ratified on 25 July 1979. The Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and on their Destruction (CWC) was signed by Romania on 13 January 1993 and ratified on 15 February 1995. As stipulated by the Convention, the National Authority (ANCEX) has been set up with the view to ensure its implementation at the national level. Romania became a member of the Australia Group in 1995. The export control regime on dual-use biological and chemical equipment, agents and microorganisms was enacted in Romania in 1992, through Government Decision no.594/1992. The latest update of the AG list is Annex 1 of the Government Decision no. 467/1999.

Romania adhered to the former COCOM guidelines in 1992, when establishing its national export control system through Government Decision no.594/1992. After COCOM dissolution in 1994, Romania continued strictly to abide by its export control commitments. The national basic law of 1994 (Law 93/1994) was further improved and in 1999 a new regulation came into force – Government Ordinance no. 158 of 19 October 1999 on the import and export regime of strategic goods. In 1996, Romania joined the Wassenaar Arrangement on export controls for conventional weapons and dual-use items and technologies. Romania implements the control lists of the Wassenaar Arrangement in the field of Dual- Use goods through Government Decision 467/1999, Annex 1 and Government Decision 20/2000 on export control of sensitive and very sensitive dual-use items. Conventional arms and ammunition subject to the export control regime are incorporated in a specific list approved through Government Decision no. 844/2001, which is in line with the amendments adopted so far by the WA Plenary. All strategic goods control lists are continuously updated subject to the decisions adopted within the international non-proliferation regimes and the EU.

Breaches of the strategic goods trade regulations constitute offences according to the Romanian Penal Code of 1998 and are punished with imprisonment, unless otherwise regulated by special legislation:

- Art. 302: non-observance of legal provisions on import and export transactions (up to 7 years);
- Art. 312: trafficking in narcotics and toxic substances (from 3 to 25 years).

According to the current legislation, non-observance of the end-user and final destination declarations of strategic goods constitutes contravention and is punished with fines. Non-observance of the authorization and licensing procedures, in accordance with the framework law, is sanctioned by disciplinary, administrative or criminal penalties.

Romania is fully committed to strengthening the BTWC. Romanian experts attended the BWC meetings in 2003 and 2004 and actively participated in the discussions. Romania will work closely with national delegations and the UK chair of the BWC Meetings in 2005, which will discuss the possible content, promulgation, and adoption of Codes of Conduct for scientists.

Romania provides annual reports to the BTWC Confidence Building measures programme. Future efforts will be focused on measures related to strengthening the implementation of the BTWC, prevention and combat against bio-terrorism, improvement of physical protection of nuclear sites, chemical sites and biological research and production facilities. As a future EU member, Romania supports and has aligned itself with:

The EU Common Position, November 2003, on the universalization of the main multilateral non-proliferation agreements (CWC, BTWC, NPT):

- The non-proliferation clause in EU-third country agreements.

- The EU lobbying for universalization of implementation of the Additional Protocol as condition for supply of nuclear items and technologies.
- The EU demarches for non-State parties to adhere to multilateral treaties with a view to universalization of these treaties and to strengthen such treaties to prevent the proliferation of nuclear, biological and chemical weapons.

Romania will continue to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons. Romania will update regularly its legislation in the field of preventing and combating terrorism and WMD proliferation by non-state actors, including the adoption of Cooperation Protocols between the governmental institutions of the National System for Preventing and Combating Terrorism. A Draft Law on preventing and combating terrorism is under consideration by the Romanian Parliament. The Law will incorporate into the domestic legal framework the relevant European norms, especially the European Council Decision 475/JHA/2002 and the European Council Directive 97/2001, as well as the provisions of other relevant universal legal instruments; Romania is a state party to all the major international conventions on terrorism.