

## Romania



### 1 SALW problem

An important producer and exporter of SALW, Romania's main challenge with respect to SALW has been the progression towards full compliance with international arms transfer control norms whilst simultaneously managing the transition of a large defence industry. The main additional challenges include: increasing the capacity of the police to combat organised crime and firearms related crime in particular, improving border management, maintaining appropriate control over firearms possession, and ensuring inter-agency co-ordination on SALW control.

Since attracting heavy criticism following a series of arms transfers to sensitive destinations in the 1990s,<sup>1</sup> Romania has made significant improvements to its arms transfer control system. However, whilst Romanian arms transfer controls have generally improved, levels of transparency on this issue remain low; information on arms transfers has not been publicly available since 2002 when a national arms exports report was published. Public oversight and scrutiny of licensing decisions is therefore minimal and thus Romania presently falls short of international and European best practice in this regard. Although the defence industry has diminished since the Cold War, the Romanian SALW industry is still capable of manufacturing and exporting a wide range of weaponry and ammunition. Indeed, from 2002 onwards Romania has obtained contracts to supply the new Iraqi and Afghan security forces.<sup>2</sup>

The Romanian authorities consider the involvement of organised crime in the trafficking of firearms in Romania to be limited, and few cases have been reported.<sup>3</sup> However, trafficking remains a potential threat and in 2003, the European Commission (EC) called

<sup>1</sup> Reported destinations include Rwanda (1997); UNITA rebels in Angola via re-export through Togo and Burkina Faso using forged end-user certificates (1996–1999), and rebel forces in the Democratic Republic of Congo via Uganda (2001). See: Amnesty International, *Rwanda – The hidden violence: 'disappearances' and killings continue*, 23 June 1998, p. 10; United Nations, *UN Final Report of the Monitoring Mechanism on Angola Sanctions*, S/2000/1225, 21 December 2000, p. 15; Saferworld, *Arms Production, exports and decision-making in Central and Eastern Europe* (2002) p. 152; Human Rights Watch, *Arms Trade, Human Rights, and European Union Enlargement – The Record of Candidate Countries*, 08 October 2002, p. 4; Salopek, P., 'Leftover arms fuel continent's ruinous wars – Cold War surplus wreaks havoc,' *Chicago Tribune*, 23 December 2001; Human Rights Watch, *Small Arms and Human Rights: The Need for Global Action – A Human Rights Watch Briefing Paper for the UN Biennial Meeting on Small Arms*, 07 July 2003, <http://www.hrw.org/backgrounder/arms/small-arms-full-070703.pdf>, accessed 23 May 2006.

<sup>2</sup> Small Arms Survey, *Small Arms Survey 2003*, Oxford University Press, 2003, p. 110.

<sup>3</sup> Interview with Florin Troscă, Head of Firearms Explosives and Toxic Substances Division, General Inspectorate of the Romanian Police, Bucharest, 03 February 2004.

for improvements in the operational capacity of law enforcement agencies to meet such challenges. Further, in 2006, whilst acknowledging Romanian progress in 'the effectiveness, accountability and autonomy of the law enforcement agencies...as well as the co-ordination between them', the EC cited both the lack of continuous training for police officers and the absence of a comprehensive system for the collection and analysis of crime statistics from all law enforcement agencies as outstanding concerns.<sup>4</sup>

The 2006 report also highlighted a number of areas relating to border management that still need to be improved in order to ensure that an integrated border management system is operation by 2009. Specifically, it is thought that additional training and further staff, especially IT and communications experts to deploy and implement the border management system, are necessary.<sup>5</sup>

Surpluses of weapons and ammunition present an additional challenge, particularly in view of the ongoing restructuring of the national army, Ministry of Interior (MoI), Border Guard Service and Gendarmerie. Although approximately 200,000 surplus weapons have already been destroyed with international assistance, the Romanian Ministry of Defence (MoD) estimated in 2004 that there are 1.25 million surplus weapons still in need of destruction.<sup>6</sup> In spite of this large number, no destruction is known to have occurred in the period 2005/2006.

Moreover, although Romania has not suffered significantly from the internal proliferation of SALW, recent moves to liberalise the laws on civilian firearms possession have raised concerns amongst some civil society campaigners and police representatives. According to Law 295/2004, firearm users (either private citizens or private security companies) are no longer able to lease their weapons from the police and must instead obtain individual licences. Combined with changes to legislation regarding the management of weapons by police officers, who are now permitted to keep their weapons at home whilst off-duty, concerns have thus been raised that there may be a resulting increase in SALW-related crime, misuse and accidents.<sup>7</sup>

Finally, SALW control has been undermined by low inter-agency co-operation and the absence of a clear structure (for example, a national SALW commission) or strategy to facilitate co-operation between government agencies when addressing Romania's remaining SALW-related problems.<sup>8</sup> While co-operation between the police and security services has improved in relation to the issue of combating criminal activity, there do not appear to be any specific provisions that ensure co-operation when addressing SALW proliferation and misuse.

---

<sup>4</sup> Commission of the European Communities, *Romania: May 2006 Monitoring Report, Commission Staff Working Document*, (Brussels, 16 May 2006), pp. 34–35 (hereafter *Romania: May 2006 Monitoring Report*). Available at: [http://ec.europa.eu/comm/enlargement/report\\_2006/pdf/monitoring\\_report\\_ro\\_en.pdf](http://ec.europa.eu/comm/enlargement/report_2006/pdf/monitoring_report_ro_en.pdf), accessed 31 May 2006.

<sup>5</sup> *Ibid.*, p. 34.

<sup>6</sup> BICC, *Disposal of surplus small arms – a survey of policies and practices in OSCE countries*, January 2004, p. 90. *Report on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in all its Aspects (2003)* (hereafter, *UN PoA Report 2003*). Available at: <http://disarmament.un.org/cab/nationalreports/2002/romania.PDF>, accessed 31 May 2006.

<sup>7</sup> Correspondence with staff at the EURISC Foundation, May 2005.

<sup>8</sup> Some commentators have attributed this delay to the fear that information exchange might undermine lucrative but corrupt practices.

## 2 SALW policy and practice

Since the 1990s, when relatively weak controls allowed significant quantities of SALW to reach sensitive destinations or end-users under embargo, Romania has developed a policy framework that is based on a number of regional and international commitments covering both SALW and conventional arms control (see table 1). Romanian policy currently prohibits exports of SALW to regions of conflict, states that support terrorism, and destinations that raise proliferation concerns. No new relevant arms control agreements have been adopted by Romania during the past year.

ARMS OR SALW CONTROL AGREEMENT	ROMANIA'S COMMITMENTS
EU Code of Conduct on Arms Exports	July 1998
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	2003
OSCE Decision on End User Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation Plan	November 2001
UN Firearms Protocol	April 2004
UN Programme of Action on SALW	July 2001
Wassenaar Arrangement	April 1996

**Table 1: Romania's commitments to conventional arms or SALW control agreements**

## 3 SALW progress 2005–2006

### 3.1 Legislative and Regulatory Issues

#### Transfer controls

Transfers of conventional arms are governed by Government Ordinance No. 158/1999 *On the Control of Imports and Exports of Strategic Goods* and Law 595/2004 *For the Approval of the Government Ordinance Number 158/1999 regarding the Export and Import Regime of Strategic Products*.<sup>9</sup> Also significant in this regard is Law 387/2003, which lays out the export control regime for dual-use goods and technologies.<sup>10</sup> Significantly, Romanian legislation contains provisions regarding international arms brokering, including third-party brokering. However, no changes to the legislative and regulatory basis for arms transfer are known to have occurred during the reporting period.

#### Domestic possession and use

The possession of firearms and ammunition is regulated by Law No. 295/2004 regarding the control of arms and ammunition, which has replaced Law No. 17/1966 on Firearms

<sup>9</sup> Official Gazette No. 1239/2004, 22 December 2004.

<sup>10</sup> The Law incorporates the EU provisions in the area of dual-use goods and technologies, represented by Regulation 1334/2000 and Common Position 401/2000.

and Munitions; Government Decision No. 679/1997 *Approving the Firearms and Munitions Regulation*; and Law No. 116/1997 *For the Ratification of the European Convention on the Control of the Purchase and Possession by Civilians*. Under Law No. 295/2004, civilian possession of firearms is subject to licensing, with a total prohibition on the possession of military-style weapons and certain categories of persons barred from ownership.<sup>11</sup>

However, as discussed above, the 2004 Law also represents a partial liberalisation of previously strict controls on civilian and police firearms possession. As well as permitting police officers to take weapons home when off-duty, weapons are no longer leased from the Police, but are now licensed to individual owners. Again, no changes to the legislative and regulatory basis for domestic possession and use are known to have occurred during the period 2005/2006.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	ROMANIA
<b>NATIONAL</b>	
National Co-ordinating Agency	Partial (co-ordination of arms transfers only) <sup>12</sup>
National Point of Contact	Yes <sup>13</sup>
<b>LAWS AND PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</b>	
Primary legislation	Yes
Production	Yes
Export	Yes
Import	Yes
Transit	Yes
<b>NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION</b>	
Diversion risk	Yes
End User Certificate	Yes, a mandatory condition for the approval of export licences
Re-transfers	Yes <sup>14</sup>
Verification (pre/post)	Yes, pre- <sup>15</sup> and post-delivery
Brokering Controls	Yes, including extra-territorial provisions
<b>DOMESTIC POSSESSION, STOCKPILING AND TRADE</b>	
Manufacture	Yes
Marking and Tracing	Yes
Possession	Yes
Stockpiling	Yes
Trade	Yes

**Table 2: Features of Romania's legislative and regulatory framework**

<sup>11</sup> Foreigners who have no residence or domicile in Romania; persons under the age of 18; persons who, according to evidence held by the police or courts, are known to have committed acts of domestic violence; and persons who exhibit antisocial behaviour (alcoholism, begging, etc) according to evidence held by the police or courts.

<sup>12</sup> The control of strategic exports is co-ordinated by the National Agency for Export Control (ANCEX, previously ANCESIAC).

<sup>13</sup> The Non-Proliferation and Arms Control Division within the Ministry of Foreign Affairs.

<sup>14</sup> All re-export operations are subject to the provisions of Government Ordinance 158/1999 and Law 595/2004.

<sup>15</sup> The Office for the Control of Imports and Exports of Special Items (OCIEPS) within the Ministry of Defence exercises control over the imports and exports of military products and technologies in the pre-licensing and licensing phases in order to prevent illicit trafficking in SALW.

### 3.2 SALW Collection programmes and capacities

It is widely believed that there are few weapons in circulation in Romania and there have not therefore been any voluntary weapons collection programmes in recent years. The Romanian Government has not provided figures for SALW seizures in the past year.

### 3.3 SALW Destruction programmes and capacities

Previous reports by Romania to UNDDA and the OSCE stated that a total of 195,540 weapons and 36,692,747 rounds of ammunition were destroyed between 2001 and 2003.<sup>16</sup> However, there has not been any known destruction of weapons or ammunition during 2005/6.

### 3.4 SALW Stockpile Management programmes and capacities

In its June 2004 submission to the OSCE, the Romanian Government stated that in 2003, there were 1,243,879 surplus weapons held in Government stores.<sup>17</sup> However, no current information has been provided on the remaining level of surplus. Neither have there been any known changes to SALW Stockpile Management programmes and control capacities, though Romanian law sets out established procedures for the MoI and MoD with regard to stockpile management, which includes: the determination of surpluses, requirements for stockpile locations, physical security, access control, inventories and accounting; staff training and transport.<sup>18</sup>

### 3.5 SALW Awareness activities

The Government of Romania has carried out important outreach work with companies and individuals operating within the national defence industry in order to improve understanding of, and compliance with, arms control legislation. This includes an ongoing programme aimed at domestic arms producers and exporters, entitled 'Transparency, Co-operation and Communication'.<sup>19</sup> The National Agency for Export Control (ANCEX) also provides this

<sup>16</sup> UN PoA Report 2003. See also the Romanian Government's 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.

<sup>17</sup> Extracts from Romanian Government's 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.

<sup>18</sup> Within the Ministry of Defence, the following laws and regulations apply: Law 17/1996 'On the Firearms and Ammunition Regime'; Regulation A 114/1989 on 'Technical Endowment with Armaments and Ammunition in Peacetime'; Order of the Minister of Defence M8/1999 on 'Inventory Management and Accounting Control'; and Order of the Minister of Defence M75/2000 for 'Reporting of Losses and Thefts'. *Report on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects*, 2003 and 2005.

<sup>19</sup> Statement by HE Mrs Nineta Barbulescu, State Secretary, Ministry of Foreign Affairs and President of the National Agency for Export Controls, at the First Biennial Meeting of States on the Implementation of the Programme of Action of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 07-11 July 2003. As a result of this programme, it is now compulsory for companies that trade in military goods to possess a policies and procedures manual, which contains primary and secondary legislation as well as samples of the documentation required during the licensing process. Interviews with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 04 February 2004 and 23 March 2005.

information for traders through its website,<sup>20</sup> as well as running occasional seminars and workshops. However, apart from these ongoing measures, there have been no known awareness-raising activities during the period 2005/6.

### 3.6 SALW Survey activities

Although National SALW Surveys have now been conducted in all other South East European countries, no similar study has been conducted in Romania. SEESAC does not intend to initiate such a Survey as the estimated levels of illicit civilian possession are minimal, and the problems of Romania in terms of stockpile destruction and arms transfers controls are well documented already.

### 3.7 Civil society involvement in SALW interventions

During 2005/2006, there has been no significant civil society activity related to SALW control. Romanian civil society (particularly NGOs) has typically shied away from activities related to arms and security, though past seminars organised by the European Institute for Risk Security and Communications Management (EURISC Foundation) and Saferworld on issues such as the UN Programme of Action (PoA), illicit arms trafficking and organised crime are exceptions.

### 3.8 Cross-border SALW control initiatives

Reinforcing border security remains a significant priority for Romania in view of the country's approaching accession to the EU. A number of bilateral arrangements with other European states allow for cross-border co-operation between Romanian law enforcement officers and those of neighbouring states on issues such as arms trafficking. For example, between November 2005 and February 2006 three Ukraine–Romania agreements were signed in order to improve practical co-operation on border issues, as well as establishing a Contact Centre in Porubnoe. A Moldova–Romania agreement to enhance co-operation in this field was also signed at the end of 2005.<sup>21</sup> In addition to these initiatives, further measures, such as the secondment of police attaches to Romanian Embassies abroad, have also proved beneficial.

In addition, Romania participates in several regional and international initiatives such as INTERPOL, EUROPOL, the Black Sea Economic Co-operation Organisation (BSEC), the Central European Initiative (CEI) and the South Eastern Europe Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crimes Task Forces on SALW.

Romania's strategy for integrated border management was adopted in March 2003 and covers the period 2003-2006. Amongst other things, it provides the impetus for a protocol of co-operation between the Customs Administration and General Inspectorate of Border Police with respect to anti-smuggling activity. Despite some problems, previous EC reports on Romania's progress towards EU accession has identified gradual improvement in this area, and co-operation between the Customs Administration and other enforcement bodies

---

<sup>20</sup> [www.ancex.ro](http://www.ancex.ro), official website.

<sup>21</sup> *Romania: May 2006 Monitoring Report*, p. 34.

continues to increase over time.<sup>22</sup> Significant EU funding has played a significant role in this regard, enabling both an increase in staff levels, and the provision of financial and technical assistance for modern equipment and improvements in the infrastructure.<sup>23</sup> According to the EC Monitoring Report completed in May 2006, financial allocations were made for the construction of an integrated border management system in January 2006, with the Border Police establishing a Communications and IT Office to oversee its implementation. Border security has also been improved by the purchase of additional IT equipment, training on operational risk analysis, and the recruitment of 1,800 additional Border Police staff.

### 3.9 SALW Management Information and exchange systems and protocols

Romania participates in various international and regional mechanisms relating to SALW, including the OSCE, UN PoA, INTERPOL and the Wassenaar Arrangement. Reports are submitted to the relevant organisations and fora with varying frequency. Additionally, during 2005 and 2006, Romania has begun participating in the EU Council Working Group on Conventional Arms (COARM), which provides a forum for the exchange of information with EU members regarding any export licence refusals with EU members.

In 2002, Romania published a national report on arms export policy, regulations and practice controls, which also detailed all granted licenses and authorisations and arms deliveries, but there have not been any such reports since.<sup>24</sup>

---

<sup>22</sup> European Commission, *2003 Regular Report on Romania's progress towards accession*, p. 109. Available at: [http://ec.europa.eu/comm/enlargement/report\\_2003/pdf/rr\\_ro\\_final.pdf](http://ec.europa.eu/comm/enlargement/report_2003/pdf/rr_ro_final.pdf), accessed 01 June 2006.

<sup>23</sup> For example, the Romanian Government has previously allocated more than € 22m for the procurement of modern border policing equipment (including mobile surveillance vehicles with thermal imagers, matching a € 23m contribution from the EC's PHARE funding line. European Commission, *2004 Regular Report on Romania's progress towards accession*, p. 9. Available at: [http://europa.eu.int/comm/enlargement/report\\_2004/pdf/rr\\_ro\\_2004\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_ro_2004_en.pdf), accessed 31 May 2006.

<sup>24</sup> ANCESIAC, *Report on Arms Export Controls 2000–2001*, September 2002. Available at: [http://www.ancex.ro/site\\_rom/raport\\_arme.htm](http://www.ancex.ro/site_rom/raport_arme.htm), accessed 30 May 2006.

INFORMATION EXCHANGE AND PROTOCOLS	ROMANIA
<b>INTERNATIONAL</b>	
Reporting to the UN DDA on the Programme of Action (PoA)	2005
Reporting to the UN Register of Conventional Arms	2004 (submitted in 2005)
Reporting to the Wassenaar Arrangement	Yes
INTERPOL/EUROPOL	Yes
<b>REGIONAL</b>	
Information exchange with OSCE	Yes (2003, 2004, 2005)
Annual reporting to the EU	Limited (participation in COARM)
SECI Regional Centre intelligence exchange	Yes
<b>NATIONAL</b>	
Transparency on SALW imports, exports and decision-making	Yes, but it needs improvement
Publication of national reports on arms/SALW transfers	2002
Publication of SALW national strategy	No

**Table 3: Information exchange and protocols**