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**EMBASSY & PERMANENT MISSION OF DENMARK
VIENNA**

File 2024

N o t e V e r b a l e

The Embassy & Permanent Mission of Denmark in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre has the honour to submit the Information Exchange 2023 on Conventional Arms Transfers and Questionnaire on Conventional Arms Transfers.

The Embassy & Permanent Mission of Denmark in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 12 September 2024



To:
All Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre

EMBASSY & PERMANENT MISSION OF DENMARK VIENNA

File 2024

N o t e V e r b a l e

The Embassy & Permanent Mission of Denmark in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre has the honour submit the Information Exchange 2023 on the Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology.

The Embassy & Permanent Mission of Denmark in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 12 September 2024



To:
All Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre

132nd Plenary Meeting

FSC Journal No. 136, Agenda item 3

DECISION No. 20/95

The Forum for Security Co-operation adopted a decision regarding the Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology (Annex).

Questionnaire on Participating States' Policy and/or National Practices
and Procedures for the Export of Conventional Arms and Related Technology

OSCE participating States are requested to provide details of:

1. Their basic principles, policies and/or national practices on the export of conventional arms and related technology.

Export of arms is prohibited without an export license issued by the competent Danish authorities. Components and related software and technology are also covered by the export prohibition.

2. Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to the data provided in 1995, including any relevant subsidiary legislation.

Section 6 of the Danish Weapons and Explosives Act (Consolidated Act. No. 1736 of 26 August 2021).

3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.

Denmark applies the Council Common Position of 8 December 2008 defining common rules governing control of exports of military technology and equipment. Furthermore, Denmark participates in the Wassenaar Arrangement, the MTCR, the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, the UN Register of Conventional Arms, the UN Convention on Certain Conventional Weapons and the UN Arms Trade Treaty.

4. The procedures for processing an application to export conventional arms and related technology:
 - who is the issuing authority?
 - what other authorities are involved and what is their function?
 - who deals with compliance?

The Danish National Police (licensing authority), The Ministry of Foreign Affairs, The Ministry of Defence (product experts) and the Police and customs service (compliance and enforcement).

5. Lists of conventional weaponry under national export controls and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.

The Danish Weapons and Explosives Act and the Common Military List of the European Union.

6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete *erga omnes* system or a published list of
- destinations of concern?
 - embargoed countries?
 - differentiation between destinations (e.g., is there any preferential treatment of (groups of) countries)?

Denmark's national policy with regard to exports of weapons is restrictive. The Council Common Position of 8 December 2008 is one of the main instruments in this regard. Furthermore, applications for export licenses are processed in accordance with other international obligations, which Denmark is subject to. No export licenses are issued contrary to international UN, EU or OSCE embargoes. Denmark does not have any positive or negative list of countries; i.e. countries for which no export license is required or countries for which the issuing of an export license cannot be expected. However, the Danish Weapons and Explosives Act prohibits transport of arms to or from certain countries listed in the Danish government order no. 1035 of 28 May 2021.

7. Requirements for the provision of an end-user certificate in an export license application, or of non-re-exportation clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-exportation clauses before and after delivery.

For applications regarding export to a consignee outside of the EU/EEA, some form of documentation issued by the competent authorities in the country of the consignee is normally required. The required documentation depends, among other things, on the products and whether the country of the consignee has subscribed to the International Import Certificate/Delivery Verification Certificate procedure, where the applicants are, as a general rule, required to follow this procedure.

The Delivery Verification Certificate must be submitted to the Danish National Police upon receipt. An end-use statement may be required, depending on the circumstances. Applicants must also sign a solemn declaration to the effect that the consignment in question will be sent only to the consignee stated, in the country stated.

When the goods are exported to a country within the EU/EEA, the applicants must submit a declaration signed by the recipient stating that the recipient intends to receive the goods. Furthermore, the applicants must sign a solemn declaration to the effect that the consignment in question will be sent only to the consignee stated, in the country stated and declare that the recipient will be made aware of the terms and conditions of the export license. However, this second declaration is not required when the export within the EU is only temporary.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

Under Section 6 of the Danish Weapons and Explosives Act, a license is required in order to export arms. "Export" in the meaning of the Danish Weapons and Explosives Act covers any transfer of items, software or technology from Denmark to another country no matter if the transfer takes place in connection with export, transit, transshipment or re-export.

9. The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?

Companies wishing to export arms or military equipment must apply to the Danish National Police for an export license. No license or authorization is required in order to enter into negotiations or contractual obligations.

10. Policy on the revocation of export licences once they have been approved; please list any published regulations.

Under the Danish Weapons and Explosives Act section 2 f, a license can be revoked at any time.

11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.

Under the Danish Weapons and Explosives Act section 10, the sanctions may vary from fines to imprisonment for up to two years. Under aggravating circumstances the sanction can be imprisonment for up to eight years, cf. Section 192 a of the Danish Criminal Code.

12. Any circumstances in which the export of arms does not require an export licence.

Under the Danish Weapons and Explosives Act section 8 export licenses are not required as regards to armed forces and military personnel carrying out military service on condition that the arms remain the property of the state. Furthermore, temporary export of arms by military authorities with a view to repair and maintenance does not require a license.

Under the Danish Weapons and Explosives Act section 9 export licenses are not required as regards to the police on condition that the arms remain the property of the state.

The Danish government order no. 2531 of 20 December 2021 on Arms and Ammunition etc. section 35 contains a general export license, which can be used if the requirements set out in the section are met. The general export license contains an obligation to notify the Danish National Police when used as well as an obligation to annually send detailed information on all exports to the Danish National Police.

13. Licences for temporary export (e.g., demonstrations or testing), the period allowed and any special conditions attached to the licence, including verification of return procedures.

The validity of a license for temporary export depends on the country of the consignee and are typically issued with a validity of one or two years or shorter if the purpose of the temporary export dictates it.

When the export is temporary and exported to a country within the EU/EEA, the exporter has an obligation to keep a register of the export and return of the goods. The information must be submitted to the Danish National Police when the license is expended.

When goods are exported temporarily to a country outside the EU/EEA, the Danish custom authorities declare on the license when the goods have been exported and returned. Subsequently the license with the declarations from the Danish custom authorities must be returned to the Danish National Police.

14. Licence documents and any standard conditions attached to it (copies to be provided).

There is no standard license form which is filled out. However, the license document issued normally have the same layout and contain the same standard information for the specific type of license.

15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for.

There are licenses for permanent export and temporary export.

An individual license, where the amount of the goods is fixed, can be granted.

A global license, where the amount of the goods is not fixed, can be granted regarding transfers of defence-related products within the EU/EEA. Under certain conditions it can be granted regarding a consignee outside the EU/EEA.

See no. 12 regarding general export license.

16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.

Upon provisional request, the competent authorities advise exporters on the likelihood of approval of a possible transaction. However, it is stressed that a decision on granting a license can only be taken when a formal application is made.

17. The average number of export licences issued annually and the staff engaged in the export licensing procedure.

Between 1.000-2.000 licenses are issued annually.

18. Any other relevant information pertaining to the export of conventional arms and related technology, e.g., additional laws, reports to Parliament, special procedures for certain goods.

The Danish National Police annually publish statistics on granted licenses for permanent export of military equipment on the website of the Danish Police.

19. Are all guidelines governing conventional arms transfers nationally published?

See no. 18.

NB: Participating States that do not export conventional arms and related technology will so inform all other participating States.