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Permanent Mission of Italy
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NOTE VERBALE

The Permanent Mission of Italy to the Organization for Security and Cooperation in Europe presents its compliments to the Delegations and Permanent Missions of all Participating States, the Forum for Security Cooperation and the Conflict Prevention Centre and has the honor to submit the Questionnaire on Conventional Arms Transfers (FSC.DEC/20/95).

The Permanent Mission of Italy to the Organization for Security and Cooperation in Europe avails itself of this opportunity to renew to all Delegations and Permanent Missions to the OSCE, the Forum for Security Cooperation, and the Conflict Prevention Centre the assurances of its highest consideration. *K*



To all Permanent Missions and Delegations to the OSCE
OSCE- Conflict Prevention Centre
VIENNA

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

1. Their basic principles, policies and/or national practices on the export of conventional arms and related technology.
The Italian export control system is based on Law 185/1990, which states that the export, import and transit of military goods and the related export licenses are subject to authorization and control by the State. Decree 105/2012 has amended Law 185/1990 implementing the provisions of EU Council Directive 2009/43. Italy also applies EU Common Position 2008/944 defining common rules for the control of exports of military technology and equipment. Italy is also compliant with the arms embargoes and other international restrictive measures adopted by the UN Security Council, EU and OSCE.
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.
Based on the evolution of the European law, Italy has enforced its export licensing system for the intra-Community transfers. With the national implementation of Council Directive 2009/43 new export licenses and controls have been gradually introduced in our national system, under the general management of the National Authority for armaments licensing and controls of the Italian Ministry of foreign affairs and international cooperation.
3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.
All relevant international and EU rules are applied, first of all the UN Security Council Resolutions adopting arms embargoes and the European Council Common Position 2008/944. In addition, Italy fully respects the provisions of the international regimes on the control and non-proliferation of armaments and related technologies of which Italy is member.
4. The procedures for processing an application to export conventional arms and related technology:
 - who is the issuing authority?
The above-mentioned National Authority for armaments licensing and controls.
 - what other authorities are involved and what is their function?
The other administrations involved in the export licensing process are: the Ministry of defence, the Ministry of interior (judicial police), the Ministry of economic development, the Ministry of environment, the Ministry of economy and finance (customs and financial police).
 - who deals with compliance?
The National Authority for armaments licensing and controls.
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 Italian legislation takes as a reference for its national lists the EU Military List.
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)?

The authorizations are released only after a scrupulous, thorough analysis of the request, adopting a case-by-case approach.

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.

The national procedure for the export licensing of military goods is based on a previous authorization for the contractual negotiations and a second authorization for the final export of the goods. The End-User Certificate is a fundamental document in the authorization procedure and is carefully controlled, being validated by the Italian diplomatic network abroad.

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

The definition of transit can be found in article 1, letter d) and e) of the updated version of Law 185/1990, with the exception reported in article 16 for the transit on Italian territory of military goods that are subject to foreign trade transactions by non residents. In these cases, the Unified Text of Laws of Public Security is applied.

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?

The contractual negotiations represent the first step of the procedure and they are aimed at preliminary analyzing and approving the future export operation, in particular the goods involved in the operation, the final end-use and end-user. According to Italian legislation, the authorization for the contractual negotiations is compulsory, has a validity of three years and does not automatically imply the final release of the authorization to the export, import or transit.

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

All the provision related to this subject are listed in Law 185/1990.

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.

The amended version of Law 185/1990 foresees the organization of inspections and controls of the production sites, as well as the introduction of a system of administrative sanctions, in addition to the already existing system of civil and criminal penalties.

12. Any circumstances in which the export of arms does not require an export licence.
Law 185/1990 does not allow the export, import and transit of military goods without an official authorization released by the competent National Authority for armaments licensing and controls.

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.

Licenses for temporary export do not have a definite temporary range. The period depends on what is requested by companies for different operations.

14. Licence documents and any standard conditions attached to it (copies to be provided).
The documentation requested for the release of a license for export, import or transit of military goods contain all relevant information about the supply (type and quantity of the materials); the potential components or parts involved in the operation; the deadline for final delivery of the items according to contract; the country of final destination of the materials; End-user; End-Use Certificate, etc.).
15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for.
In line with the relevant European system, the Italian authorizing system provides for individual, global and general licenses.
16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.
The Italian National Authority for armaments licensing and controls does not provide this kind of assistance. Nevertheless, a constant dialogue with the national companies contributes to the problem solving approach of the licensing process.
17. The average number of export licences issued annually and the staff engaged in the export licensing procedure.
As far as the number of licenses is concerned, the National Authority for armaments licensing and controls annually provides the Parliament with a very articulated report on activities carried out within Law 185/1990.
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.
Figures, data, charts and other information are provided to the Italian Parliament and international bodies upon request.
19. Are all guidelines governing conventional arms transfers nationally published?
There is no all-encompassing publication of this kind. However, legislation, directives and useful information are available on the website of the Ministry of foreign affairs and international cooperation/National Authority for armaments licensing and controls (English version of Law 185/1990: please see <https://www.esteri.it/mae/it/ministero/struttura/uama/legislazione.html>)