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EMBASSY & PERMANENT MISSION OF DENMARK

VIENNA

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 Conflict Prevention Centre, and has the honour to provide the following reports for the year 2020: The Annual Information on Small Arms and Light Weapons, the Information Exchange on Conventional Arms Transfers, the Questionnaire on Conventional Arms and Related Technology.

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

Vienna, 29 June 2021



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

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

DENMARK

May 2021

Questionnaire on Conventional Arms Transfers and Related Technology
(FSC.DEC/20/95)

1. In principle, export of arms is prohibited but individual export licenses may be granted after a case-by-case evaluation. However, general or global export licenses may be granted regarding transfers of defence-related products within the EU/EEA. Components and related software and technology are also covered by the export prohibition.
2. Section 6 of the Danish Weapons and Explosives Act (Consolidated Act. No. 920 of 29 August 2019).
3. 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 Danish National Police (licensing authority), The Ministry of Foreign Affairs and the Ministry of Defence (experts) and the Police and customs service (compliance and enforcement).
5. The Danish Weapons and Explosives Act's munitions list and EU's common list on military equipment.
6. 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, as regards transport of weapons between third countries it is prohibited by law to transport weapons to destinations covered by an OSCE, EU or UN arms embargo.
7. When the goods are exported to a country outside the EU, some form of documentation is normally required for export of weapons and war equipment. The required documentation depends, among other things, on the status of the exporter and the recipient, the importing country, the type of weaponry, the intended use and the quantity. As regards countries, which have subscribed to the International Import Certificate/Delivery Verification Certificate procedure, 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 purchaser stated, in the country stated.

When the goods are exported to a country within the EU, 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 purchaser 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. 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 or technology from Denmark to another country no matter if the transfer takes place in connection with export, transit, trans-shipment or re-export.
9. Companies wishing to export arms 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. Under the Danish Weapons and Explosives Act section 2 f, a license can be revoked at any time.
11. Under the Danish Weapons and Explosives Act section 10, the sanctions may vary from fines to imprisonment for up to two years. Export of exceedingly dangerous weapons, e.g. automatic weapons, is sanctioned with imprisonment for up to 8 years, cf. Section 192 a of the Danish Criminal Code.
12. Under the Danish Weapons and Explosives Act section 8 export licenses are not required as regards 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.
13. Temporary licenses are normally valid for 6-12 months (in some cases up to 24 months). When the export is temporary and exported to a country within the EU, the exporter has an obligation to keep a register of which goods have been exported. The information from the register must be submitted annually to the Danish National Police. When goods are exported temporarily to a country outside the EU, the Danish custom authorities declare on the license when the goods have been exported and returned. Subsequently the licenses must be returned to the Danish National Police.
14. There is no mandatory application form and there is no standard license document. With regard to supplementary export documents, see no. 7.
15. As a general rule, any individual export must be covered by a license. There are licenses for permanent export and temporary export. General and global export licenses may be granted regarding transfers of defence-related products within the EU/EEA.

16. 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. Between 400-600 export licenses are issued annually. In the Danish National Police, a staff of two is involved in the export licensing procedure. At the Ministry of Foreign Affairs, two people are involved. Furthermore, the Danish Defence Acquisition and Logistics Organization (DALO), under the Ministry of Defence, provide technical advice, if necessary.
18. The Danish National Police publishes annual statistics on the arms export licenses granted on the internet.
19. See no. 18.