RESTREINT
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CFSP/VIE/0191/01
030701 1420Z
ACRONYM COARM
SUBJECT COARM: Code of Conduct on Arms Exports;
TEXT

2000

Subject: COARM - CODE OF CONDUCT ON ARMS EXPORTS

With reference to Article 8 of the operative provisions of the Code of Conduct for arms exports, Austria is submitting its national report (Annex) to the partners.

Report on the Export of Arms by the Republic of Austria for the year 2000, pursuant to paragraph 8 of the operative provisions of the EU code of Conduct for Arms Exports

1. The report includes all licences issued by the Federal Ministry for Economic Affairs (MEA) for the export of armaments other than awar material" as defined in the war material regulation decreed by the Austrian Government on 22 November 1977, Federal Law Gazette No. 624/77 and all licenses granted by the Federal Ministry of Interior (MOI) for awar material" as defined above.

According to the Federal Act on the Export, Import and Transit of War Material of 18 October 1977, Federal Law Gazette No. 540/1977 as amended (WMA77), the Ministry of Interior has to decide on requests for licenses to export war material in agreement with the Ministry for Foreign Affairs and the Ministry of Defence, after consulting with the Federal Chancellery. The decision has to be taken without undue delay, at the latest six months after receipt of the request (cf. ? 73 al.1 of the General Act on Administrative Procedure, Federal Law Gazette No. 51/1991).

The Foreign Trade Act of 9 March 1995, Federal Law Gazette No. 172/1995, as amended (FTA95), stipulates in its ? 9, al. 4, that the Federal Ministry for Economic Affairs as licensing authority for weapons other than war material has to decide upon requests for licences to export weapons within 3 weeks after their receipt.

In the government program of February 2000, the People's Party and the Freedom Party had agreed their intention to submit to parliament during the year 2000 a draft containing modifications of the Federal Act on the Export, Import and

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Transit of War Material of 18 October 1977.

After consultations involving the above mentioned ministries, the Federal Minister of Interior on 19 December 2000 submitted a aDraft on modification of the War Material Act" to the Council of Ministers, requesting that the draft be submitted to parliament to act thereupon as provided in the constitution; no action was however taken.

The draft provided for a reduction in the number of ministries involved by deleting the reference to the Federal Chancellery. In addition, for the first time a provision on brokering of war material has been included in the draft. Furthermore, the operative paragraphs of the "EU Code of Conduct on Arms Transfers" of 8 June 1998 were to be incorporated into the WMA, making it possible for Austria to circulate denials, take part in the consultation process, to inform all partners of Austrian undercuts and provide them with the required data on Austrian arms exports.

The amendments to the WMA were approved by the Council of Ministers on 10 January 2001 and forwarded to Parliament. They passed the Lower House of the Austrian Parliament on 10 May 2001 and the Upper House on 23 May 2001 and became law on 1 July 2001. The law was promulgated in the Legal Gazette I Nr. 57/2001 of 12 June 2001.

It should be noted that under Austrian law applicable during the year 2000 the following authorities issued licences for the export of weapons or war material:

- a) Federal Ministry for Interior (MOI) Federal Act on the Export, Import and Transit of War Material of 18 October 1977, Federal Law Gazette No. 540/1977 as amended (WMA77).
- ? 3 stipulates that a licence to export war material can be granted if
- it does not contravene obligations under international law or foreign policy interests of Austria, special consideration to be given to her permanent neutrality
- the export or transit is not to a region, where an armed conflict is taking place, is expected to break out or where there are dangerous tensions
- there is no danger that the material will be used to suppress human rights in the country of final destination, given a record of severe and reiterated human rights violations embargoes decided upon by the UN Security Council are taken into account, due consideration being given to the permanent neutrality of Austria
- it does not contravene public security or military considerations
- there are no other comparable important objections

Under ? 3a of WMA77, the aForeign Affairs Council" - which is not a parliamentary committee, but consists of the Federal Chancellor, the Vice Chancellor, the Federal Minister for Foreign Affairs, other members of Government whose presence might be appropriate, Members of Parliament of political parties represented therein, the Secretary General for Foreign Affairs of the Federal Ministry for Foreign Affairs, and an observer from the Federal President's office - is informed in general terms by the Federal Government within the first six months of each year of the Austrian war material exports of the preceding year.

Chapter 4 II is a translation of the report submitted by the Federal Government to the abovementioned council for the year

The licenses were all for awar material" as defined in the war material regulation decreed by the Austrian Government on 22 November 1977, Federal Law Gazette No. 624/77.

In 2000, Mol approved a total of 267 (1999: 219; 1998: 292) individual applications for final exports of weapons (licenses for temporary exports for fairs and exhibitions or for presentation purposes are not included). The figure does not include applications withdrawn in the course of the licensing procedure by the applicant due to their low chances of success.

For further details see chapter 4 II).

b) Federal Government (Council of Ministers) WMA77, ? 5 (2)

Exports of war material by the Minister of Defence (Army), the Minister of Interior (Police), the Minister of Justice (Prison Guards) and the Minister of Finance (Customs Police) are subject to the approval of the Federal Government.

This provision in practice concerns only exports by the Minister of Defence of national army holdings, which are exported to the manufacturer for repair, maintenance, modification or training and are then re-imported to Austria. A second case concerns participation of Austrian soldiers in military sports events, where rifles have to be carried. As these exports and subsequent imports are only of a temporary nature and do not constitute commercial transactions, they are not considered to be subject of reporting under op. para 8 of the EU Code of Conduct on Arms Transfers.

c) Federal Ministry for Economic Affairs (MEA) Under the Foreign Trade Act of 9 March 1995, Federal Law Gazette No. 172/1995 as amended(FTA95), the Federal Ministry for Economic Affairs is the licensing authority for weapons other than war material.

According to ? 8, a license has to be refused, if it would Seite 3

violate international obligations. Due consideration has to be given to avoid a danger for world peace and international security, avoidance of a danger for Austria's security, avoidance of a danger of a serious disturbance of Austria's foreign relations or avoidance of exports to areas of armed conflict.

Licenses were granted by the MEA on the basis of the relevant provisions of the FTA95 and by the MOI on the basis of the relevant provisions of the WMA77. Individual applications were assessed and decided by the criteria of ? 8 FTA95 and ? 3 WMA77 respectively.

The Eight Criteria from the Luxembourg European Council 1991 and the Lisbon European Council 1992, as well as, since its adoption, the EU Code of Conduct for Arms Exports are referred to for further guidance. It should be noted, that the latter, having no legal force, cannot be referred to when refusing licenses, as all denials issued by the Ministry for Economic Affairs and the Ministry of Interior can be appealed within 6 weeks of receipt by the applicant with the High Administrative Court, according to the Court's regulations. The Court is ruling on the basis of legally binding instruments. This situation has however changed as of 1 July 2001.

- The licenses granted by the MEA were all for goods listed in the amunitions list" of the Wassenaar Arrangement and Positions 1 to 22 of the common indicative list agreed by COARM, except for licenses for export of war material granted by the MOI under the WMA77.
- 4) I) Ministry of Economic Affairs (MEA)
- a) In 2000 a total of 1542 (1999: 1294; 1998:1313) individual applications for final exports of weapons were approved by the MEA (licenses for temporary exports for fairs and exhibitions or for presentation purposes are not included). The total value of these applications amounted to 562,545.511 (1999: 395,453.327 EUR). 34 applications (1999: 30) were withdrawn by the applicants.
- b) During 2000 10 (1999: 15) applications for weapons exports were refused, concerning 10 (1999: 6) countries, their total value being equal to 614.000 EUR. (1999: 635.000 EUR). Value of licences refused corresponds to 0,2 (1999: 1,25%) of the value of licences granted. This figure does not include applications withdrawn in the course of the licensing procedure by the applicant due to their low chances of success. The small number of formally refused applications is due to the fact that prior to submitting an application, many applicants make informal, often oral, enquiries to assess the chances of their application being granted. In most cases, where the initial

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 $\label{eq:VIE0191.TXT} \mbox{ Inquiry is negative, no formal application is made thereafter.}$

c) Licenses issued by MEA:

Classifi- cationNo	Country of destination	Total Amount	Total Value Unit in C
AD AE 1 AL 1 AN 1 AR 1 AW 1 BB BF BG I BB BF L BB BF L CA CO CRY CO CRY L CO CRY L CO L EEG GE T L CH L L L L L L L L L L L L L L L L L			Unit in C
1 KR 1 KW 1 KZ 1 LB	1422 pcs 320 pcs 130 pcs 117 pcs	71188 71077 30895 55148	
	J.		

20				VIE0191.TXT
1	LC LI	167	pcs	12900
	LK	2501 40	pcs	170356
i	LT	237	pcs	4505 SRI LAUKA
1 1 1 1	LV	100457	pcs	89236 231819
1	MD	230	pcs	66133
	MK	856	pcs	584992 MACEDONIA
1 1 1	MO	1393	pcs	261911
1	MT	8	pcs	2697
1	MU	138	pcs	142381
1 1 1	MX MY	2285	pcs	195984
1	NA	2215 26115	pcs	550656
1	NC	100	pcs	310895 NAMIBIA 90841
1	NI	930	pcs pcs	406552
1	NO	4504	pcs	1262599
1	NZ	1005	pcs	10579
1	OM	177	pcs	58947
1	PE	109	pcs	16690
1	PH	1442	pcs	397617 PHILL PILES
1	PK	120	pcs	71728 PANISTAN
1 1 1 1 1 1 1 1 1 1	PL PY	13380	pcs	2087158
1	QA	503 773	pcs	85574
ī	RO	53	pcs	133433 42928
1	RU	1664	pcs pcs	3186885 TUSSIA
1	SA	506	pcs	10189
	SD	3	pcs	109009 SUDAN
1 1 1 1 1	SG	2070	pcs	64083
1	SI	30	kg	1550
1	SI	5504	pcs	423113
1.	SK SR	2486	pcs	772184
1	SV	65 580	pcs	12657
1	TH	2557	pcs	238320 544190
	TN	1120	pcs	829432
1	TR	590	pcs	730165 TUNKEY
1 1 1	TT	110	pcs	31718
	TW	2	pcs	391
1	ΤZ	181	pcs	125522
1	UA	8133	pcs	149668
1	US	5423764		252816891 X
1	UY UZ	607	pcs	117758
1	VA	10 150	pcs	3290
1	VE	17368	pcs	1703
ī	VG	4	pcs	2482284 779
1	YE	35	pcs	10174
1	YU	3505	pcs	1045989
1 1 1 1 1 1 1 1 1	Z1	280	pcs	1344447
1	ZA	5930	pcs	255017
	ZŴ	31	pcs	70583 ZIM BABWE
1,2	IN	225	pcs	21850 indif
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1,3 1,3 1,3 1,3 1,3 1,3 1,3 1,3 1,3 1,3	HUGLHEUW ZOAZLAOUKASORGGSDENRUGNRYAHLYZEETRUDNOEWTV HBPCGHKKMNNPQRRSUURABSUAAAABBBBCCCCCEGGHHIIJKKLL	VIEO191.TXT 8	
3 3 3 3 3 3 3 3 3 3 3	KE KW	1500000 pcs 25072 3500 pcs 3500	

3		MY	10803000	VIE0191.TXT pcs 163838
33333333333333333333333333333333333333		NA NP	295000 pc: 8177600 pc:	1463560 NEPAL
3		NZ OM	1480 pc: 500 pc:	
3		PH	52000 pcs	6541 PHICIPINES
3		PL QA	720000 pcs 5000 pcs	
3		RO	7000 pcs	8648
3		RŲ SA	5289860 pcs	
3		SG	160000 pcs	pcs 466500 2827
3		SI	1943500 pcs	258320
3		TH	6166000 pcs 300030 pcs	
3		TN	977330 pcs	126079
3		TR TZ	454600 pcs 24000 pcs	
3		US	1697000 pcs	
3		UY VA	513000 pcs 410200 pcs	
3		YU	410200 pcs 2740000 pcs	
3		Z1 ZA	15000 pcs	14535
3		ZM	29170100 4300 pcs	pcs 575315 2994
3, 3,	1 18	TZ TN	3015 pcs	7928
3,	5	CL	10000111 601 pcs	pcs 313840 473
4		AE	19 pcs	32752
4		AL AR	2000 pcs 2 pcs	
4		AU	2 pcs	
4		BG BR	10000 pcs 59 pcs	
4		CH	59 pcs 5102 pcs	
4		DZ EC	240000 pcs	44489 ALGERIA
4		EG	12 pcs 14817 pcs	
4		GE	5 pcs	
4		HR HU	549610 pcs	2538302
4		IL	20428 pcs 632 pcs	(a \) .
4		IN	115 pcs	170005 10017
4		IR KH	62500 pcs 222 pcs	
4		LB	222 pcs 20 pcs	47000
4		LK MA	4 pcs 6000021 pcs	3000000 SRI LANK
4		MK	6000021 pcs 10 pcs	659440 16022 MS LEDOM'A
4 4		MU	2 pcs	7180
4		NO	58 pcs 310 pcs	152721 46593
4		MO	5 pcs	9084
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					VIE0191.TXT	
4		PE	250000	pcs	31740	
4		PK	3	pcs pcs	2982 PAKISTAN	
4		PL	7100	pcs	428	
4		RU	1	pcs		
4		SA	127	pcs	3209 RUSSIA 375283	
4		SG	8513	pcs	68295	
4		SI	3800000	pcs	2559542	5:
4		SK	57	pcs	153940	
4		SY	1	pcs	3521362	
4		TN	5	pcs	3216	
4		TR	29	pcs	21035 TUNKEU	A.
4		US	1000020			2
4		Z1	3020	pcs	pcs 2180295 7827028	
4		ZA	1920024		282439	
4,	10	IN	9	pcs	37790 10000	
5		AU	780	pcs	79359	
5		CZ	14	pcs	174886	
5		IN	1	pcs	6287 INDIA	
555556		KR	ī	pcs	4004	
5		SG	37809	pcs	638400	
5		TN	200			
6		AR	1560	pcs	28342	
6		BI	50	pcs	847080 64900000 BURUW	1
6		BW	1	pcs		1
6		CH	4	pcs	32500 1090	
6		PL	2	pcs	43200	
6		SG	861	pcs		2
6		US	1	pcs	374920	in Garba
6,	18	CN	ī	pcs	3255000	
7		SI	14	pcs	17789	
8		AL	31000	kg		
8		BA	628000	kg	154248	
8		CH	500000	kg	588798	
8		CH	100000	pcs	1072437 21073	
8		CZ	50	kg	22500	
8		HR	3074000	kg	3111300	
8		HR	300000	mt	58429	
8		HU	1000	kg	13844	
8		NG	220000	kg	695741	
8		NO	150000	kg	1549500	
8		SI	635034	kg	683315	
8		SK	3000	kg	44040	
8		US	18050	kg	356837	
8,3		BG	1380	kg	100	
10		EG	4	pcs		
10		SG	4	pcs	180000	
10		US	1	pcs	600000	
11		CH	6	pcs		
13		SI	14		24137	
14		AU	6	pcs	13808	
17		BR		pcs	496	
18		AE	1 1 3	pcs	141712	
18		BW	3	pcs	250000	
		- 12.	_	pcs	100670	
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18 CA 18 CH 18 CL 18 CN 18 CO 18 CO 18 EG 18 HR 18 HU 18 IN 18 IR 18 KP 18 KR 18 MY 18 NP 18 NP 18 NP 18 SG 18 SI 18 SK 18 TH 18 TN 18 TR	57 4 1 15 33 7935 2 8 3 7 5 2 8 8 1 7 1 5 6 4 4 4 4 6 9 9 9 9 9 9 9 9 9 9 9 9 9	VIE0191.TXT 17258 106493 0CS 6765 0CS 845 0CS 212556 0CS 212556 0CS 24554 79753 0CS 61553 0CS 61553 0CS 672697 1040 0CS 58531 4742 2662 0CS 5733 PAKISTON 0CS 6106 0CS 3081 0CS 42764 0CS 303216 0CS 303216 0CS 4250 0CS 194166 0CS 75179	4
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Experience shows that actual exports are far less than the amounts licensed.

II) Ministry of Interior (MOI)

Report of the Federal Government on the export of war material in 2000

I. Europe

I/1. EU - European Union

1. Weapons, Ammunition, Devices

	Weapons		2.308
1.2.	Ammunition		369.740
1.3.	Military De	vices	309.740

2. Armoured Vehicles 7

254

I/2. Non EU-States			
1. Weapons, Ammunition, Devices	ě		
1.1. Weapons 1.2. Ammunition 1.3. Military Devices 4	1.221 51.115		
2. Armoured Vehicles		1	
America			
II/1. North America			
1. Weapons, Ammunition and Devices			
1.1. Weapons 1.2. Ammunition 1.3. Military Devices	2.691 61.610	2	
II/2. Central America and Caribbean			
1. Weapons, Ammunition and Devices	******		
1.1. Weapons 1.2. Ammunition	43		1.500
II/3. South America			
1. Weapons, Ammunition and Devices			
1.1. Weapons 1.2. Ammunition 1.3. Military Devices	32 56.590	75	
2. Armoured Vehicles		22	
III. Africa			
III/1. North Africa			
1. Weapons, Ammunition and Devices			
1.1. Weapons 1.2. Ammunition 1.3. Military Devices	10.000	2	

VIE III/2. Central Africa III/3. South Africa	00191.TXT)
1. Weapons, Ammunition and Devi	-ces	
1.1. Weapons 1.2. Ammunition 1.3. Military Devices	53 3.200	
2. Armoured Vehicles	24	
<pre>IV. Asia IV/1. Near East</pre>		
1. Weapons, Ammunition and Devi	ces	
1.1. Weapons	154	
IV/2. Middle East	0	
IV/3. Far East		
1. Weapons, Ammunition and Devi	ces	
1.1. Weapons 1.3. Military Devices	11	
3. Military aircraft	©• •	
6		
V Australia and Pacific		
1. Weapons, Ammunition and Devi	ces	
1.1. Weapons	78.394	

a) denials circulated
In 2000 the Austrian Ministry of Economic Affairs (MEA)
notified 14 denials (1999: 11) of licenses in accordance with
paragraph 3 of the operative provisions of the EU Code of
Conduct for Arms Exports. These denials concerned Croatia 5,
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Pakistan (2), Philippines 2, Israel 2, Bosnia u Herzegowina 1, Simbabwe 1 and Sri Lanka 1 (1999: Colombia (2), Croatia (2), India (1), Indonesia (1), Iran (1), Israel (1), Pakistan (2) and Syria (1)). No denials were circulated by the Ministry of Interior (MOI) in view of the provisions of the Data Protection Law.

- b) consultations
- In 2000 Austria (Federal Ministry for Foreign Affairs as point of contact, upon request of the MEA) has consulted with no (1999: 4) EU partners on notifications of denial. Austria was consulted by no EU partners during 2000 (1999: -) as to notification of denial.
- c) undercuts
- Austria in 2000 has issued no undercuts (1999: 3). d) decisions, that export is not aessentially identical" none (1999: 2).
- As can be seen from the table under 4 I c) (MEA), Austrian

weapons exports licensed by the MEA go to a range of countries. The majority of weapons exports is made up by pistols, hunting rifles and their ammunition. Together they represent more than 54~% of all licensed exports.

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ACRONYM COARM
SUBJECT COARM - Code of Conduct on arms exports; Annual Report
REF CFSP/VIE/0191/01;
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Subject: COFehler! Verweisquelle konnte nicht gefunden werden. - Fehler! Verweisquelle konnte nicht gefunden werden.

Ref: Fehler! Verweisquelle konnte nicht gefunden werden.

L'Autriche transmet ci-apres les modifications suivantes concernant ses exportations d'armes civiles par regions du monde

GRANDES ZONES GEOGRAPHIQUES

	Nombre de Licences	Montant Euro
Afrique du Nord	17	2007919
Afrique subsaharienne	31	1295503
Amérique centrale	22	1784048
Amérique du Nord	88	258322707
Amérique du Sud	134	8049355
Asie centrale	4	46176
Asie du Sud	59	5003756
EU *)		
Europe - autres pays	622	35404365
Moyen-Orient	182	7581682
Nord-Est asiatique	13	3444117
Océanie	62	2326662
Sud-Est asiatique	143	156511131

*) Selon la loi autrichienne (loi sur le commerce extérieur de 1995) aucune licence est requise pour des exportations d'armes civiles vers les pays de l'UE.

En ce qui concerne les exportations de matériel de guerre, l'Autriche, à ce stade, est seulement en position de fournir les données sur le nombre de pièces exportées, vers les zones géographiques sus-indiquées, sans indication de leur valeurs respectives. A titre d'information, ces données sont reproduites la-bas.

Afrique du Nord	10003
Afrique subsaharienne	3288
Amérique centrale	1543
Amérique du Nord	64573
Amérique du Sud	56719
Asie centrale	
Asie du Sud	
EU	372307
Europe - autres pays	52341
Moyen-Orient	15154
Nord-Est asiatique	
Océanie	78395
Sud-Est asiatique	19

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