



## SUMMARY OF LEGISLATION, CONVENTIONS AND AGREEMENTS RELATED WITH THE TRANSMISSION AND CIRCULATION OF MILITARY GOODS AND TECHNOLOGIES

### 1. National Legislation:

The authorization and control of industry, trade and brokering of military goods and technologies (defence-related products), are attributions of the Ministry of National Defence (General-Directorate for National Defence Resources - DGRDN). This control has the objective of safeguarding Portugal's strategic interests and national security and furthering Portuguese foreign policy objectives and respect for its international commitments.

These attributions are regulated by the following laws:

- **Law No. 37/2011 of 22 June** – Simplifies procedures for the transmission and circulation of defence-related products (military goods and technologies), transposing Directive No. 2009/43/CE of the European Parliament and of the Council of 6 May 2009, and Commission Directive No. 2010/80/EU of 22 November 2010;
- **Law No. 49/2009 of 5 August** – regulates the conditions of authorization to access the activities of industry, trade and brokering of goods and military technologies;
- **Decree No. 1/86 of 2 January** – Regulates the transfer of technology that may jeopardize national interests, establishing the competence of the MoD to prohibit the exportation of goods produced in Portugal, previously imported or in transit;
- **Decree No. 98/2018, of 30 July** – Updates the Military List, containing all goods and technologies controlled by the MoD, which corresponds to the Common Military List of the European Union;
- **Ordinance No. 290/2011 of 4 November** – Approves and publishes general transfer licenses directly granting authorizations to suppliers established on Portuguese territory, which fulfill the terms and conditions attached to the general transfer license, to perform transfers of defence-related products, specified in the general transfer license, to a category of recipients located in another State specified in the general transfer license;
- **Ordinance No. 109/2012 of 26 April** – Approves the forms for licensing and certification to be used for apply to an authorization to perform operations of transmission and circulation of defence-related products and to be certified as recipients. Only the entities authorized to



access the activities of trade and industry of military goods and technologies can apply for such licenses or certification.

## 2. European Union Law:

- **Council Common Position 2008/944/CFSP of 8 December 2008** – Defines common rules governing control of exports of military technology and equipment.
- **Directive 2009/43/EC of the European Parliament and the Council of 6 May 2009**  
– Simplifying terms and conditions of transfers of defence-related products within the Community;

## 3. International Regimes and Conventions in which Portugal participates:

- **Working Party On Conventional Arms Exports (COARM)** – Regular meeting of officials from EU member states to exchange views on individual recipient countries and discuss the interpretation and implementation of the common rules governing control of exports of military technology and equipment.
- **Arms Trade Treaty (ATT)**: The object of the ATT is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, as well as to prevent and eradicate its illicit trade and prevent its diversion. Its purpose is to contribute to international and regional peace, security and stability, to reduce human suffering and to promote cooperation, transparency and responsible action by states Parties in the international trade in conventional arms, thereby building confidence among State Parties. Portugal has ratified the ATT by the Presidential Decree nº 61/2014, of 18 August.
- **Wassenaar Arrangement (WASS)** - The Wassenaar Arrangement has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. Participating States seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities. The Arrangement counts currently with 42 participating countries.



- **Missile Technology Control Regime (MTCR)** - The Missile Technology Control Regime is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. The MTCR was originally established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the United States. Since that time, the number of MTCR partners has increased to a total of 34 countries, all of which have equal standing within the Regime. Portugal is associated to this Regime since 1992.
- **Chemical Weapons Convention (CWC)** - The history of the serious efforts to achieve chemical disarmament that culminated in the conclusion of the Chemical Weapons Convention (CWC) on 3 September 1992, began more than a century ago.  
Portugal ratified the CWC through the Republic Assembly Resolution n.º 25-A/96, of 23 July. Each State Party of the Convention undertakes to destroy all chemical weapons and all chemical weapons production facilities that it owns or possesses or that are located in any place under its jurisdiction and control, as well as to destroy all chemical weapons that it were abandoned on the territory of another State Party. Finally, each State Party undertakes not to use riot control agents as a method of warfare.  
The Organization for the Prohibition of Chemical Weapons (OPCW) is the implementing body of the CWC, which counts presently with 190 State parties.
- **Anti-Personnel Landmines Convention (APLC)**: The Convention on the prohibition of the use, stockpiling, production and transfer of Anti-Personnel Mines and on their destruction was adopted on 18 September 1997. Portugal approved the Convention for ratification, through the Resolution of the National Assembly 5/99 of 23 October 1998 and ratified it on 28 January 1999 by the Presidential Decree nº 64/99.
- **Convention on Cluster Munitions (CCM)**: The Convention on Cluster Munitions was adopted on 30 May 2008 in Dublin, and signed on 3-4 December 2008 in Oslo. Portugal approved the Convention for ratification, through the Resolution of the National Assembly 141/2010 of 22 October and ratified it on 29 December 2010 by the Regulation of the Presidential Decree nº 143/2010.
- **Convention on Certain Conventional Weapons (CCW)** - The original Convention with three annexed Protocols were adopted on 10 October 1980 and opened for signature for one year from 10 April 1981. Portugal ratified the CCW on 13 January 1997 and presently is part



of all Protocols. Currently 119 States are parties to the Convention with a further five having signed but not yet ratified.

The CCW counts with five Protocols, which are Protocol I on Non-Detectable Fragments, Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, Protocol IV on Blinding Laser Weapons and Protocol V on Explosive Remnants of War.

- **The Forum for Security Co-operation (FSC)** – The Forum meets weekly in Vienna and provides a unique platform for the 57 OSCE participating States to discuss topical security challenges on an equal footing.

The agenda of the FSC Meetings always includes “Security dialogue”, allowing participating States to raise and discuss security concerns and challenges. These discussions regularly lead to initiatives and measures to strengthen politico-military security, including confidence and security-building measures (CSBMs).

- **United Nations Office for Disarmament Affairs (UNODA)** – UNODA was established in January 1998 as the Department for Disarmament Affairs which was part of the Secretary-General’s programme for reform in accordance with his report to the General Assembly (A/51/950). It was originally established in 1982 upon the recommendation of the General Assembly's second special session on disarmament (SSOD II). In 1992, its name was changed to Centre for Disarmament Affairs, under the Department of Political Affairs. At the end of 1997, it was renamed Department for Disarmament Affairs and in 2007, it became the United Nations Office for Disarmament Affairs.

The Office promotes nuclear disarmament and non-proliferation, strengthening of disarmaments regimes in respect to other weapons of mass destruction, and disarmaments efforts in the area of conventional weapons.