

## **Ministry of Business and Industry Executive Order No 468 of 13 June 1995**

### **Executive Order on exports of dual-use goods, technologies and know how**

Pursuant to sections 1 and 2 of Act on the application of certain European Communities Acts on economic relations to third countries, [1] it shall be laid down:

1. (1) The provisions of the Executive Order shall supplement the following Acts as subsequently amended:

- Council Regulation (EC) No 3381/94 of 19 December 1994 setting up a Community regime for the control of dual-use goods and
- Council Decision of 19 December 1994 on the joint action, 94/942/CFSP, adopted by the Council on the basis of Article J.3 of the Treaty on European Union concerning the control of exports of dual-use goods.

(2) The Acts are published in the Official Journal of the European Communities No L 367 of 31 December 1995.

2. (1) The Executive Order shall comprise exports to third countries of dual-use goods, technologies and know how from the European Community's customs territory, including exports from the Free Port of Copenhagen and customs warehouse. [2]

(2) The Executive Order shall, moreover, comprise intra-Community transfers of the particularly sensitive goods listed in Annex IV, which are not simultaneously included in Annex V to Council Decision on joint action, 94/942/CFSP.

(3) "Dual-use goods" shall mean goods, technologies and know how which can be used for both civil and military purposes and which are listed in Annex I to Council Decision on joint action, 94/942/CFSP, as well as goods and the like which might be subject to export controls under Articles 4 and 5 of Council Regulation (EC) No 3381/94.

3. (1) Exports and transfers of dual-use goods, technologies and know how shall be subject to Ministry of Business and Industry export authorization.

(2) The Ministry of Business and Industry shall exercise the powers which, pursuant to the Acts referred to in section 1 of the Acts, are vested in the authorities of the Member State where the exporter is established. [3]

(3) The Ministry of Justice shall, however, be the licensing authority in respect of headings numbers listed in Annex I to Council Decision, 94/942/CFSP, which are simultaneously listed in the column for Denmark in Annex V to the Decision. Exports of goods and the like covered by these headings numbers shall not be regulated by the Acts referred to in section 1. Exports of these goods shall be subject to authorization pursuant to section 6 of the Act on Weapons and Explosives.

4. Government customs and tax authorities shall exercise the powers which are necessary for the purpose of attending to tasks relating to customs procedures. [4]

5. Irrespective of whether a good listed in Annex I to Council Decision on joint action, 94/942/CFSP, merely passes through the Community in transit, the Ministry of Business and Industry may demand that exports shall be subject to the production of an export authorisation if it is necessary with respect to Denmark's international cooperation on export controls. [5]

6. A good or a facility shall be subject to export controls if the good or the facility holds one or more components listed in Annex I to Council Decision on joint action, 94/942/CFSP, if the component in respect of volume, value or technological knowhow constitutes a significant part of the good or the facility and if it can be removed and used for other purposes.

7.(1) The Ministry of Business and Industry shall provide detailed rules and regulations governing formal requirements to applications and rules and regulations governing the use, form and substance of export authorisations.

(2) Rules and regulations governing exports may be laid down on the basis of simplified formalities. [6]

(3) The licensing authorities may demand the information on an exportation and lay down the conditions for an export authorisation which are necessary with respect to the Acts referred to in section 1 or to the international cooperation on export controls.

8. It shall be the responsibility of the person or the enterprise at whose expense exports are effected as well as the person in charge of exports that an exportation or a transfer is conducted in accordance with the Executive Order rules and the provisions laid down subsequently.

9. Article 4 (3) of Council Regulation (EC) No 3381/94 shall not apply to Denmark.

10. (1) Any person who, for the purpose of decisions according to the Acts mentioned in section 1 or according to the Executive Order, submits wrongful or misleading information or suppresses information of significance to the decision on the matter shall be punishable by fine, simple detention or by prison of up to 2 years unless more severe punishment is provided by sections 160-163 of the civil criminal code. The same shall apply to any person who acts in contravention of the conditions laid down in such a decision or who attempts to do so.

(2) Any person who, furthermore, fails to submit information required of him by the Acts referred to in section 1, including especially information he is under obligation to submit to the licensing authorities pursuant to Article 4 (2) of Council Regulation (EC) No 3381/94 or the Executive Order shall be punishable by fine, simple detention or by prison of up to 2 years. The same shall apply to any person who submits wrongful or misleading information unless more severe punishment is provided by sections 160-163 of the civil criminal code.

(3) Any person who exports goods without being in possession of an authorisation as required by the Acts referred to in section 1 or the Executive Order shall be punishable by fine, simple detention or by prison of up to 2 years unless more severe punishment is otherwise provided by law.

(4) Where violations are committed by limited companies, private companies, cooperative societies or the like, the company as such may be liable to a fine.

11. This Executive Order shall enter into force on 1 July 1995. Ministry of Industry Executive Order on exports of certain goods of 12 November 1993 is hereby repealed. Ministry of Business and Industry, 13 June 1995

## **Notes**

1. Consolidated Act No 93 of 6 February 1995.
2. For further details the Customs Act, Act No 1116 of 22 December 1993.
3. in this respect particularly the following Articles of Council Regulation (EC) No 3381/94: 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 17, 19 and 20.
4. Especially the following Articles of Council Regulation No 3381/94: 10, 11, 12, 14 and 15.
5. Article 3 (3) of Council Regulation (EC) No 3381/94.
6. Article 6 of Council Regulation (EC) No 3381/94