

»33(1). Products covered by the categories of the European Union Common Military List stated in Annex 1 of this Executive Order may be exported to another EU or EEA country (general permission) if:

- 1) The recipient is a central government authority of the EU or EEA country in question;
- 2) The recipient is an undertaking certified in accordance with Article 9 of Directive 2009/43/EC of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community;
- 3) The recipient is established in an EU or EEA country which participates in an intergovernmental cooperation programme with Denmark concerning the development, production or use of the defence-related product(s);
- 4) The exportation is temporary, for instance with a view to demonstration, assessment, testing, exhibition, maintenance or repair; or
- 5) The exportation takes place within a reasonable period after the objective which justified the import ceased to exist, for instance with a view to demonstration, assessment, testing, exhibition, maintenance or repair in Denmark.

(2) A legal or natural person who exports products for the first time under subsection (1) must notify the Ministry of Justice in writing no later than five business days prior to the exportation.

(3) A notice pursuant to subsection (2) must contain the following information:

- 1) Identification of the legal or natural person who exports the product under subsection (1), including that person's name, address, possible CVR no., contact person and contact details;
- 2) The name and address of the recipient; and
- 3) Documentation proving that the exportation is covered by subsection (1), paras (1)-(5).

(4) Products that have been exported under subsection (1), para (4), must be returned to Denmark when the purpose of their being exported has been completed, but no later than 24 months after the exportation.

(5) Products may not be exported under subsection (1), however, if they are to be exported to entities on which penalties have been imposed or if the legal or natural person exporting the products is aware that the products in question will be re-exported to a country which is subject to an arms embargo adopted by the UN, the OSCE or the EU or to other entities on which penalties have been imposed.

(6) Moreover, products may not be exported under subsection (1) if the products in question are exported in contravention of Denmark's international obligations, or if the natural or legal person exporting the products is aware that the products in question will be re-exported in contravention of Denmark's international obligations.

(7) Moreover, products may not be exported under subsection (1) if the natural or legal person exporting the products is aware that the products in question will be re-exported to an end user outside an EU, EEA or NATO country.

(8) A legal or natural person exporting products under subsection (1) is under an obligation to inform the recipient of the terms and conditions applicable to the permission at any given time.

ANNEX 1

Products covered by the following categories from the European Union Common Military List may be exported to another EU or EEA Member State subject to the conditions set out in section 33 of the Executive Order on Weapons and Ammunition:

1) Ammunition for (ML3.a.):

- a. Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less (ML1);
- b. Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches) and projectors (ML2); and
- c. High velocity kinetic energy weapon systems (ML12).

2) Fuse setting devices specially designed for ammunition specified in item 1 above (ML3.b).

3) Other ground vehicles and components, as follows (ML6.b):

- a. All-wheel drive vehicles capable of off-road use which have been manufactured or fitted with materials or components to provide ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard) or better;
- b. Components having all of the following:
 - i. Specially designed for ground vehicles that are specially designed or modified for military use (ML6.b.1); and
 - ii. Providing ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard) or better.

4) Protective and decontamination equipment, specially designed or modified for military use, components and chemical mixtures, as follows (ML7.f):

- a. Equipment designed or modified for defence against biological agents or radioactive materials, "adapted for use in war" to produce casualties in humans or animals, degrade equipment or damage crops or the environment (ML7.a), chemical warfare (CW) agents (ML7.b) and "riot control agents", active constituent chemicals and combinations thereof (ML7.d) and specially designed components therefor;
- b. Equipment designed or modified for decontamination of objects contaminated with materials specified by ML7.a or ML7.b and specially designed components therefor;

- c. Chemical mixtures specially developed or formulated for the decontamination of objects contaminated with materials specified by ML7.a or ML7.b.
-
- 5) Equipment specially designed or modified for military use designed or modified for the detection or identification of materials specified by ML7.a, ML7.b or ML7.d, and specially designed components therefor (ML7.g).
 - 6) Explosives (ML8.a).
 - 7) Propellants (ML8.b).
 - 8) Pyrotechnics, fuels and related substances (ML8.c).
 - 9) Oxidizers (ML8.d).
 - 10) Binders, plasticisers, monomers and polymers (ML8.e).
 - 11) Additives (ML8.f).
 - 12) Precursors (ML8.g).
 - 13) Components that are specially designed for military use, for vessels (surface or underwater) specially designed or modified for military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems (ML9.a.1).
 - 14) Components for other surface vessels than those specified under item 13 (ML9.a.1), having any of the following, fixed or integrated into the vessel:
 - a. Automatic weapons having a calibre of 12.7 mm or greater specified in ML1 or weapons specified in ML2, MIA, ML12 or ML19 or 'mountings' or hard points for such weapons;
 - b. Fire control systems specified in ML5;
 - c. Having all of the following:
 - i. 'Chemical, Biological, Radiological and Nuclear (CBRN) protection'; and
 - ii. 'Pre-wet or wash down system' designed for decontamination purposes.
 - d. Active weapon countermeasure systems specified in ML4.b, ML5.c or ML11.a and having any of the following:
 - i. 'CBRN protection';
 - ii. Hull and superstructure, specially designed to reduce the radar cross section;

- iii. Thermal signature reduction devices, (e.g., an exhaust gas cooling system), excluding those specially designed to increase overall power plant efficiency or to reduce the environmental impact; or
- iv. A degaussing system designed to reduce the magnetic signature of the whole vessel.

15) Engines and propulsion systems, as follows, specially designed for military use and components therefor specially designed for military use (ML9.b.1-3):

a. Diesel engines specially designed for submarines and having all of the following (ML9.b.1):

- i. Power output of 1.12 MW (1,500 hp) or more; and
- ii. Rotary speed of 700 rpm or more.

b. Electric motors specially designed for submarines and having all of the following (ML9.b.2):

- i. Power output of more than 0.75 MW (1,000 hp);
- ii. Quick reversing;
- iii. Liquid cooled; and
- iv. Totally enclosed.

c. Non-magnetic diesel engines having all of the following (ML9.b.3):

- i. Power output of 37.3 kW (50 hp) or more; and
- ii. Non-magnetic content in excess of 75 % of total mass.

16) Hull penetrators and connectors, specially designed for military use, that enable interaction with equipment external to a vessel, and components therefor specially designed for military use (ML9.0).

17) Silent bearings having any of the following, components therefor and equipment containing those bearings, specially designed for military use (ML9.g):

- a. Gas or magnetic suspension;
- b. Active signature controls; or
- c. Vibration suppression controls.

18) Specially designed components for combat 'aircraft', except hulls and engines (ML10.a).

- 19) Specially designed components for Unmanned Aerial Vehicles ("UAVs") and related equipment specially designed or modified for military use (ML10.c):
 - a. Associated launchers and ground support equipment;
 - b. Related equipment for command and control.
- 20) Aero-engines specially designed or modified for military use and specially designed components therefor (ML10.d).
- 21) Airborne equipment, including airborne refuelling equipment, specially designed for use with the "aircraft" specified by ML10.a and ML10.b or the aero-engines specified by ML10.d, and specially designed components therefor (ML10.e).
- 22) Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for "aircraft" specified by ML10.a and ML10.b or for aero-engines specified by ML10.d; (ML10.f)
- 23) Military crash helmets and protective masks, and specially designed components therefor, pressurised breathing equipment and partial pressure suits for use in "aircraft", anti-g suits, liquid oxygen converters used for "aircraft" or missiles, and catapults and cartridge actuated devices, for emergency escape of personnel from "aircraft" (ML10.g)
- 24) Parachutes, paragliders and related equipment, as follows, and specially designed components therefor (ML10.h):
 - a. Parachutes not specified elsewhere in the EU Common Military List;
 - b. Paragliders;
 - c. Equipment specially designed for high altitude parachutists (e.g. suits, special helmets, breathing systems, navigation equipment).
- 25) Automatic piloting systems for parachuted loads, equipment specially designed or modified for military use for controlled opening jumps at any height, including oxygen equipment (ML10.i).
- 26) Armoured plates (ML13.a), having any of the following:
 - a. Manufactured to comply with a military standard or specification; or
 - b. Suitable for military use.

- 27) Constructions of metallic or non-metallic materials, or combinations thereof, specially designed to provide ballistic protection for military systems, and specially designed components therefor (ML13.b).
- 28) Helmets manufactured according to military standards or specifications, or comparable national standards, and specially designed components therefor, (i.e. helmet shell, liner and comfort pads) (ML13.c).
- 29) Body armour or protective garments manufactured according to military standards or specifications, and specially designed components therefor (ML13.d).
- 30) Forgings, castings and other unfinished products, specially designed for items specified by ML1 to MIA, ML6, ML9, ML10, ML12 or ML19 (ML16).
- 31) "Software" specially designed or modified for the "development", "production" or "use" of equipment, materials or "software", specified by in items 1-31 above (ML21.a).
- 32) "Software" specially designed for military use and specially designed for modelling, simulating or evaluating military weapon systems (ML21.b.1).
- 33) "Technology", other than specified in ML22.b, which is "required" for the "development", "production" or "use" of items specified in items 1-33 above (ML22.a).