

DATE 12-7-86 COPY 43

DOC NO EM 87-20176

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SUBJECT: France Arms Export Laws and Regulations

DDI/OGI/ISID/AT [redacted] (10 November 1987)

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France: Arms Export Laws and Regulations

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GI M 87-20176
October 1987

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**France: Arms Export Laws
and Regulations**

**Prepared for Office of Global Issues
by Office of General Counsel**

GI M 87-20176

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France: Arms Export Laws and Regulations

SCOPE NOTE

This is one of a series of studies prepared by the Office of General Counsel examining the foreign laws of selected countries relating to the export of arms and other war materiel. This analysis is based upon a review of relevant laws, regulations, and administrative procedures, as well as discussions with U.S. Embassy officers and foreign government officials. Every effort has been made to keep technical legal discussions to a minimum. Comments and queries are welcome and should be addressed to Chief, International Security Issues Division, Office of Global Issues, at

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FRANCE: ARMS EXPORT LAWS AND REGULATIONS

INTRODUCTION

France is the third largest arms exporting country in the world. French laws and regulations provide officials with a structure to control the arms industry through a two-tier regulatory system: (1) control of the manufacturing process; and (2) a special licensing process for exports of war materiel.

In the first tier, the government regulates all stages in the manufacture of war materiel, from research and development through production and marketing. Many of the major French armament manufacturing companies are owned, wholly or in part, by the French Government, and are regulated directly. Government representatives, called government commissioners, are permanently attached to the principal manufacturing companies, essentially the prime contractors, engaged in the production of weapons of war as the latter are defined by French law. These government representatives have two functions; quality control and the protection of classified information.

In the second tier, the French Government can monitor all aspects of the marketing of war armaments. A company must obtain approval in advance to advertise weapons or seek contracts of sale. In almost all cases, according to one senior French official, approval by the French Government to solicit sales results in ultimate approval to export. Normally, approval of an export license would be denied only if there had been a change in circumstances, such as a coup d'etat in the buyer country, which would make it inimical to French national interests to export the weapons.

The regulation of export of armaments, however, can be much more comprehensive and complex than merely obtaining an export license. For example, in addition to the imposition of controls on the manufacturing process and regulation through the direct licensing of exports, France has also established extensive requirements of French nationality as a prerequisite to eligibility to engage in the manufacturing process. These requirements are found in the Decree of 18 April 1939 (Appendix A) establishing the regulations applicable to war materiel, weapons and ammunition and in Decree No. 73-364 of 12 March 1973 (Appendix B) which implements the prior one.

LAWS APPLICABLE TO THE EXPORT OF WAR MATERIEL

The Decree of 18 April 1939 and the Decree of Implementation of 12 March 1973, as amended, are the two principal pieces of legislation applicable to war materiel, weapons, and ammunition. The other laws of importance are the Decree of 19 August 1983 (Appendix C), which amends the Implementation Decree of 12 March 1973, and the Order of 2 April 1971 (Appendix D), which lists war materiel subject to special export procedures. All of these decrees are found in the appendixes.

The Decree of 18 April 1939 establishes the basic regulatory framework under which France regulates the manufacture and export of war materiel. It is the

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culmination of efforts begun by France in the 1930's to impose regulations and government control in an area which had increasingly become the object of public attention. France, in the 1939 Decree, generally adopted a system of classification of weapons contained in a multilateral treaty on international trade of weapons and war materiel signed in Geneva on 17 June 1925. This classification was retained in subsequent decrees and orders.

The Decree of 1939 divides all materiel, weapons, and ammunition and their components into eight categories, contained in two subgroups.

The first subgroup, which deals with "war materiel" consists of three categories:

Category 1. "Firearms and their ammunitions designed for warfare on land, sea and air."

Category 2. "Equipment intended for the transportation and use of firearms in combat."

Category 3. "Equipment for protection against gas warfare."

The second subgroup deals with weapons and ammunition not considered to be war materiel. It is divided into five categories:

Category 4. "Weapons described as defensive weapons and their ammunition."

Category 5. "Hunting weapons and their ammunition."

Category 6. "Sidearms for cutting and thrusting ["coldsteel"]."

Category 7. "Target shooting weapons in fairgrounds or indoors, and their ammunition."

Category 8. "Antique and collector weapons and their ammunition."

All arms in use in France are covered by the Decree of 18 April 1939 and are consigned by the implementing decrees to one of the eight categories described above. The Decree of Implementation of 12 March 1973, as amended, further subdivides these categories. For example, Category 1 of the 1939 Decree dealing with firearms and ammunition designed for warfare is further broken down in the Implementation Decree into more specific subcategories ranging from automatic pistols to nuclear devices and laser weapons. The manufacture and sale of all products such as poison gas, gunpowder and other explosive substances, which are not mentioned in the regulations are, of course, subject to tight Government control on grounds of public safety and/or national defense.

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A Two-Tier System of Regulation

It should be noted that the Decree of 18 April 1939, as well as the Implementing Decree of 12 March 1973, establishes two distinct regulatory processes for the manufacture and distribution of French armaments and related equipment. The most stringent controls are placed on war materiel and defensive weapons as defined in Categories 1 through 4 in the 1939 Decree. France has imposed total control over all manufacturing and distribution activities for these weapons and equipment. As Article 2 of the 1939 Decree makes clear:

Companies engaged in the manufacture or trade of war materiel, defensive weapons and ammunitions (categories 1, 2, 3, and 4) cannot operate and their middleman or publicity agents cannot carry out their tasks unless they have been authorized by the State and are subject to its control in the manner established by decree."

For those weapons classified in the remaining four categories, France exercises less supervision over their manufacture and distribution. France regulates the manufacture and sale of these weapons in the interest of public safety, since they are not weapons which are considered to affect France's national security interests. France does not, however, impose total control over all aspects of production and distribution as it does in the case of weapons and equipment classified within the first four categories.

The Manufacture of War Materiel

As indicated above, the 1939 Decree imposes state control over the manufacture and distribution of war materiel. The Implementation Decree of 12 March 1973 further defines the conditions which must be met in order to manufacture weapons and equipment contained in the first four categories. Article 2 of the Implementation Decree imposes total state control over weapons and materiel classified within the first four categories. Article 2 also provides that only the first four categories are subject to this total control.

Title II of the 1973 Decree sets forth the information that must be submitted to the government by one seeking permission to manufacture war materiel. Article 7 of this decree, as noted above, imposes stringent nationality requirements for ownership of manufacturing concerns engaged in this activity -- the individual enterprises must be owned by French citizens; partners and managers of partnership companies must be French citizens; and, in the case of joint-stock companies and limited liability companies, the managers, active partners, members of the board of directors, members of the board of trustees, or members of the supervisory counsel, must be French citizens. In addition, French citizens must hold a majority of interest in the company. Paragraph 2 of Article 7, however, permits the government to issue permits to citizens of European Economic Community member states to engage in the retail trade of defensive weapons and ammunition contained in Category 4. It is important to note, however, that paragraph 3 of Article 7 creates an exception to these requirements which

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may be invoked by the government in appropriate cases. It provides that for "exceptional cases, and for reasons of national defense, the conditions required under paragraphs 1 and 2 can be revoked."

Under French law a regular authorization for the manufacture of war materiel is very limited. It applies only to specifically named items and can be valid for not more than five years. The authorization permit may be renewed, however, for an additional five years at the end of each period.

The Ministry of Defense is the government agency responsible for regulating the manufacture and distribution of armaments and equipment classified in the first four categories of the 1939 Decree. The Directorate of International Affairs (DAI) in the General Office for Armament is the agency responsible for issuing manufacturing authorizations after consultation with the Ministry of Interior and Decentralization. As noted above, the 1939 Decree confers broad powers on the Government to control and monitor all aspects of the manufacture of war materiel. Government officials are authorized to visit factories, audit accounts and inventories, and approve marketing activities.

Government Commissioners

Government commissioners are assigned to all major companies manufacturing or marketing war materiel. These companies typically would be those concerned with electronics and aerospace systems, manufacturers of armaments and associated equipment, and the National Gunpowder and Explosives Company. Government commissioners are not provided to the smaller companies which are involved in the production of war materiel as subcontractors.

The government commissioners are selected from among the members of the Armed Forces General Control Office and are appointed by order of the Minister of Defense to their assigned company. They are responsible for monitoring both quality control and the protection of classified information. Of equal, if not greater, importance is their role of primary intermediary between the company and the Ministry of Defense. The commissioners' powers and responsibilities are extremely broad. They attend meetings of the corporate board of directors and are thereby able to provide the Ministry of Defense with a substantial amount of information concerning the internal operation and condition of the manufacturing company.

THE EXPORT OF WAR MATERIEL

As noted above, the Decree of 18 April 1939, and the Implementation Decree of 12 March 1973, as amended, also establish a comprehensive system of government controls over export of war materiel. Article 13 of the 1939 Decree prohibits the export of war materiel and related equipment without a special government permit. This prohibition on export is independent of ordinary customs regulations and requirements. The presumption in French law is that exports of war materiel are absolutely forbidden, absent special and specific government authorization.

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It is the Interministerial Commission for the Study of War Materiel Exports that recommends exemptions from the general export ban. The role of the Interministerial Commission is two-fold: first, to examine export requests; and second, to review and give advice more generally on French export policy. The Interministerial Commission is chaired by the General Secretary for National Defense and consists of representatives of the Ministers of Foreign Affairs, National Defense, Finance and Economic Affairs, among other permanent members, and may also include from time to time representatives from other ministries. The representatives who sit on the Interministerial Committee are all high-ranking civilian officials or military officers. As part of their responsibilities they engage in liaison activities within their own departments to determine their ministries' views concerning arms export policies as well as the merits of individual export license requests.

The Interministerial Order of 2 April 1971 establishes the list of war materiel and comparable materiel which is subject to these special export procedures. This Interministerial Order further categorizes the types of armaments which are subject to the export prohibition contained in Article 13 of the 1939 Decree. These war materiel are divided into the following four categories:

Category A. - land, sea, and air armaments such as rifles, machineguns, automatic pistols, cannons, periscopes, grenades, rockets, missiles, etc.

Category B. - pistols, automatic pistols and revolvers, and their ammunitions and also firearms intended or adapted for non-military use, such as hunting or personal protection, which fire ammunition that can also be used by the firearms listed in Category A. Category B also includes poisonous gas and materiel for chemical and incendiary warfare.

Category C. - naval armaments, including warships and their weapons, ammunitions and associated equipment.

Category D. - air armaments and other aeronautical equipment which can be used for both military and non-military purposes.

Export License Application Process

Requests for export licenses are submitted by industry representatives to the Directorate of International Affairs (DAI) which reviews the applications to ensure that all necessary information is provided in the correct form. This process normally takes from one to two weeks. The DAI does not pass upon the merits of the license application, but only on its form. After review, the DAI forwards the application to the General Secretary for National Defense (SGDN) who chairs the meetings of the Interministerial Committee. The Interministerial Committee normally meets on the second Thursday of each month, usually from 9:30 a.m. to 12:30 p.m. Prior to the meeting, the Secretary General will have circulated to each ministry representative an agenda containing each license application. At this meeting each application will be considered on its merits. Unanimous concurrence is required within the committee before a license application

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can be approved. In particularly sensitive cases, the actual decision will be made at the highest levels of the French Government, which will advise the Committee of the formal decision to be made. The entire export license application process typically takes between 10 and 16 weeks from date of application until notification of approval. In exceptional circumstances, however, where senior government officials have determined that a quick decision is necessary in the interest of national defense, a decision can reportedly be obtained in as little as 48 hours.

Relatively few license applications are rejected, perhaps five to ten percent. This low rejection rate is due to several factors:

First, there are relatively few companies authorized to manufacture arms. The exact number is estimated to be between four and five hundred.

Second, as noted above, the manufacturing process itself is regulated, and the French Government makes every effort to coordinate the manufacture of arms with the current export policies. In addition, there is informal contact throughout the manufacturing and license application process.

Third, the French Government's arms export policies are well known and are generally stable.

In those instances where arms manufacturers have been authorized to solicit buyers for French arms sales, government approval is routinely given authorizing the sale. The French Government makes every effort to establish a consistent policy on arms sales, not only for purposes of national defense, but also because arms sales support an important industry in France with major economic consequences for the French economy. On occasion, however, the French Government has imposed restrictions on sales to particular countries for political reasons. The French Government is on record as not permitting arms sales to Taiwan, South Africa, and Chile. In addition, senior French officials indicate that France is not entering into new contracts for arms sales to Libya. According to these officials, France will, however, continue to provide spare parts to the extent required by current contract.

In determining whether to permit the sale of war materiel to foreign governments, France considers the following political factors:

1. The state of direct bilateral relations between France and the purchasing country. This is the single most important element.
2. French security and that of her allies.
3. Political objectives of the purchasing country, both internally and within the region.
4. The internal political situation in the purchasing country, particularly concerning human rights.

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5. The sensitivity of the technology and the possibility of diversion, both for commercial purposes and to the Soviet bloc countries.

It should be noted that dual-use materiel requires Commission approval.

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APPENDIX A

**Decree-law (of 18 April 1939) Establishing the Regulations
Applicable to War Materials, Weapons and Ammunitions.**

DECREE-LAW (OF APRIL 1939) ESTABLISHING THE
REGULATIONS APPLICABLE TO WAR MATERIALS,
WEAPONS AND AMMUNITIONS

The President of the French Republic,

Based on reports made by the Chairman of the Council [Premier], Minister of National Defense and War; the Deputy-chairman of the Council, the Keeper of the Seals who is Minister of Justice, the Minister of Finance, the Minister of Interior, the Minister of National Economy, the Minister of Foreign Affairs, the Minister of the Navy, the Minister of Air, the Minister for the Colonies, the Minister of Commerce and the Minister of Public Health,

Considering the Law of 11 August 1935 on the nationalization of war material manufacturing;

Considering the Law of 19 March aimed at granting special powers to the Government with the agreement of the Council of Ministers.

DECREES:

Article 1. The war materials, weapons and ammunitions affected by this decree are classified under the following categories:

I. War Materials

Category 1-- Firearms and their ammunitions designed for warfare on land, sea and air.

Category 2-- Equipment intended for the transportation and use of firearms in combat.

Category 3-- Equipments for protection against gas warfare.

II. Weapons and Ammunitions which are not considered
as War Materials

Category 4-- Weapons described as defensive weapons and their
ammunitions.

Category 5-- Hunting weapons and their ammunitions.

Category 6-- Side-arms for cutting and thrusting ["cold-steel"].

Category 7-- Target shooting weapons used in fairgrounds or
indoors, and their ammunitions.

Category 8-- Antique and collector weapons and their ammunitions.

III. War Materials

War materials, whether or not falling under the preceding
categories, which are subject to restriction or to a special
procedure for their import or export are defined in Article 11 and
13 given below.

Weapons of any type which are capable of firing ammunitions
used by the weapons listed as war material and any kind of
ammunition which can be fired by weapons listed as war material,
are considered to be war materials.

Another decree will list the materials or components of each
category and the industrial operations concerning them which fall
under the sphere of implementation of the present decree.

Article 2. Any individual or company wishing to engage in the
manufacture or trade of materials listed under the first 7
categories must first send a notification to the prefect of the
department where that person or company intends to build or use a
facility for that purpose. A receipt attesting that the
notification was received is issued.

Similar notifications must be sent when the facility closes down or moves to another location, when it discontinues the activities which are the subject of the present article.

Companies engaged in the manufacture or trade of war materials, defensive weapons and ammunitions (categories 1, 2, 3, and 4) cannot operate and their middlemen or publicity agents cannot carry out their tasks unless they have been authorized by the State and are subject to its control in the manner established by decree.

Article 3. The Minister of National Defense is the central and coordinating authority in the regulation and guidance of the state control over the manufacture and trade of the materials which are the subject of this decree.

To that end, he has at his disposal the General Directorate for the Control of War Materials, the functions of which are determined by decree.

Article 4. The control is exercised on the spot and for every time, according to their respective functions, by representatives of the ministries concerned and, more particularly in the case of the Department of War, of the Navy and of Aviation, by special control groups from these ministries and by the General Directorate for the Control of War Materials.

Article 5. The control established under the terms of Article 2, paragraph 3 above, will apply to technical and accounting operations and, more particularly, with regard to production, it will apply to improvements introduced in the manufacturing, to profits, to advertising and representation expenses and to the implementation of the obligations resulting from the present decree.

The records required to be kept, the reports which must be produced and other obligations of those concerned will be detailed in a decree if necessary.

Article 6. Holders of the permits mentioned in paragraph 3 of Article 2 above must give free access to every section of their company to representatives of the military ministries involved and to representatives of the General Directorate for the Control of War Materials listed in Article 4.

They must not hinder in any way the investigations required for them to carry out their mission and which can entail, besides inspections of the premises and materials, checking the inventories and any of their company's books, as they deem necessary.

They must supply verbal or written information and whatever reports they are asked to produce by the representatives of the state listed under Article 4 above, in accordance with the powers vested upon them by the present decree and legislation for its implementation.

Article 7. When the manufacturing companies, which are the subject of Article 2 (paragraph 3) of this decree, file applications for a patent of application to add to an existing patent concerning materials of the first four categories-- regardless of whether the application is filed by the company itself or on its behalf--they have 8 days from the date on which the application was filed to give the department that will be designated in the decree of implementation a description of the discovery, invention or practical application for which the patent or addition to a patent was requested.

Article 8. Holders of the permits mentioned in Article 2 (paragraph 3) of the present decree must report to the appropriate department, within a period of 8 days after accepting them, any orders for materials of the first four categories not intended for export and which do to originate from the state. These orders cannot be fulfilled unless specific authorization is issued.

The provisions concerning imports and exports, including those affecting the acceptance of export orders, are given in Articles 11, 12, and 13 of this decree.

Article 9. The personnel mentioned in Article 4 above, as well as other civil servants, officers or state officials who, in any capacity, gain knowledge of the information gathered about companies through the implementation of the present decree, are bound to maintain professional secrecy or will be subject to the penalties stipulated in Article 378 of the Penal Code.

Article 10. The technical supervision of the tasks entrusted to industrial enterprises by the Ministries of War, the Navy and Air, will continue to be the responsibility of the department for manufacturing and construction in these ministries.

Article 11. It is prohibited to import the materials listed under categories 1, 2, 3, 4, 5, and 6. Cases where that prohibition is revoked can be established by a decree. In such cases, an import permit issued under the conditions specified by interministerial order must be obtained before the importation can take place.

Article 12. No export order for the materials mentioned in the next article can be accepted without first being approved under the conditions determined by interministerial order. The same approval is required before any of these materials--which will be listed in that same interministerial order--can be displayed or

tested with a view to subsequently transferring or delivering them to another country. The same will apply to the transfer of commercial manufacturing licenses or to any other document which might be required in the manufacturing process. The provisions of this article do not hinder the implementation, if applicable, of those contained in Article 2 of the Law of 26 January 1934 amended by Article 3 of the Decree of 17 June 1938 concerning the repression of espionage.

Article 13. The exportation of war materials and comparable materials without a permit is prohibited regardless of the customs regulations which are invoked.

Interministerial orders will stipulate:

- 1) The list of materials to which the above applies;
- 2) Revocations of the obligation to obtain a permit prior to the exportation;
- 3) Procedure for issuing an export permit.

By abrogation of Article 89 of the Customs Code, challenges by the Customs Services involving bans on import or export covered by the present decree will be referred to a committee attached to the Ministry of National Defense, where the final ruling will be made.

An interministerial order will determine how that committee is organized and how it operates.

[Articles 14 through 23 omitted.]

Article 24. Any person who, without being duly authorized, engages in the manufacture or trade of war materials, or of defensive weapons or ammunitions of the types mentioned in

Article 2 (paragraph 3) of this decree, or any person who acts as a middleman or as publicity agent for the manufacture or trade of materials, weapons or ammunitions of that type, is subject to facing 6 months in prison and a fine of between 100 and 5,000 francs.

Confiscation of the manufactured materials and of the items intended for sale, as well as their sale by public auction can be ordered by the same ruling if the administrative authorities so request.

Article 25. Subject to the same penalties is: Anybody who violates the stipulations of Articles 2 (paragraphs 1 and 2), 6, 7, 8 (paragraph 1), 12, and 21 of this decree.

Article 26. Any unauthorized import or export, except in cases where an exemption from authorization has been given, falls under Article 21(b) of the Customs Code which regards as prohibited goods any goods which can only be imported or exported if the correct documentation is shown.

To import, or attempt to import, without due authorization, prohibited materials from the types listed in Article 11 of this decree will be punished by a prison sentence of 2 to 5 years and a fine of 1,000 to 10,000 francs without prejudice to implementation of the customs laws and regulations.

To export or attempt to export, without due authorization, materials subject to an export ban under Article 13 of this decree will be subject to the penalties decreed under Article 628 of the Customs Code.

[Last paragraph of Article 26 and Articles 27 through 42,
including provisions on penalties, omitted.]

B

APPENDIX B

Decree No. 73 - 364 of 12 March 1973

DECREE NO. 73-364 of 12 March 1973 on the implementation of the Decree of 18 April 1939 which establishes the regulations applicable to war materials, weapons and ammunitions.

The Prime Minister,

Based on reports from the Minister of State in charge of National Defense, the Keeper of the Seals who is Minister of Justice, the Minister of Foreign Affairs, the Minister of Economy and Finance, the Minister of Interior, the Minister of National Education, the Minister Delegate to the Prime Minister in charge of Nature and Environment Protection, the Minister of Industrial and Scientific Development, the Minister of Public Health and the Minister of Trade and Small Business Affairs;

Considering the amended Decree of 18 April 1939 setting out the regulations applicable to war materials, weapons and ammunitions, and more particularly Articles 1, 2, 5, 11, 15, 16, 17, 18, 20, and 23 of that decree;

Decrees:

CHAPTER I: Materials Subject to War Material Control

Article 1. The materials included in the categories listed in Article 1 of the Decree of 18 April 1939 are the following:

A. War Materials

Category 1. Firearms and their ammunitions designed or intended for warfare on land, sea or air:

Paragraph 1. Automatic pistols, firing either 7.65 mm-long regulation ammunition or ammunition of higher caliber, or with barrels 11 cm-long or more; automatic pistols of any caliber capable of firing by bursts or with magazines holding more than 10 cartridges; the barrels and frames for these weapons.

Paragraph 2. Rifles, light magazines-rifles and carbines of all calibers designed for military use as well as their barrels, bolts and breech casings.

Paragraph 3. Submachine-guns of all calibers as well as their barrels, bolts and breech casings; grenades described as offensive grenades.

Paragraph 4. Machine-guns and automatic rifles of all calibers as well as their barrels, bolts and breech casings; special machine-guns for aircraft.

Paragraph 5. Cannons, howitzers and mortars of all calibers as well as their mounts, breeches, sledges, brakes and counter-recoil mechanism; special aircraft cannons.

Paragraph 6. Ammunitions, shells and loaded or unloaded cartridge cases for the aforementioned weapons; loaded or unloaded devices and mechanisms intended to fire the projectiles mentioned in this paragraph.

Paragraph 7. Other grenades besides those described as offensive grenades, bombs, all types of torpedoes and mines, loaded or unloaded; missiles, rockets and other types of projectiles, incendiary weapons, devices and mechanisms to fire them, loaded or unloaded; flame-throwers and any hurling device which can be used for chemical or incendiary warfare.

Category 2. Equipment intended for the transportation and use of firearms in the battle:

Paragraph 1. Tanks, armored vehicles as well as their armor and turrets;

Non-armored vehicles, equipped with a fixed platform or fitted with a special mechanism (circular mount for anti-aircraft weapons, launching ramps) making it possible to mount or transport firearms.

Paragraph 2. All warships including aircraft-carriers and submarines; also their armor, turrets and casemates.

Paragraph 3. Air Armaments:

a) heavier or lighter than the air, assembled or dismantled, designed for military purposes and their components listed below:

Propellers, fuselage, hulls, wings, tail units, landing gears, piston engines, turbojets, statoreactors, pulsoreactors, rocket engines, turbo-engines, turboprops engines; also the following parts: compressors, turbines, combustion chambers and post-combustion chambers, propulsion nozzles, fuel-regulating systems.

b) All rotating-wing aircrafts and their following components:

blades, rotor heads and their flight-control mechanism, transmission boxes, antitorque devices and turbo-engines.

c) Special aircraft equipment designed for military purposes. Life protection and safety equipment, pilotage and flight control equipment, navigation tools, photographic equipment and complete parachutes.

d) Special turrets and mounts for the machine-guns and cannons of an aircraft.

Paragraph 4.

a) Periscopes, mechanisms and devices for observation, to determine a position, to make sightings, for detection or listening; devices to take aim, to direct fire or calculators to fire guns, rockets, bombs, torpedoes or missiles.

b) Mechanisms to carry, drop fire bombs, grenades, torpedoes, missiles, rockets and other kinds of projectiles; devices to carry or release parachuted charges.

c) Transmitting and telecommunications equipment, equipment for electronic counter-measures.

d) Coding, cryptophonic and cryptographic equipment.

Category 3. Equipment for protection against gas warfare and against products designed for chemical and incendiary warfare.

Complete equipments for insulating or filtering purposes and their following components: masks, filtering devices, special clothing.

B. Weapons and Ammunitions which are not Considered as War
Materials

Category 4. Weapons described as defensive weapons and their
ammunitions.

Paragraph 1. Handguns using center-firing pins which are not
included in category 1 with the exception of starter pistol or
revolvers and those used for alarm or signalling purposes which
cannot be converted into handguns of the types previously listed.

Paragraph 2. Finger-triggered semiautomatic or repeating
handguns.

Paragraph 3. Handguns which require a pull of the trigger for
each shot and have a total length of less than 28 cms.

Paragraph 4. Weapons which can be converted into the handguns
described in paragraphs 1, 2, and 3 above.

Paragraph 5. Pistols intended for the slaughter of animals
using ammunitions of the weapons listed under category 4.

Paragraph 6. Semiautomatic or repeating shoulder weapons with
a barrel less than 45 cm-long and a total length of less than 80
cms.

Paragraph 7. Barrels, bolts, breech casings and ammunitions
for the above-mentioned weapons, except for 5.5-caliber
ammunitions fired by a pull of the finger.

[Article 1, Categories 5 through 8 and
Articles 2 through 6 omitted.]

CHAPTER II: Authorization to Manufacture or Trade Materials
Listed Under the First Four Categories.

Article 7. 1. To obtain the permit required under the terms of Article 2 (paragraph 3) of the Decree of 18 April 1939, the following conditions must be met according to the type of company involved:

- Individual enterprises must be owned by a French citizen.
- Partners and managers of partnership companies must be French citizens.
- In the case of joint-stock companies and SARL (Limited Liability Companies), the managers, active partners, members of the Board of Directors, members of the board of trustees, or members of the supervisory council must be a French citizen. French citizens must hold a majority interest in the company. The state can subordinate the granting of permits to the manner in which the shares are registered.

2. However, a permit to engage in the retail trade of weapons and ammunitions of Category 4 can be issued to citizens of the European Economic Community member states and to companies established in conformity with the legislation of a member state and having their statutory head office, their central administration and their main facility located on EEC territory.

When one of these citizens, or one of these firms, opens an agency, branch or subsidiary on French territory, or provides services there, the permit referred to in the preceding paragraph will only be given if:

- That citizen is established on the territory of a member state.

- That firm-in the event of only its statutory office being located inside the Community-carried out an activity showing real and constant ties to the economy of the member state. This situation does not apply when the basis of these ties are the nationality of the partners or the nationalities of the members of the managerial or supervisory bodies or the nationalities of persons holding the capital stock.

3. In exceptional cases, and for reasons of national defense, the conditions required under paragraph 1 and 2 can be revoked.

4. Notification by the state of a transaction involving war materials serves as a permit for the person to whom that notice is addressed and for that specific deal. The recipient of the notification is bound by the same obligations as a permit holder for the entire duration of the transaction.

Article 8. Applications for permits, made in duplicate, will be drawn following Form samples No. 1 and 2.

The application will be accompanied by the following information:

- a) For private individuals: proof of nationality of the applicant.
- b) For partnerships: names of all named partners, active and silent partners and managers; proof of nationality for these persons.
- c) For joint-stock companies and limited liability companies: names of managers, active partners, members of the board of directors, members of the board of trustees and members of the supervisory council; proof of

nationality for these people; information about the nationality of shareholders and holders of company stock and the percentage of capital held by French citizens; type of stock certificates in joint-stock companies;

d) If necessary, the nature of orders of goods made for the armies and a summary indication of their importance.

The national I.D. card and, in the case of foreigners, their certificate of residence serve as proof of nationality for the applicants.

Article 9. Permit applications must be addressed to the Minister in charge of National Defense. They are recorded in a registry and receipt is issued.

Article 10. The permits are granted by decision of the Minister in charge of National Defense after consultation with the appropriate ministerial department or departments. Notification of the permits issued is sent to the prefect of the district where the enterprises are located.

Article 11. The permit indicates:

- 1.- The name or corporate name, the address of the head office and main establishment of the permit holder.
- 2.- The locations where they exercise their profession or where the manufacturing or trade will take place.
- 3.- The materials allowed to be manufactured or traded.
- 4.- The period of validity. That period will not exceed 5 years but the permit can be renewed for up to 5 years at the end of each period.

Article 12. The Minister of National Defense must be immediately notified in case of:

- 1.- Any change in
 - the legal nature of the permit-holding enterprise,
 - the nature or purpose of its activities,
 - the number or location of its facilities,
 - the identity or legal status of one or several of the persons listed under Article 7, particularly any change in their nationality.
- 2.- Any conveyance of shares or company stock likely to transfer control of the company into the hands of foreign nationals.
- 3.- The total or partial discontinuation of the authorized activity.

Article 13. The Minister in charge of National Defense can revoke the permit covered under Article 11:

- 1.- When the holder no longer meets the conditions required to obtain the permit or when a change occurs after the permit was issued which affects the legal nature of the enterprise, its purpose or the location of its activities.
- 2.- When the permit holder ceases to be engaged in the authorized activities.
- 3.- When he violates the stipulations of the Decree of 18 April 1939 or the legislation enacted to implement that decree, or else, the labor legislation.

4.- When the individual to whom a permit was issued or, in the case of a permit issued to a company, the person who holds the position of director, administrator or manager, is convicted and sentenced to more than 3 months in prison, with or without suspension, for one of the offenses listed in the Customs Code and in the following legislation: Articles 49, 61, 78, 79, 82, 85, 87, 88, 105, 106, 107, 109, 184, 209 to 220, 228, 230, 245, 269, 271, 305 to 308, 309, 311, 312, 314, 334 to 336, 343, 400, 410, 414 and R. 40 (paragraph 1) of the Penal Code; Article 4 of the Law of 27 May 1885 on Repeat Offenders, the Law of 28 July 1894 for Suppressing Anarchist Activities; Article L.627 to L.630 of the Public Health Code; Articles L.65 and L.66 of the Code on the Sales of Beverages and Measures Against Alcoholism; Article L.1 of the Traffic Code; the Law of 10 January 1936 on Private Combat Groups and Militias; Article 2 of the Law of 19 June 1871 Amended by the Law of 13 December 1893 on Explosives; the Law No. 70-575 of 3 July 1970 Reforming the Regulations Applicable to Gunpowder and Explosive Substances.

CHAPTER III: Obligations of a Permit Holder

Article 14. All holders of permits such as the one mentioned in Article 2, paragraph 3 of the Decree of 18 April 1939 must keep a special daily register with each page numbered and initialed by the appropriate police superintendent or, in the absence of one, by the commander of the gendarmerie post. On that register, with pages set as shown in Form sample No. 3, they must enter, without blanks or deletions, the items of equipment being manufactured, repaired, modified, purchased, sold, leased or destroyed.

The prefect will check, at least twice a year, the special register kept by local manufacturers and merchants comparing the entries against support documents at their disposal or sent to them when the sales were made to buyers residing in a different department.

[Articles 15 through 47 and the Annexes have been omitted.]

PROCEDURE FOR THE IMPORT AND EXPORT OF WAR MATERIALS,
WEAPONS AND AMMUNITIONS AND COMPARABLE MATERIALS

The Prime Minister, the Minister of State in charge of National Defense, the Minister of Foreign Affairs, the Minister of Interior and the Minister of Economy and Finance, Considering Articles 11, 21 and 13 of the Amended Decree of 18 April 1939 establishing the regulations applicable to war materials, weapons and ammunitions;

Considering Decree No. 55-965 of 16 July 1955 reorganizing the Interministerial Commission for the study of war material exports;

Considering the Ministerial Order of 2 April 1971 establishing a list of war materials and comparable materials subject to a special export procedure and cases where that procedure is waived;

Considering Decree No. 73-364 of 12 March 1973 relating to the implementation of the Amended Decree of 18 April 1939 establishing the regulations applicable to war materials, weapons and ammunitions,

Decree:

I. Abrogations of Import Prohibitions

Article 1. Under the terms of Article 41 of Decree No. 73-364 of 12 March 1973, when the Minister of Economy and Finance grants an exceptional abrogation of the prohibition to import, the import permit issued to the petitioners serves as proof of the fact that the exceptional abrogations has been granted.

Article 2. Importers must submit to the Minister of Economy and Finance (General Directorate of Customs and Indirect Taxation) their request for an import permit which must be drawn as established by ministerial order of the Minister of Economy and Finance.

Article 3. The Minister of Economy and Finance (General Directorate of Customs and Indirect Taxation) has the power to grant an exceptional abrogation of the prohibition to import when this is recommended by the Minister of Foreign Affairs, the Minister of Defense and the Minister of Interior.

Article 4. Imports of war materials, weapons and ammunitions intended for the military departments of national defense are subject to import permits issued after a simple request is made to the Minister of Economy and Finance (General Directorate of Customs and Indirect Taxation).

II. Exceptional Abrogations of the Export Prohibition

Article 6. Prior authorization, as stipulated in Article 13 of the Decree of 18 April 1939 is required for the operations listed below when they involve materials, weapons and ammunitions from Categories A, B, C and D specified in the Interministerial Order of 2 April 1971:

- a) Foreign markets research which includes the circulation of documents which could allow or facilitate the manufacture or reproduction of these materials, weapons or ammunitions, are likely to jeopardize their effectiveness;
- b) Acceptance of orders for studies or manufactures intended for export;
- c) Exchange, transfer or transmission to another country of studies or the result of studies (prototypes included);
- d) Demonstrations and testing for the purpose of securing foreign orders;
- e) Transfer to a foreign country of any industrial copyrights or any documents pertaining to the above-mentioned materials.

The granting of an exceptional abrogation for the aforementioned operations does not prevent the administrative authorities from exercising their rights to refuse permission for the corresponding export. It does not influence the approval or refusal to grant an exceptional abrogation for a different operation even when similar material is involved.

Article 7. The exportation outside France of the materials mentioned by Article 13 of the Decree of 18 April 1939 is subordinated to the issue of an export permit except in the cases listed in the Interministerial Order of 2 April 1971 which establishes the list of war materials and comparable materials subject to a special export procedure and the abrogations of that procedure.

Article 8. Exceptional abrogations of the export prohibition are granted by the Prime Minister after taking advice from the Interministerial Commission created under Decree No. 55-965 of 16 July 1955 which reorganizes the Interministerial Commission for the study of war material exports.

Article 9. The granting of an abrogation does not prevent in any case the administration from exercising its right to subsequently refuse to issue the corresponding export permit.

Article 10. Without prejudice to cases where the Minister of Foreign Affairs, the Minister in charge of National Defense or the Minister of Economy and Finance may request that the abrogation be submitted again to the Prime Minister's decision. The Minister of Economy and Finance issues the export permit. The issuance of the export permit can require as a prerequisite proof of the fact that the materials, weapons and ammunitions which are going to be shipped will be delivered directly to the appropriate authorities of the importing country or, with these authorities' agreement, to a specific private establishment appointed and accepted by them for that purpose. The issuance can then be delayed until the Ministry of Foreign Affairs has been able to make all the checks deemed necessary.

Article 11. The exporter must present an application for an export permit under the terms specified by order of the Minister of Economy and Finance.

That application must be addressed to the Minister in charge of National Defense (Ministerial Office for Armament, International Affairs Department).

Article 12. The recipient of an export permit must send to the prefect of the department corresponding to the point of departure

of the materials, weapons or ammunitions a declaration stating the type and number of materials, weapons or ammunitions that will be shipped, the methods of transportation, the post where they will clear customs and the point of exit from the territory.

That declaration results in the issuance of a receipt which must be shown at the indicated customs post.

A copy of the declaration is sent by the exporter to the Ministry in charge of National Defense.

Exports made by the Ministry in charge of National Defense are not subject to the formalities stipulated in this article.

Article 13. Arrival into the country of destination and the disposal of the materials, weapons and ammunitions for use are guaranteed by an excise bond issued in conformity with the Customs Code.

The responsibility imposed by that bond is only lifted if one shows a document issued by the customs services of the importing country stating that the materials, weapons and ammunitions which were exported have reached the country stated in the bond and have been declared for use in that country.

When there is no clause prohibiting re-exportation to any other country, the General Directorate of Customs and Indirect Taxation can limit the purpose of the bond to a simple guaranty for the arrival of materials, weapons and ammunitions to their destination. In that case, the responsibility imposed by the bond is lifted on presentation of a documentation issued by the Customs Service of the importing country stating that the materials, weapons and ammunitions have reached the country mentioned in the bond.

Direct shipments of materials, weapons and ammunitions given by the Ministry of National Defense to foreign governments as well as the shipment of materials, weapons and ammunitions subject to the general abrogations mentioned in Article 5 of the Order of 2 April 1971, are not subject to the excise bond formality.

For small shipment, the Customs and Indirect Taxation Administration can issue a bond dispensation.

Article 14. The exportation of weapons and ammunitions by persons who are leaving the national territory and are authorized to be in possession of such weapons and ammunitions in accordance with the provisions of Articles 16 to 21 of Decree No. 73-364 of 12 March 1973, are not subject to the stipulations laid down by the present order.

III. Clauses Applying to Both Import and Export Permits

Article 15. A merchant cannot receive an import or export permit for war materials listed under the first four categories unless he already has the permit mentioned in Article 2, paragraph 3 of the Decree of 18 April 1939.

Those persons who do not have that type of permit but who are asking in a particular instance to be authorized to import or export materials falling under the first four categories, must state in detail in their application for an import or export permit how they intend to use the material due to be imported or exported.

Article 16. The established period of validity of import or export permits is 6 months from the date on which they were issued.

That duration can be reduced to 3 months at the request of the ministers concerned or just one of them.

In particular instances, the period of validity can be extended to 1 year at the request of the exporters or importers and on recommendation of the ministers concerned.

In the last two cases mentioned, the fact must be stated in the permits issued.

Article 17. When the period of validity of the permit issued to them comes to an end, and in the case of every permit, the importers or exporters notify the Ministry in charge of National Defense (Section for Control of War Materials).

Article 18. In cases of imports as well as exports, whenever the Customs Service thinks that the goods declared under a designation intended to make people believe that they are not the materials targeted by the present order are, in fact, materials of that type, that service must notify the committee mentioned in Article 13, paragraph 3 of the Decree of 18 April 1939 and that committee will rule on the matter.

The same procedure applies when the Customs Service thinks that the goods fall under a different category from the one mentioned in the declaration or that their point of origin is different from the one stated in the declaration.

In the case of rifled weapons from Categories 1 (paragraph 2), 5, or 7 the challenges described in the two preceding paragraphs of this article will be investigated under the conditions set out in paragraph 2 of Article 19 which follows.

Article 19. To implement the first two paragraphs of preceding Article 18, the Minister in charge of National Defense has a list of experts selected by the technical services of the National Defense Department.

To examine challenges described in paragraph 3 of the preceding article, a gunsmith appointed by the Minister in charge of National Defense will act as an expert.

Article 20. The committee set up in accordance with Article 13 of the Decree of 18 April 1939 to make a binding decision in challenges by customs dealing with the prohibition of imports or exports regulated by that decree, consists of the following members:

A representative of the Ministry in charge of National Defense;

An expert who is qualified to give an opinion on the equipment under consideration or his substitute, as established depending on the case, by paragraph 1 or paragraph 2 of the preceding Article 19.

In case of disagreement between the two committee members, the Minister in charge of National Defense will rule on the matter.

[Articles 21 through 26 omitted.]

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APPENDIX C

Decree No. 83 - 758 of 19 August 1983 Amending
Decree No. 73 - 364 of 12 March 1973

Decree No. 83-758 of 19 August 1983 - Amend the decree of 12 March 1973. - fourth category of weapons.

Decree No. 83-758 of 19 August 1983 amending Decree No. 73-364 of 12 March 1973 relating to the implementation of the Decree of 18 April 1939 which established the regulations applicable to war materials, weapons and ammunitions.

The Prime Minister,

Based on the reports issued by the Minister of Economy, Finance and Budget, the Minister of Interior and Decentralization, the Keeper of the Seals or Minister of Justice, the Minister of External Relations, the Minister of Defense, the Minister of Industry and Research, the Minister of Commerce and Small Business Affairs, the Minister Delegate for Leisure, Youth and Sports, the Secretary of State to the Prime Minister for Environment and Quality of Life;

Considering the amended Decree-Law of 18 April 1939 establishing the regulations applicable to war materials, weapons and ammunitions,

Considering Decree No. 73-364 of 12 March 1973 relating to the implementation of the Decree of 18 April 1939,

Decrees:

Article 1. Section B of Article 1 of the Decree No. 73-364 of 12 March 1973, the heading of "Fourth Category" is amended as follows:

"Paragraph 1. Hand weapons using a center-firing pin which are not included in the 1st category except starter pistols

and revolvers, those used for alarm and signalling purposes provided they cannot be converted into handweapons of the previously listed types.

Paragraph 2. Semiautomatic or repeating hand weapons requiring a pull of the trigger.

Paragraph 3. Hand weapons requiring a pull of the trigger for each shot.

Paragraph 4. Weapons which can be converted into hand weapons of the types described in the preceding paragraphs 1, 2 and 3.

Paragraph 5. Pistols for slaughtering animals using ammunitions of the weapons listed under category 4.

Paragraph 6. Barrels, bolts, breech casings, cylinder casings, ammunitions and loaded or unloaded cartridges used for the above-mentioned weapons except for 5.5 ammunitions triggered by a pull of the finger and their loaded or unloaded cartridges.

Paragraph 7. Shoulder weapons of the semiautomatic or repeating type where the barrel is less than 45-cm long and the weapon's total length less than 80 cm.

Paragraph 8. Shoulder weapons with one or several smooth barrels less than 60 cm long and firing more than three shots regardless of their feeding system.

Paragraph 9. Shoulder weapons with rifled barrels, with semi-automatic or manually operated reloading action and capable of firing more than ten shots without changing the clip, as well as the clips of more than 10 shots used by these weapons."

Article 2. At the end of Article 19 of Decree No. 73-364 of 12 March 1973, add the following paragraph 4:

"The restrictions concerning the number of weapons of the 4th category which can be purchased or held by sport societies and marksmen under the term of the preceding paragraphs, do not apply to weapons listed under the 4th category, paragraph 3. Also, those same weapons can be purchased by the persons referred to in the preceding paragraph 2 if they are 16 years' old or over providing that minors between the age of 16 and 18 have an authorization from whoever exercises parental authority over them."

Article 3. Article 21 of Decree No. 73-364 of 12 March 1973 is extended by a third paragraph which reads:

"With the abrogation of the provisions contained in paragraph 1 of this article, persons in possession of the weapons and clips listed under paragraph 9 of category 4 must, in order to be allowed to keep them, make a declaration to the commissioner of the Republic of the department where they have established residence and within a period of 6 months following the date when the present decree goes into effect. They will be given a receipt attesting that they have made such declaration."

Article 4. Inserted between paragraphs 1 and 2 of Article 23 of Decree No. 73-364 of 12 March 1973 there is a new paragraph which reads as follows:

"The preceding provisions do not apply to ammunitions intended for weapons listed under category 4, paragraphs 3, 8 and 9."

Article 5. Paragraph 5 of Article 36 of Decree No. 73-364 of 12 March 1973 is amended as follows:

"The permit issued under the terms of Article 21 is also valid to carry the weapons mentioned except for weapons from category 4, paragraphs 3, 8 and 9."

Article 6. The present decree will go into effect on the first day of the third month after its publication.

Article 7. The Minister of Economy, Finance and Budget, the Minister of Interior and Decentralization, the Keeper of the Seals or Minister of Justice, the Minister of External Relations, the Minister of Defense, the Minister of Industry and Research, the Minister of Commerce and Small Business Affairs, the Minister Delegate for Leisure, Youth and Sports, the Secretary of State to the Prime Minister for Environment and Quality of Life are instructed to implement, within their own sphere of competence, the present decree due to be published in the OFFICIAL JOURNAL of the French Republic.

Issued in Paris on 19 August 1983

By the Prime Minister, Pierre Mauroy

The Minister of Defense, Charles Hernu

The Minister of Economy, Finance and Budget, Jacques Delors

The Minister of Interior and Decentralization, Gaston Defferre

The Keeper of the Seals, Minister of Justice, Robert Badinter

The Minister of External Relations, Claude Cheysson

The Minister of Industry and Research, Laurent Fabius

The Minister of Commerce and Small Business Affairs, Michel Crepeau

The Minister Delegate for Leisure, Youth and Sports, Edwige Avice

The Secretary of State to the Prime Minister for Environment and Quality of Life, Huguette Bouchardeau.

D

APPENDIX D

**Order of 2 April 1971: List of War Materials and
Comparable Materials Subject to Special Export
Procedure and Exemptions from that Procedure**

OFFICIAL JOURNAL OF THE FRENCH REPUBLIC
4 April 1971

[Order of 2 April 1971]:

List of War Materials and Comparable Materials Subject to
Special Export Procedure and Exemptions from that Procedure

The Prime Minister, the Minister of State in charge of National Defense, the Minister of Foreign Affairs, the Minister of Interior and the Minister of Economy and Finance,

Considering Articles 12 and 13 of the Decree of 18 April 1939 establishing the regulations applicable to war materials, weapons, and ammunitions;

Considering the Order of 14 August 1939 giving the list of war materials and comparable materials subject to special export procedures and exemptions from that procedure, which was amended by the Orders of 13 June 1956, 14 March 1964 and 4 April 1964;

Considering the Decree No. 55-965 of 16 July 1955 reorganizing the interministerial commission for the study of war material exports,

Decree:

TITLE I: List of Materials

Article 1. The war materials and comparable materials mentioned in the first paragraph of Article 13 of the Decree of 18 April 1939 which cannot be exported, under any kind of customs regulations, without due authorization except in the case of exemptions listed by interministerial order, are detailed and divided into the following four categories A, B, C and D:

Category A: Land, Sea and Air Armaments:

1) Weapons, ammunitions and war materials such as the ones described below when they are designed or intended for warfare on land, sea or air:

- a) Rifles, light magazine rifles and carbines;
- b) Machine-guns, automatic rifles, automatic pistols;
- c) Cannons, howitzers and mortars;
- d) Shells and ammunitions for the weapons listed under the preceding paragraphs 1, 2 and 3;
- e) Periscopes, devices for observation, to determine a position and to make sightings; detecting and listening equipment; instruments to direct and regulate the fire of guns, rockets, bombs, torpedoes, missiles or to release parachuted charges;
- f) Mechanisms to carry or drop bombs, grenades, air or torpedoes, missiles, rockets and other types of projectiles;
- g) Grenades, bombs, rockets, missiles, land and underwater mines whether they are stationary or mobile, torpedoes, underwater grenades;
- h) Devices to use the above-mentioned weapons, instruments and mechanisms;
- i) Armor protection in sheets or shaped; armored vehicles and automotive vehicles;
- j) Transmitting equipment and projectors;
- k) Coding, cryptophonic and cryptographic equipment;
- l) Gunpowders and explosives except for gunpowders used for hunting, black gunpowders used for mining and explosives used for industrial purposes, and accessory equipment needed to explode them;
- m) Protection equipment.

2) Spare parts and fittings for these weapons, ammunitions and materials.

Category B:

1) Pistols, automatic pistols and revolvers of any caliber and their ammunitions;

2) Firearms intended or adapted for non-military uses such as hunting or personal protection which fire ammunitions that can also be used by the firearms of Category A;

3) Specialized equipment used to manufacture the weapons, ammunitions and materials listed under Categories A, C and D;

4) Flame-throwers and any other hurling device which can be used for chemical or incendiary warfare;

5) Mustard gas, lewisite, ethilarsine dichloride, methylarsine dichloride and any other substances intended for chemical or incendiary warfare.

Category C: Naval Armament

All warships including aircraft-carriers and submarines; also their weapons, ammunitions and war equipment installed on board the vessels and representing their normal armament.

Category D:

Air armament and other aeronautical equipment which can be used both for military and non-military purposes.

1) Aerodynes: aircrafts designed for military purposes or which can be used both for military and non-military purposes, assembled, dismantled or not assembled; and rotating-wing aircraft whether assembled, dismantled or not assembled.

- a. Aerodynes of French manufacture;
- b. Aerodynes of foreign manufacture.

The list of types of aerodynes covered under the headings given in paragraphs a) and b) above, will be detailed in an interministerial circular.

2) Guns, machine-guns, turrets and special mounts for aerodynes.

3) The following components of the aerodynes mentioned in paragraph 1 above:

Propellers, fuselages, hulls, wings, tail units, landing gears, piston engines, turbojets, statoreactors, pulsoreactors, rocket engines, turbo-engines, turboprops, and their following spare parts: compressors, turbines, combustion chambers and post-combustions chambers, propulsion nozzles, fuel-regulating systems.

The following specific parts only apply to helicopters: blades, rotor heads and their flight-control mechanisms, transmission boxes, antitorque and turboengine mechanisms.

4) Special equipment of aerodynes specially designed for military purposes:

- Life protection and safety equipment;
- Pilotage and flight control equipment;

- Navigation instruments;
- Photographic equipment;
- Telecommunications equipment;
- Detection instruments;
- Instruments for electronic counter-measures;

The list of equipment will be detailed by interministerial circular.

- 5) Complete parachutes.

TITLE II: Exemptions from the Classification

Article 2. Not classified as observation instruments of the types mentioned in paragraph 5: Category A, are those which do not meet one of the following specifications:

- Special field glasses fitted with a micrometric graduation reticle;
- Special field glasses for anti-aircraft defense;
- Marine field glasses.

Article 3. Not classified as projectors of the type mentioned in paragraph 10 of Category A are those which do not meet any of the following characteristics;

- Diameter of the mirror measuring 60 cms or more;
- High-intensity arc lamps (with the positive and negative carbons forming an angle of between 15 and 70 degrees);
- Signalling device or
- Directional or inclination device, power-driven or prepared to become power-driven and more particularly, projectors for cars, vessels or for lighting purposes.

Article 4. Not included among the automatic pistols and revolvers of all calibers mentioned in paragraph 1 of Category B are the pistols used for alarm signals or to signal the start of a competition providing they cannot fire bullet cartridges.

TITLE III: Exemptions From Export Procedures for Some Operations

Article 5. Are not subject to the authorization system stipulated in Article 13 of the Decree of 18 April 1939, exports dealing with:

- a) Aerodynes falling under Category D of Article 1 of this order when they are duly registered to provide a commercial service or when they are used for flights of an industrial, commercial or touristic nature;
- b) Materials transported by rail which are in direct transit from border to border merely making temporary use of the national territory, or materials transferred from one ship to another without being set on land (at French ports and airports).
- c) Materials entering the country on a temporary basis for the purpose of carrying out tests, trials or repairs;
- d) Components intended for the phases of development, perfecting, production and maintenance of war materials as part of an international cooperation agreement where the French Government is an interested party, when these components are intended solely for the items ordered by the contracting governments.

The list of international cooperation agreements which fall under this paragraph is established and kept up to date by the Interministerial Commission for the Study of War Material Exports. The ministerial delegation for armament (Directorate of International Affairs) will send the list, and eventually the text of such agreements, to the General Secretariat for National Defense.

e) The weapons, ammunitions and parachutes exported on a temporary basis for international competitions.

These exemptions, however, can be cancelled at the request of one of the departments which are members of the Interministerial Commission for the Study of Exports of War Materials, or at the request of the minister concerned after consultation with the Interministerial Commission for the Study of War Material Exports. The cancellation can be of a general nature or only for shipments to certain countries specifically named in a notice published in the OFFICIAL JOURNAL and signed by the Prime Minister.

In the case of a derogation applicable only for certain countries, the authorized shipments will require that a permit be issued as they leave the country certifying that the goods have arrived in their country of destination and that they will not be sent to another country where their transit, transshipment or reexport has been prohibited. That permit will be issued and accepted under the conditions stipulated in Article 13 of the Interministerial Order of 14 August 1939 setting out the import and export procedures for war material, weapons and ammunitions and comparable materials.

TITLE IV: Exemptions From Export Procedures for Certain
Types of Materials

Article 6. The prior authorization required under Article 13 of the Decree of 13 April 1939 does not apply to exports of spare parts intended to repair or maintain the equipment used by French companies which, by order of the Minister of Transportation, have been authorized and approved to engage in air transport operations.

The same privileges will be extended to foreign air companies or will apply to other war materials after the Interministerial Commission for the Study of War Material Exports gives it approval.

Article 7. The exemptions granted under Article 6 above can be revoked at any time by interministerial order.

Article 8. Whatever the customs regulation applicable, exports of the war materials, weapons and ammunitions covered by Article 5 and 6 above may be subject to the presentation of a declaration for statistical purposes under the conditions stipulated by order of the Director General of Customs and Indirect Taxation.

Article 9. The aforesaid Order of 14 August 1939 is abrogated.

Article 10. The Minister of State in charge of National Defense, the Minister of Foreign Affairs, the Minister of Interior and the Minister of Economy and Finance are responsible, each within their own sphere of competence, for the implementation of this Order.

Issued in Paris, 2 April 1971

By Prime Minister, Jacques Chaban-Delmas

The Minister of State in charge of National Defense, Michel Debre

The Minister of Foreign Affairs, Maurice Schumann

The Minister of Interior, Raymond Marcellin

For the Minister of Economy and Finance and on his authority, by
the principal private secretary, Jacques Calvet.

Confidential

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