

INFORMATIVE NOTE



NEW CONTROL AND CLASSIFICATION DOCUMENTS IN THE FOREIGN TRADE OF ARMS AND DEFENCE MATERIAL

In the context of **increasing regulatory rigor and international supervision** in foreign trade in defense materiel, firearms and dual-use technologies, the Interministerial Regulatory Board for Foreign Trade in Defense and Dual-Use Material (JIMDDU) has strengthened the documentary requirements and verification mechanisms applicable to export and transfer operations.

These measures respond to the need to **guarantee the traceability, transparency and consistency of authorisations**, in line with the international commitments assumed by Spain and with the common control framework of the European Union.

For exporters, this means a more demanding environment, in which **technical accuracy, document consistency and due diligence** play a decisive role in ensuring the viability and compliance of each operation.

Consequently, in application of Royal Decree 679/2014, which approves the Regulation on the control of foreign trade in defence material, other material and dual-use products and technologies, and within the framework of the competences of the JIMDDU, **the following updates have been communicated:**

1. Firearm Control Documents

In accordance with article 4.3 of Real Decreto 679/2014, the JIMDDU must assess, for each authorisation, the convenience of establishing mechanisms for verification, monitoring and collaboration between governments.

Articles 22 and 23 of the aforementioned regulation, relating to Individual and Global Licences for the Transfer of Defence Material, Other Material and Dual-Use Goods and Technologies, also provide that, in the export and dispatch of firearms, their essential parts and components and ammunition for civilian use (Annex II.1), **Licences must be accompanied by documents attesting that the importing countries have issued the relevant import licences or authorisations.**

With regard to the applicable control document templates (Article 31), a **"Declaration of Last Destination (UDD)" will be required for firearms**, in accordance with the model set out in Annex VI.21 or equivalent document.

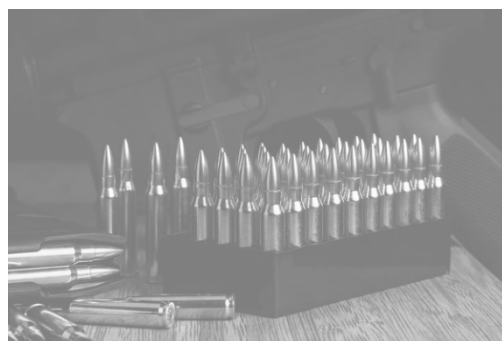
This declaration must be **issued by the final recipient and endorsed by the competent authorities of the country of destination**, when so determined by the JIMDDU.

Regarding the administrative validity of **foreign public documents**, it is recalled that:

- For documents from countries that are signatories to the Hague Convention, an apostille will be required.
- For documents from non-signatory countries, legalization through diplomatic channels will be necessary.
- When the documents are written in a language other than Spanish or English, they must be accompanied by a sworn translation, made on the document already legalized or apostilled.

In the case of the **Declaration of Last Destination**, the document must contain, at least, the following data:

- Complete identification of the exporter, importer and, if applicable, broker.
- Country final destination.
- Description, quantity and value of the goods, with reference to import authorisation or certification number, where applicable.
- Date of issue, signature and end-user charge.
- Commitment to use the products exclusively in civil terms and not to re-export without prior authorisation from the Spanish authorities.



2. Classification criteria for .223-caliber weapons

In accordance with the Regulation on the Control of Foreign Trade in Defence Material (Royal Decree 679/2014) and the Arms Regulation (Royal Decree 137/1993), it is recalled that **exports and imports of .223 calibre weapons intended for civilian use must be classified as defence material**, as they fall within the scope of Annex I of the Regulation.

However, in view of their civilian use, the control documents required will be the same as for the transfer of firearms, i.e. the Declaration of Last Destination and the import licence or authorisation issued by the receiving country.

It is also clarified that, when exported for military use, .223 caliber weapons shall be classified as defence material (Annex I.1, Article ML1), in accordance with the following technical specification:

- **Automatic or semi-automatic firearms** of a caliber of 12.7 mm or less, including those using ammunition of

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calibers 5.45x39.5 mm, 5.56x45 mm (0.223), 7.62x39 mm and 7.62x51 mm NATO.

- **Repeating weapons that use .308 Winchester ammunition or 7.62x39 mm expanding bullet, intended for big game,** are not considered weapons of war.

3. Criteria for control documents for export licences for weapons of war within the EU

In application of Article 31.1 of Royal Decree 679/2014, the JIMDDU has established that, for **exports of defense material** included in the List of War Weapons (Annex III.1) and destined for certain Member States, **a valid Declaration of Last Destination (DUD) or equivalent document issued by the final recipient will be accepted as a control document.**

This criterion will be applied only to operations with **Germany, Slovenia, France and Portugal.**

4. Control documents for temporary and definitive export licences for intangible transfer of technology

In accordance with Article 18.5 of Real Decreto 679/2014, the JIMDDU will require, for **temporary individual or global export licences** related to **intangible technology transfers**, the submission of a **Non-Disclosure Agreement (NDA)**, which must accompany the licence application.

The NDA must meet the following minimum conditions:

- Include the complete data of exporter, **importer and end user**, if different.
- Identify the **project or merchandise** subject to the tender or transfer.
- Provide for a **clause for the destruction of the shared technology** in the event that the importer or end user is not awarded.
- Be **signed and dated** by all the parties involved.

A copy of the NDA **will be sufficient**, without requiring the original document.

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These licenses are limited to the cases of **limitations, maintenance, tests and approvals**.

Likewise, technology transfers – temporary or permanent – to the European Union Aviation Safety Agency (EASA) **are exempt from the obligation to present this control document**.

5. Validity

These provisions are immediately **applicable**, without prejudice to any additional checks and requirements that may be established depending on the nature of the operation or the country of destination.



6. Summary

The recent communications of the **JIMDDU** introduce relevant adjustments in the application of **Royal Decree 679/2014**. These developments mainly concern control **documents, weapons classification criteria** and **intangible transfers of technology**.

From now on, the export **and dispatch of firearms, their essential components** and **ammunition for civilian use** must be accompanied by the corresponding **import licence or authorization issued by the country of destination**, as well as a complete **Declaration of Last Destination (DUD)** and, where appropriate, endorsed by the foreign competent authority.

These documents must be presented **legalized or apostilled**, and translated by a sworn translator when they are written in a language other than Spanish or English.

It is also established that **.223 caliber weapons intended for civilian use are classified as defence material**, although maintaining the same control documents required for firearms. On the other hand, operations for **military use** shall be included under the category of **Article ML1 of Annex I.1**.

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For **exports within the European Union, to Germany, Slovenia, France and Portugal**, a valid Declaration of Last Destination or equivalent **is accepted as a control document**.

In relation to **intangible technology transfers, it will be required to attach a signed, dated Non-Disclosure Agreement (NDA) in accordance with the conditions established by the JIMDDU**, except in cases where the destination is the European Aviation Safety Agency (EASA).

Together, these measures strengthen legal certainty, traceability and international verification in foreign trade in defense material and sensitive technologies but also entail a tightening of the requirements and filters applicable to operations.

Exporters **will** have to adapt to a stricter framework, characterized by **greater documentary requirements, prior verification and cross-checking of authorizations**.

Ensuring the provision of the correct documentation required, as well as the correct classification of products and maintaining fluid communication with the competent authority, will be essential to avoid delays, refusals or incidents in the processing of licenses.

This new scenario demands enhanced diligence and an active commitment to regulatory compliance, as an essential condition for preserving institutional trust and the security of international operations.

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