

Law of the Republic of Armenia

Regarding the Control of Export and Interstate Transit of Dual-Use Goods and Technologies through the Territory of the Republic of Armenia

Enacted 09/24/2003

Chapter 1 General Provisions

Article 1. Regulation of the Present Law

The present law sets out the basics of the implementation of public policies regarding the sphere of control of interstate transit of dual-use goods and technologies; the rights, responsibilities, and accountability of exporting entities of controlled goods; as well as regulates the relationships between the government agencies of the Republic of Armenia and exporting entities in the sphere of control of the export of dual-use goods and technologies.

Article 2. Terminology of the Present Law

The main terms of the present law have the following meanings:

dual-use goods and technologies (hereinafter, “controlled goods”): raw material, materials, equipment, scientific information, services, objects of intellectual property, which are used for civilian purposes and, according to their nature and characteristics, can be used for the creation and delivery of weapons of mass destruction.

weapon of mass destruction: nuclear, chemical, or bacteriological (biological) weapon.

means of delivery: missiles and remote-controlled (unmanned) aerial vehicles which can deliver weapons of mass destruction.

export: the taking out from the customs territory of the Republic of Armenia for temporary or permanent placement for the purpose of use, with the exception of incoming and controlled goods returning to the customs territory of the Republic of Armenia from the country to which they had been exported.

export control: the entirety of activities established by this law regarding the export of controlled goods and interstate transit, the purpose of which is the discovery, prevention, and suppression of violations of export regulation.

interindustry program for export control: organizational, administrative, informational, and other activities, which are implemented by commercial organizations with the purpose of safeguarding the regulations of export control.

controlled goods exporting entities (hereinafter, “exporting entity”): legal entities and natural persons; organizations that engage in the export of controlled goods.

end user: foreign organization, legal entity or natural person, which is the actual user of controlled goods exported from the Republic of Armenia or transported through the territory of the Republic of Armenia.

international regimes of export control: the association of states implementing a common policy regarding the creation and delivery of weapons of mass destruction, as well as the materials, equipment, technologies, and dual-use goods needed for their creation, with the purpose of control and non-proliferation.

Article 3. Regulation of the Republic of Armenia Regarding Export Control

The Regulation of the Republic of Armenia regarding export control consists of the Constitution of the Republic of Armenia, the present law, and other legal enactments.

If norms other than those of this regulation are stipulated by international agreements of the Republic of Armenia, then the norms of the international agreements will be used.

Article 4. Basics of Public Policy in the Sphere of Export Control

The sphere of export control is a component of the Republic of Armenia’s domestic and foreign policy and is implemented with the explicit aim of the Republic’s security to safeguard its political and military interests.

The basics of the Republic of Armenia’s public policy in the sphere of export control are:

- 1) The non-proliferation of weapons of mass destruction and their means of delivery, as well as, in the sphere of export of controlled goods, the conscientious fulfilment of the Republic of Armenia’s international responsibilities;
- 2) The licensing mechanisms and notification processes for the export of controlled goods and their interstate transit;
- 3) Lawfulness, publicity, and guarantees of access to information with regard to questions in the sphere of export control;
- 4) Prioritizing the security interests of the Republic of Armenia;

- 5) Controlling export only to the extent to which is necessary to reach that goal;
- 6) Harmonizing and synchronizing with international norms, practices, methods of export control, and processes;
- 7) Cooperation with foreign states and international organizations in the non-proliferation of weapons of mass destruction and their means of delivery, as well as in the sphere of export control.

Article 5. The Goals of Export Control

The goals of export control are:

- 1) The protection of the interests of the Republic of Armenia;
- 2) The fulfillment of the responsibilities of the Republic of Armenia under international agreements, regarding the non-proliferation of weapons of mass destruction and their means of delivery, as well as in the sphere of export control;
- 3) The creation of necessary conditions for the integration of the economy of the Republic of Armenia with the international economy;

Article 6. The List (Directory) of Controlled Goods

The list (directory) of controlled goods is established by the Government of the Republic of Armenia

Chapter 2 Legislative Basis for Organizing Export Control

Article 7. The Committee on Export Control

1. A committee is formed (hereinafter, “Committee”) with the aim of ensuring the functioning of the governmental agencies of the Republic of Armenia and their fruitful cooperation to methodically execute organizational endeavors in the sphere of export control;
2. The activities of the Committee are:
 - 1) Augmentation and development of export control measures and improvement activities of the Republic of Armenia;

- 2) Development of the lists of controlled goods;
 - 3) Issuing or refusing issued permits for export of controlled goods;
 - 4) Participation in the discussion on international cooperation in the export control sphere;
 - 5) Discussion of disagreements among agencies of the Government of the Republic of Armenia undertaking activities in the export control sphere;
 - 6) Registration of exporting entities, based on the regulations set by the Government of the Republic of Armenia;
 - 7) Provision of advice to exporting entities, regarding legislation of the Republic of Armenia and the international export norms;
 - 8) Acceptance and registration of exporting entities' reports on the interstate transfer of controlled goods; organization of information for provision to responsible parties participating in export control.
3. The membership and rules of the Committee are approved by the Government of the Republic of Armenia.

Article 8. Receiving Information from Governmental Agencies with the Aim of Controlling Export

1. In the sphere of export control, to fulfill their activities, governmental agencies of the Republic of Armenia have the right – according to the Constitution of the Republic of Armenia - to demand and receive documents, information, written and verbal explanations, which are necessary for the purposes of export control;
2. Exporting entities bear the responsibility of providing true information to governmental agencies carrying out necessary activities in the sphere of export control;
3. The information obtained by governmental agencies in the sphere of export control may only be used with the explicit purposes of export control;
4. Governmental or legally protected secret information may not be made public and/or used by officials of the above-mentioned entities for private purposes or provided to third parties, with the exception of cases provided for by law.

Article 9. Interindustry Program for Export Control

1. The creation of an interindustry program for export control is necessary for the defense and security of the Republic of Armenia, with the purpose of meeting public needs, and for commercial organizations carrying out scientific and/or productive works or for commercial organizations with ongoing foreign economic transactions relating to controlled goods;
2. The Committee aids in the creation of interindustry programs for export control within commercial organizations and provides necessary informative-methodical help.

Chapter 3

Requirements for the Control of Export Goods

Article 10. Requirements for the Control of Export Goods

1. Export of controlled goods is effected only with the written involvement of the end user, according to which the noted items will not be used for the creation of weapons of mass destruction or their means of delivery and re-exported or transferred to third parties without the approval of the Committee.
2. The Committee has the right, in case of necessity, to demand additional written assurances from relevant lawful government entities of foreign states regarding the non-use of the exported goods for the creation of weapons of mass destruction and their means of delivery, as well as the right to confirm the fulfillment of existing responsibilities with respect to the use of exported goods.

Article 11. Prohibitions and Limits on Export of Controlled Goods and Interstate Transit

The export and interstate transit of controlled goods may be effected by any state, with the exception of those states where such export is prohibited or limited according to the Republic of Armenia's international responsibilities.

Article 12. Permission for export of controlled goods

1. The export of controlled goods from the Republic of Armenia is effected based on the permission of the Committee.
2. A public tax is collected for the provision of the permission, according to the means and extent determined by law.

Article 13. The Receipt of the Permission for Export of Controlled Goods

1. To receive the permission for export of controlled goods, the exporting entity must present the following documents to the Committee:

1) Application, which notes the legal entity's title; the organization's legal nature; the location and places of activity; the individual owner' or the natural person's name, last name, and location and place of activity;

2) Documents relating to the controlled goods to be exported;

3) The document(s) stipulated in Article 10 of the present law;

4) The experimental conclusions from professional tests instituted based on Article 15 of the present law on the list (directory) of controlled goods, as listed in Article 6 of the present law;

5) The manufacturer's title;

2. The temporary export of controlled materials, specifically for private needs or for installation in exhibits, is permitted by the Committee, with the condition that those products will remain under the direct control of the exporter and that they will be returned to the Republic of Armenia within a given time period;

3. The decision to permit or reject the right to export of controlled goods will be made within 45 days of the Committee's receipt of the application;

A positive response will be communicated in writing to the exporting entity within 5 days of the decision's being made. In the event of a negative decision, the reasons for the rejection shall be mentioned in the written response.

Article 14. The application's rejection or the cessation of activity

1. The bases for the application's rejection are:

1) The presentation of obviously false or falsified documents by the exporting entity;

2) The existence of prohibitions or limits on export of controlled goods, as stipulated by Article 11 of the present law;

3) The existence of a threat to the national security of the Republic of Armenia or the possibility thereof as a result of the export of controlled goods;

4) Prejudice to the Republic of Armenia's international responsibilities;

5) The discovery of premeditated inconsistencies on the part of an exporting entity during audits of previous exports;

2. Activity permitted by the Committee may be stopped by:

- 1) A petition from the exporting entity;
- 2) The exporting entity's dissolution;
- 3) If the permission was granted based on false or falsified bases;
- 4) In the event that the points outlined in Chapter 1, Article 2-4 become apparent;
- 5) In the event that the exporting entity violates the legal enactments guiding the export control process.

Article 15. The Expert Inspection of Controlled Goods

1. The exporting entity is obliged to arrange for the expert inspection of controlled goods on the list (directory) in connection with the intent to export such controlled goods, as stipulated in Article 6 of the present law;
2. The expert inspection of controlled goods is effected based on these measures of the Republic of Armenia; the burden of ensuring the honesty and completeness of the expert inspection of the controlled goods is borne entirely by the entity performing the tests.

Chapter 4
The Regulations for Interstate Transit of Controlled Goods through the Territory of the Republic of Armenia

Article 16. The Memorandum Regarding the Interstate Transit of Controlled Goods through the Territory of the Republic of Armenia

1. The interstate transit of controlled goods through the territory of the Republic of Armenia is effected based on a preliminary memorandum regarding the interstate transit; The memorandum is presented to the Committee at last five days prior to the envisioned date of the controlled goods crossing the customs border of the Republic of Armenia; The memorandum regarding the interstate transit must contain the following information:
 - 1) The list of controlled goods intended for export;
 - 2) The manner of export;
 - 3) The titles (names) of the producer, shipper, and importer;

4) The route;

5) The envisioned dates of interstate transit.

The memorandum must be accompanied by a copy of the exporting country's permission (license) regarding the export of the controlled goods.

2. The memoranda regarding interstate transit are recorded in the Committee's relevant database;

3. The Committee shall inform the interested government agencies at least one day prior to the controlled goods crossing the customs border of the Republic of Armenia, accompanied by the information mentioned in Article 1 of the present law.

Chapter 5

The International Cooperation of the Republic of Armenia in the Sphere of Export Control

Article 17. The International Cooperation of the Republic of Armenia in the Sphere of Export Control

1. The international cooperation of the Republic of Armenia in the sphere of export control is aimed:

1) At cooperating with foreign states in preventing the proliferation of weapons of mass destruction, their means of delivery, as well as the technologies for developing them;

2) At supporting the establishment of stable and secure international relations;

3) At creating the requisite conditions for the inclusion of the economy of the Republic of Armenia within the global economy on an equal and productive basis;

4) At intensifying the involvement of the Republic of Armenia in the sphere of exchange of goods, information, activities, services, and objects of intellectual property;

5) At enhancing the international and domestic mechanisms of export control; at discovering violations of regulations of the Republic of Armenia in the sphere of export control;

2. The international cooperation of the Republic of Armenia in the sphere of export control is implemented according to the foundations of international regimes regarding export control and the participation of the Republic of Armenia in international conventions, through negotiations and consultation of the Republic of Armenia with foreign states and international organizations,

the exchange of information, as well as the organization of programs and other events on a bilateral and multilateral basis;

3. Government agencies of the Republic of Armenia cooperate with relevant government agencies and organizations of foreign states and with international organizations, within the limits of their legal capacity;

4. With the purpose of bolstering the domestic activities of export control, the Republic of Armenia supports the creation of links between civil organizations in the sphere of export control and foreign states or international organizations.

Chapter 6

Liability for Violating the Constitution of the Republic of Armenia Regarding Export Control

Article 18. Liability for Violating the Constitution of the Republic of Armenia Regarding Export Control

Legal and natural persons are subject to liability for violating the Constitution of the Republic of Armenia regarding export control according to measures set by law.

Chapter 7

Closing Provision

Article 19. Entry into Force of the Law

The present law becomes effective ten days following its formal publication.

President of the Republic of Armenia
R. Kocharian

10/20/2003

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