

## **Law of the Republic of Belarus**

No. 130-Z of January 6, 1998

*[Amended as of November 1, 2004]*

### **On Export Control**

Accepted by the Chamber of Representatives on November 25, 1997

Approved by the National Assembly of the Republic of Belarus on December 19, 1997

This Law establishes the legal base for activity of state authorities, legal and natural persons of the Republic of Belarus in the field of export control and regulates the activities related to the movement through the customs border of the Republic of Belarus and the use of objects of export control.

#### CHAPTER 1. General Provisions

##### **Article 1. Definition of terms used in this Law**

The basic terms have the following meaning for the purposes of the Law:

goods - any movable property;

export - export of objects of export control for permanent allocation outside the customs territory of the Republic of Belarus;

import - import of objects of export control for permanent allocation in the customs territory of the Republic of Belarus;

re-export - export of objects of export control imported early outside the customs territory of the Republic of Belarus, which have not been undergone to processing;

transit - movement of objects of export control through the territory of the Republic of Belarus between two points of State border of the Republic of Belarus under the customs supervision;

import and export - factual movement of goods through the customs border of the Republic of Belarus;

weapon of mass destruction - chemical, bacteriological (biological), radiological or nuclear weapon;

goods and technology of double application - equipment, materials, raw material, technologies, scientific and technical information which are used for civil purposes but could be applied for manufacture of arms, military engineering and ammunition, including weapon of mass destruction and means of its delivery;

technology - information and "know-how" expressed in the form of models, prototypes, drawings, diagrams, projects, instructions, software or in an intangible form - training, technical maintenance (service) which are required for developing, manufacturing or use of goods.

## **Article 2. Concept of export control**

Export control is understood as the establishment and implementation of the order of import of objects of export control into the customs territory of the Republic of Belarus, their use, transit and export outside the territory on the basis of an authorization.

## **Article 3. Purposes of export control**

Export control in the Republic of Belarus is carried out with the purposes of:

to secure the national safety and protection of economic interests of the Republic of Belarus;

to fulfill the obligations of the Republic of Belarus under international agreements and support of international efforts on non-distribution of the weapon of a mass destruction and common arms.

## **Article 4. Basic principles of implementation of export control**

The export control in the Republic of Belarus is based on the following basic principles:

realization of the state control over the movement of objects of export control through the customs border of the Republic of Belarus;

supervision of the use of objects of export control;

transparency and availability of the information on the order, rules, purposes, tasks and principles of functioning of the system of export control and measures of the responsibility for infringement of the legislation of the Republic of Belarus in the field of export control;

determination of lists of objects of export control, as well as of countries where the export of objects of export control is temporarily forbidden or restricted;

harmonization of procedures and rules of export control with generally recognized international rules and practice.

#### **Article 5. Sphere of action of this Law**

This Law covers relations, in which the state bodies, legal and natural persons of the Republic of Belarus participate in the process of realization of foreign trade activities. This Law is applied also in those cases, when the actions or agreements accordingly made or concluded by state bodies, legal and natural persons of the Republic of Belarus outside the territory of the Republic of Belarus contribute to the dissemination of the weapon of a mass destruction, of common arms or damage the national safety, political and economic interests of the Republic of Belarus.

This Law does not cover the relations regulated by provisions of patent law and copyright law, except for cases, when the specified rights are used by their owners with the purposes of dissemination of the weapon of a mass destruction, common arms.

If an international agreement of the Republic of Belarus establishes other rules, than those established in this Law, then rules of the international agreement are to be applied.

#### **Article 6. The legislation of the Republic of Belarus on export control**

The legislation on export control includes this Law and other acts of legislation of the Republic of Belarus.

#### **Article 7. Objects of export control**

Objects of export control (specific goods) are understood as:

goods, technologies and services stipulated by international agreements and obligations of the Republic of Belarus concerning international and national safety;

chemical substances (toxins), microorganisms (viruses, bacteria), devices, technologies and services, which can be used for the creation and production of the chemical and bacteriological (biological) weapon;

goods, technologies and services related to a nuclear fuel cycle and production of nuclear materials, which can be used for creation of the nuclear weapon and nuclear explosive devices;

goods, technologies and services, which can be used for the creation of means of delivery of weapon of a mass destruction;

weapon of a mass destruction and means of its delivery;

military produces;

goods and technologies of double application;

cryptographic means (works, services) including cryptographic equipment, as well as special technical means for secretly obtaining information.

## CHAPTER 2. The procedure of export control

### **Article 8. Concept of system of export control**

System of export control is understood as a set of rules and means aimed at the establishment and realization of the procedure for the foreign economic operations related to the movement through the customs border of the Republic of Belarus and use of objects of export control, and also a set of state bodies authorized to ensure the realization of the specified order (further – authorized bodies in the field of export control).

The system of export control includes:

determination of lists of objects of export control with account of international approaches in this area;

determination of modes of export of objects of export control to some countries;

licensing of import and export of objects of export control;

granting of state guarantees for the use of goods of double application imported into the customs territory of the Republic of Belarus for declared purposes and non-admission of their re-export without permission of authorized bodies of the country of the exporter;

control over the use of objects of export control;

exchange of information and other interaction with international organizations and bodies of export control of foreign states;

other measures of state regulation of import, export and transit of objects of export control stipulated by the legislation of the Republic of Belarus.

### **Article 9. Lists of objects of export control**

The lists of objects of export control are to be approved by the Council of Ministers of the Republic of Belarus.

The lists are open and after their approval are subject to publications.

### **Article 10. Establishment of special regimes of export of objects of export control to certain countries**

The export of objects of export control is carried out to any countries, except for those states, where such export is forbidden or restricted in accordance with international obligations of the Republic of Belarus. The list of states as well as the list of certain objects of export control forbidden for the export to these states are to be approved by the President of the Republic of Belarus.

### **Article 11. Licensing of the export of objects of export control and import of certain categories of objects of export control**

The licensing of export of objects of export control and import of certain categories of objects of export control to the territory of the Republic of Belarus is to be carried out by an authorized state body of state administration in the order established by the Council of Ministers of the Republic of Belarus.

### **Article 12. Control over the use of exported objects of export control**

The control over the use of exported objects of export control for the declared purposes is carried out by the authorized body of state administration in the order established by the Council of Ministers of the Republic of Belarus.

### **Article 13. Control over the use of imported objects of export control**

The Republic of Belarus represented by authorized state bodies in the field of export control guarantees the use of goods of imported objects of export control for the declared purposes.

The control over the compliance of Belarusian importers and consumers with the obligations from the guarantees to use imported objects of export control for the declared purposes is carried out in the order established by the Council of Ministers of the Republic of Belarus.

#### **Article 14. Information on objects of export control**

The authorized state bodies in the field of export control, for the purpose of realization of their assigned functions, have the right to obtain documents and information on export control from the state bodies, legal and natural persons of the Republic of Belarus.

The documents and information obtained by authorized state bodies in the field of export control from state bodies, legal and natural persons of the Republic of Belarus according to this Law are to be used exclusively for the purpose of export control.

The officials of authorized state bodies in the field of export control are forbidden to disclose and (or) to transfer the documents (their contents) and information specified in second part twoof this Article to third persons.

#### **Article 15. Responsibility for infringement of the legislation of the Republic of Belarus on export control**

The persons, which are guilty in submission of the inadequate information in the field of export control, infringement of the established order of the movement of objects of export control through the customs border of the Republic of Belarus and other infringements in this area, shall bear administrative, criminal and other responsibilities according to the legislation of the Republic of Belarus.

### CHAPTER 3. Final provisions

#### **Article 16. Entering of this Law into force**

The Law enters in force from the date of its publication.

#### **Article 17. Bringing of normative-legal acts in conformity with this Law**

Until the legislation of the Republic of Belarus is brought in conformity with this Law, the acts of the legislation of the Republic of Belarus are to be applied in a part, in which they do not contradict to this Law, unless otherwise is stipulated by the Constitution of the Republic of Belarus.

The Council of Ministers of the Republic of Belarus in three-month period:

to bring the decisions of the Government of the Republic of Belarus in conformity with this Law;

to ensure the revision and cancellation by state bodies subordinated to the Council of Ministers of the Republic of Belarus of their normative acts which contradict to this Law;

to prepare and submit in due course the proposals on bringing legislative acts of the Republic of Belarus in conformity with this Law to the Chamber of Representatives of the National Assembly of the Republic of Belarus.

President of the Republic of Belarus A.Lukashenko