

Finland Statute No 645/96

Unofficial translation

Ministry of Trade and Industry, Finland

17 June 1998

Decree on the control of exports of dual-use goods

Issued in Helsinki on 23 August 1996

Upon presentation by the Minister in charge of certain affairs falling under the Ministry of Trade and Industry, it is decreed by virtue of section 10 paragraph 1 of the Act of 26 July 1996 on the control of exports of dual-use goods (562/1996):

Section 1

An export licence granted by the Ministry of Trade and Industry is needed when export, Community delivery or transit comprises:

- 1) dual-use goods falling under the Missile Technology Control Regime,
- 2) dual-use goods falling under the regime for export controls in the chemical and biological fields,
- 3) dual-use goods falling under the system of Export Controls for Conventional Arms and Dual-Use Goods and Technologies,
- 4) goods falling under the regime for control of exports of dual-use goods in the field of nuclear technology,
- 5) goods referred to in the Council Regulation (EC) No 3381/94 of 19 December 1994 setting up a Community regime for the control of exports of dual-use goods and in Annex 1 to the Council Decision of 19 December 1994 on the joint action adopted by the Council on the basis of Article J 3 of the Treaty on European Union concerning the control of exports of dual-use goods (94/942/CSFP); or
- 6) technology, services or other things necessary for the manufacture of products referred to in subparagraphs 1 - 5.

Section 2

For the purposes of this Decree,

- 1) *exporter* means a natural or legal person referred to in article 2 (c) of the Council Regulation (EC) No 3381/94;
- 2) *Community supplier* means a natural or legal person who makes a delivery prescribed in section 2 (3) of the Act on the control of exports of dual-use goods; and
- 3) *transit operator* means a natural or legal person who carries out a transit prescribed in section 2(4) of the Act on the control of exports of dual-use goods.

Section 3

The exporter, Community supplier or transit operator must apply for an export licence in the manner prescribed by the Ministry of Trade and Industry.

The information given in the application and the appendices to it is binding on the applicant. The Ministry of Trade and Industry must be notified of any essential

changes in exports, Community deliveries or transit operations or in their terms or conditions.

Section 4

A licence shall be granted for a specified period of time and conditions may be imposed on its use. The Ministry of Trade and Industry may, upon application, alter the terms or conditions concerning the use of the licence.

The Ministry of Trade and Industry may, upon application, give the exporter, Community supplier or transit operator an advance notice stating the general conditions of the issuance of a licence.

The exporter, Community supplier or transit operator shall retain his licence five years after its expiry and shall, on request, return it to the Ministry of Trade and Industry.

Section 5

The exporter, Community supplier and each natural or legal person who delivers products referred to in section 1 (1-6) to an address in another member state of the European Union shall maintain a detailed list of all exports, transit operations and deliveries performed. The list shall contain the commercial documents needed to establish

- 1) description of the goods;
- 2) quantity;
- 3) name and address of the exporter, transit operator, supplier and recipient; and
- 4) end-use and the end-user, if known.

The list referred to in the first paragraph of this section shall be maintained at least five years after the end of the year during which the export, transit or delivery took place. The list shall, on request, be shown to the competent authorities.

Section 6

Besides the provisions in section 5, each natural or legal person who delivers products referred to in section 1 (1-6) to an address in another Member State of the European Union must register with the Ministry of Trade and Industry within 30 days after the first delivery. When registering the supplier shall state his name and the address at which the documents and details referred to in section 5 can be verified.

Section 7

The licence must be produced on clearing goods through the Customs even when the goods are being transferred to a free port or bonded warehouse.

The licence number or code shall be marked on the customs declaration. A certificate issued by the Ministry of Trade and Industry on the registration referred to in section 6 shall, on request, be shown to the Customs authorities.

Section 8

The Advisory Board on Export Controls coordinates between export control authorities and industry. The Board shall give licence authorities statements on questions significant from the point of view of export controls and shall participate in the development of the controls.

The Council of State appoints for the Board the chairman, vice chairman and other members with their alternates for a period of three years at a time.

Three of the members of the Board shall represent the Ministry of Trade and Industry, two the Ministry for Foreign Affairs, one the Ministry of the Interior, one the Ministry of Defence, one the Security Police, one the National Board of Customs and one industry.

If a member of the Board or his alternate resigns during the term of office, the Council of State shall appoint a new member or alternate for the remaining part of the term of office.

For preparation of issues the Board may appoint working groups to which there may be called experts. The Board may engage secretaries.

The Board shall otherwise be governed by what has been provided about state committees.

Section 9

Compliance with this Decree and any regulations issued hereunder shall be supervised by the Ministry of Trade and Industry and the National Board of Customs.

Section 10

More detailed provisions on the types of licence to be used shall be issued by the Ministry of Trade and Industry as necessary.

Section 11

The provisions of this Decree are not applicable to dual-use goods the export of which is governed by separate laws and regulations.

Section 12

This Decree shall enter into force on 1 September 1996.

(Signatures)