

Law of the Kyrgyz Republic
on Export Control

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LAW OF THE KYRGYZ REPUBLIC
ON EXPORT CONTROL

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This Law establishes the principles for implementation of state policy and the legal basis for the activities of government administrative agencies of the Kyrgyz Republic and participants in foreign economic activity in the field of export control, and it defines their rights, obligations, and liability in this area.

Chapter 1

General Provisions

Article 1. Basic Concepts

For purposes of this Law, the following basic concepts shall be used:

foreign economic activity: foreign trade, investment, and other activities, including production cooperation, related to the international exchange of raw material and materials, equipment and technologies, scientific and technical information, work, services, and results of intellectual activity, including the exclusive rights thereto (intellectual property);

controlled items: types of raw material and materials, equipment and technologies, scientific and technical information, work, services, dual-use items, and results of intellectual activity that are included in the National Control List of the Kyrgyz Republic and that can be used in developing weapons of mass destruction, delivery systems for them, and other types of weapons and military equipment;

dual-use items: items or goods that are intended for peaceful purposes, but that can be used in developing nuclear, chemical, and bacteriological (biological) weapons of mass destruction, delivery systems for them, and other types of weapons and military equipment;

export and import: export and import of controlled items from or into the territory of the Kyrgyz Republic;

reexport: export of controlled items that were produced outside the country and brought into the territory of the Kyrgyz Republic;

transit: movement of controlled items through the territory of the Kyrgyz Republic under customs control;

nuclear and special non-nuclear materials: materials defined as such pursuant to the requirements of international standards and regulations on the non-proliferation of nuclear weapons;

export control: the set of measures that ensure implementation of the procedures established by this Law and other laws and regulations of the Government of the Kyrgyz Republic for foreign economic activity involving controlled items;

participants in foreign economic activity: legal and natural persons of the Kyrgyz Republic registered in accordance with the established procedure, and foreign legal and natural persons whose civil legal capacity is defined under the law of a foreign state and that carry out foreign economic activity in accordance with the legislation of the Kyrgyz Republic;

in-house export control program: organizational, administrative, informational, and other measures carried out by enterprises and organizations for purposes of compliance with export control regulations;

weapons of mass destruction: nuclear, chemical, and bacteriological (biological) weapons;

delivery systems: missiles, manned and unmanned aircraft, surface-to-air missile systems, and artillery systems capable of delivering weapons of mass destruction;

authorized agency: government administrative agency of the Kyrgyz Republic duly authorized in the area of export control;

government review: the set of measures for verification and analysis of documents and information related to foreign economic transactions involving controlled items to determine whether they conform to the international obligations of the Kyrgyz Republic, its national interests, and environmental safety requirements.

Article 2. Scope of this Law

This law regulates the relations of government administrative agencies of the Kyrgyz Republic and participants in foreign economic activity during the conduct of export control.

This law applies to foreign economic activity involving controlled items throughout the entire territory of the Kyrgyz Republic.

Export control of arms and military equipment, as well as scientific and technical information, work, services, and the results of intellectual activity, including the exclusive rights thereto (intellectual property), which are items intended for military use, shall be conducted in accordance with the legislation and other regulatory enactments of the Government of the Kyrgyz Republic regarding military and technical cooperation.

Article 3. Export Control Legislation of the Kyrgyz Republic

Export control legislation shall be based on the Constitution of the Kyrgyz Republic and shall consist of this Law, other laws of the Kyrgyz Republic, and other regulatory enactments of the Government of the Kyrgyz Republic adopted in accordance with those laws.

Matters related to export control shall be under the exclusive jurisdiction of the Kyrgyz Republic.

Article 4. Purposes of Export Control

The main purposes of export control are as follows:

to protect the interests of the Kyrgyz Republic;

to fulfill the requirements of international treaties of the Kyrgyz Republic on the non-proliferation of weapons of mass destruction and delivery systems for them and on control over the export, import, reexport, and transit of controlled items;

to create the conditions for integration of the economy of the Kyrgyz Republic into the global economy.

Article 5. Principles of the Export Control Policy of the Kyrgyz Republic

State policy in the field of export control shall be part of the domestic and foreign policy of the Kyrgyz Republic and shall be implemented solely for the purposes of safeguarding the security of the state and its political, economic, and military interests. The export control policy of the Kyrgyz Republic shall be developed in accordance with the following basic principles:

the legality, openness, and accessibility of information on export control issues and of information on the procedure, regulations, purposes, objectives, and principles of operation of the export control system and on the penalties for violation of the export control laws and regulations of the Kyrgyz Republic;

the primacy of the national interests and security of the Kyrgyz Republic in the conduct of export control;

good-faith compliance with the international obligations of the Kyrgyz Republic on the non-proliferation of weapons of mass destruction and delivery systems for them and on control over the export, import, reexport, and transit of controlled items;

state control over the movement of controlled items within the territory and across the state border of the Kyrgyz Republic;

interaction with international organizations and foreign states in the field of export control for the purposes of strengthening international security and stability and preventing the proliferation of weapons of mass destruction and delivery systems for them.

Article 6. National Control List of the Kyrgyz Republic

The Kyrgyz Republic's National Control List of controlled items shall be established by the Government of the Kyrgyz Republic and approved by the Supreme Council of the Kyrgyz Republic. Controlled items included in the National Control List of the Kyrgyz Republic shall be subject to export control and identification regardless of

form of ownership, place of origin, or time of production. Identification shall be the responsibility of the participants in foreign economic activity.

Article 7. Methods of Conducting Export Control

Export Control in the Kyrgyz Republic shall be conducted through legal regulation of foreign economic activity, including:

determining whether specific types of raw material and materials, equipment and technologies, scientific and technical information, work, services, dual-use items, and results of intellectual activity that are objects of foreign economic operations correspond to the types of items on the National Control List of the Kyrgyz Republic;

authorization procedures for conducting foreign economic operations involving controlled items;

customs control and processing of the export, import, reexport, and transit of controlled items in accordance with the legislation of the Kyrgyz Republic;

currency control over the conduct of foreign economic operations involving controlled items, including verification that deposits of foreign currency earnings in accounts in authorized banks are timely and complete;

enforcement measures (sanctions) by the state against persons that have violated the procedures established by this Law and other laws and regulations of the Kyrgyz Republic for foreign economic activity involving controlled items, or persons that have attempted to commit such actions;

establishment of in-house export control programs in enterprises and organizations engaged in scientific and production activity to support the defense capabilities and security of the Kyrgyz Republic.

See also:

Regulations on Export Control Procedures in the Kyrgyz Republic (approved by Resolution No. 330 of the Government of the Kyrgyz Republic of May 4, 2004).

Chapter 2

Legal Basis for Establishing Export Control

Article 8. Powers of the Government of the Kyrgyz Republic and
Government Administrative Agencies in the Field of Export Control

The Government of the Kyrgyz Republic shall:

organize the implementation of state policy in the field of export control,
including as it pertains to international export control regimes;

define, in accordance with this Law and other regulatory enactments of the
Government of the Kyrgyz Republic, the procedure for conducting and keeping records
of foreign economic activity involving controlled items;

make decisions, within the scope of its authority, on negotiating and signing
international and intergovernmental export control treaties, and monitor their
implementation;

define and manage the activities of authorized agencies of the Kyrgyz Republic
responsible for export control and authorized transit;

submit to the Supreme Council of the Kyrgyz Republic for approval the National
Control List of the Kyrgyz Republic, as well as proposals for quantitative limitations on
the export, import, and reexport of controlled items and the List of Countries to which the
export of those items is prohibited or restricted;

exercise other export control authority within its competence.

Government administrative agencies shall:

enforce this Law and other laws and regulations of the Government of the Kyrgyz
Republic and international export control obligations;

draw up the National Control List of the Kyrgyz Republic and submit it to the
Government of the Kyrgyz Republic for consideration, along with proposals for
modification of the List, quantitative limitations on the export, import, and reexport of
controlled items, and the List of Countries to which the export of those items is
prohibited or restricted;

prepare findings, conduct examinations and issue permits for the transit of
controlled items, and examine controlled items when they are being shipped from the
territory of the Kyrgyz Republic;

See also:

Procedure for Issuing Permits for the Transit of Items Subject to Export Control through the Territory of the Kyrgyz Republic (approved by Resolution No. 330 of the Government of the Kyrgyz Republic of May 4, 2004)

stop the illegal movement of controlled items through the territory and across the state border of the Kyrgyz Republic;

request information from participants in foreign economic activity regarding the use of controlled items obtained through transactions completed earlier, in accordance with obligations assumed;

cooperate with international organizations, government agencies, and non-governmental organizations of foreign states and promote the development of contacts and exchange of information between public organizations of the Kyrgyz Republic and foreign non-governmental organizations in the field of export control;

oversee and examine, within their competence, participants in foreign economic activity in accordance with the legislation of the Kyrgyz Republic;

exercise other export control authority within their competence.

Article 9. Obligations of Participants in Foreign Economic Activity to Provide
Information and Obligations of Authorized Agencies
in regard to Information Provided

Participants in foreign economic activity shall:

maintain records of foreign economic transactions involving controlled items and, at the request of authorized agencies, provide documents, explanations, and other information necessary for them to perform the tasks and functions provided for in this Law and other regulatory enactments of the Government of the Kyrgyz Republic in the field of export control;

be responsible for the accuracy of the information provided to the authorized agencies for export control purposes.

Information provided by participants in foreign economic activity shall be used by authorized agencies solely for export control purposes.

Information constituting a state secret, trade secret, or other secret protected by the laws of the Kyrgyz Republic, and confidential information must not be disclosed or used by officials of authorized agencies for personal advantage and shall not be transferred to third parties except as provided for by the legislation of the Kyrgyz Republic.

Article 10. Requirements for Foreign Economic Transactions Involving Controlled Items

Foreign economic transactions involving the transfer of controlled items to a foreign person must be accompanied by an end-user certificate and a written commitment by the foreign person that those items will not be used to develop weapons of mass destruction or delivery systems for them.

Participants in foreign economic activity shall be prohibited from entering into or carrying out foreign economic transactions involving controlled items, if they have credible information that the items will be used by a foreign state or foreign person to develop weapons of mass destruction and delivery systems for them.

For the purpose of protecting national interests and fulfilling international obligations, foreign economic activity involving controlled items may be prohibited or restricted in the Kyrgyz Republic, up to and including imposing embargoes on foreign states in the event that they violate commitments given to the Kyrgyz Republic and in accordance with decisions by international organizations of which the Kyrgyz Republic is a member.

Prohibitions and restrictions on foreign economic activity involving controlled items, which are imposed on individual states in the interests of safeguarding security, shall be instituted by laws of the Kyrgyz Republic.

Prohibitions and restrictions on foreign economic activity involving controlled items, which are imposed in accordance with international obligations of the Kyrgyz Republic, shall be instituted by decrees of the President of the Kyrgyz Republic.

Prohibitions and restrictions on foreign economic activity involving controlled items, which are imposed on individual foreign persons engaged in activities incompatible with the principles of non-proliferation of weapons of mass destruction and

delivery systems for them, shall be instituted by resolutions of the Government of the Kyrgyz Republic.

Article 11. Licensing of Foreign Economic Operations
Involving Controlled Items

Foreign economic operations involving the export, import, and reexport of controlled items shall be subject to mandatory licensing.

Licensing of these operations, as well as licensing principles and procedures shall be implemented in accordance with the legislation of the Kyrgyz Republic.

Article 12. Government Review of Foreign Economic Transactions

Foreign economic transactions involving the export, import, and reexport of controlled items shall be subject to government review, which shall be conducted by the authorized agencies. The procedure and terms for the government review shall be established in accordance with the laws and regulations of the Government of the Kyrgyz Republic.

Chapter 3

International Cooperation in the Field of Export Control

Article 13. Objectives and Forms of International Cooperation
in the Field of Export Control

International cooperation of the Kyrgyz Republic in the field of export control shall be conducted for the following purposes:

coordinating efforts and interacting with foreign states to prevent the proliferation of weapons of mass destruction, delivery systems for them, and technologies for their development;

promoting a stable and secure system of international relations;

creating favorable conditions for integration of the economy of the Kyrgyz Republic into the global economy on an equal and mutually beneficial basis;

increasing the Kyrgyz Republic's participation in the international exchange of all types of controlled items and creating broader opportunities for access to the world market by participants in foreign economic activity;

improving international and domestic export control mechanisms and identifying violations of the export control laws and regulations of the Kyrgyz Republic and the enterprises, organizations, and participants in foreign economic activity that commit such violations.

International cooperation of the Kyrgyz Republic in the field of export control shall be implemented through its participation in international export control regimes and international forums, through negotiations and consultations with foreign states, through mutual exchange of information, and during implementation of joint programs and other bilateral and multilateral activities in the field of export control.

Participation by the Kyrgyz Republic in international export control sanctions against a country or countries and implementation of those sanctions shall be governed by the legislation of the Kyrgyz Republic based on the norms of international law. In specific cases such sanctions may be adopted unilaterally by the Kyrgyz Republic.

As of the time international sanctions are announced, the Kyrgyz Republic will not provide compensation for losses to participants in foreign economic activity.

Chapter 4

Liability for Violation of the Export Control Legislation of the Kyrgyz Republic

Article 14. Violation of the Export Control Legislation of the Kyrgyz Republic

The following shall constitute violations of the export control legislation of the Kyrgyz Republic:

engaging in unauthorized foreign economic transactions involving the export, import, and reexport of controlled items, and the transit of such items through the territory of the Kyrgyz Republic without the appropriate permit;

submitting forged documents or documents containing inaccurate information to government administrative agencies for the purpose of conducting foreign economic operations involving controlled items;

non-compliance or improper compliance with the instructions of authorized agencies;

obstructing officials of authorized export control agencies in the performance of their duties;

unwarranted refusal to furnish information requested by the authorized agencies for export control purposes; deliberate distortion or concealment of such information;

violation of the established procedure for keeping records of foreign economic transactions involving controlled items.

Article 15. Liability for Violation of the Export Control Legislation of the Kyrgyz Republic

Participants in foreign economic activity that are guilty of violating the Law of the Kyrgyz Republic on Export Control shall be liable in accordance with the legislation of the Kyrgyz Republic.

Article 16. On Bringing This Law into Effect

This Law shall enter into force 30 days from the date of its promulgation.

Within two months the Government of the Kyrgyz Republic shall:

submit proposals to the Supreme Council of the Kyrgyz Republic on bringing the legislation of the Kyrgyz Republic into conformity with this Law.

bring its regulatory enactments into conformity with this Law.

President of the Kyrgyz Republic

A. Akayev

Passed by the Legislative Assembly of the
Supreme Council of the Kyrgyz Republic

December 27, 2002