

REPUBLIC OF LITHUANIA
**LAW ON AMENDING THE LAW ON THE CONTROL OF IMPORT,
TRANSIT AND EXPORT OF STRATEGIC GOODS AND TECHNOLOGIES**

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**Article 1. New Version of the Law of the Republic of Lithuania on the
Control of Import, Transit and Export of Strategic Goods and Technologies**

The Law of the Republic of Lithuania on the Control of Import, Transit and Export of Strategic Goods and Technologies shall be amended and set forth to read as follows:

**"LAW OF THE REPUBLIC OF LITHUANIA ON THE CONTROL OF
EXPORT, IMPORT AND TRANSIT OF STRATEGIC GOODS**

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Purpose of the Law

1. The purpose of this Law is to implement international agreements and arrangements prohibiting proliferation of weapons of mass destruction and missiles capable of delivering such weapons; to ensure that international commitments are complied with by developing in the Republic of Lithuania an effective system for the control of export, import and transit of strategic goods which would be integrated into the system of export control of the EU and international non-proliferation regimes; to provide conditions for ensuring the security of the Republic of Lithuania, acquisition of modern technologies and growth of foreign trade.

2. This Law shall establish the conditions of control of export, import and transit of strategic goods as well as of activities that may contribute to the proliferation of weapons of mass destruction and conventional weapons.

Article 2. Scope

1. This Law shall be applicable to legal and natural persons whose activities are connected with export, import and transit of strategic goods, including agency and brokerage in export, import and transit transactions relating to the goods in question.

2. The provisions of the Law shall not apply to the supply of services or transfer of technology where the supply or transfer is connected with the natural persons crossing the border of the Republic of Lithuania.

Article 3. Definitions

1. "**Strategic goods**" shall mean dual-use goods and/or military equipment included in the Lists of Strategic Goods specified in Article 4 of this Law, also services related to the said goods.

2. "**Dual-use goods**" shall mean goods, software and technologies that can be used for civilian and military purposes, also all goods which, according to their direct purpose, are not intended for explosions but may be used in some way for the production of nuclear weapons or other nuclear explosive devices.

3. "**Software**" shall mean a collection of one or more programmes or microprogrammes fixed in any tangible medium of expression .

4. "**Technology**" shall mean specific information necessary for the development, production or use of goods which may take the form of technical data or technical assistance.

5. "**Military equipment**" shall mean machinery and its component parts, technologies, software, arms, ammunition and its parts, explosives specially designed or modified for military purposes.

6. "**Import**" shall mean bringing of strategic goods into the customs territory of the Republic of Lithuania, transfer of software and technologies from outside the boundaries of the Republic of Lithuania by fax, telephone or by employing any other transfer mode and/or by other electronic means. The concept shall include verbal transfer of a technology over the telephone in the cases when the technology is described in a document from which the essential part of the technology specification is read out or described on the telephone.

7. "**Export**" shall mean transportation of strategic goods outside the customs territory of the Republic of Lithuania, re-export of strategic goods, transfer of software and technologies by fax, telephone or by any other mode and/or by other

electronic means to a place of destination outside the boundaries of the Republic of Lithuania. The concept shall also refer to a verbal transfer of a technology in the cases when the technology is described in a document from which the essential part of the technology specification is read out or summarised over the telephone.

8. **"Re-export"** shall mean export from the customs territory of the Republic of Lithuania of strategic goods formerly imported into the customs territory.

9. **"Transit"** shall mean carriage of non-Lithuanian strategic goods through the customs territory of the Republic of Lithuania.

10. **"International non-proliferation regimes"** shall include the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies (WA), the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australian Group (AG), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), the Nuclear Non-proliferation Treaty (NPT) and other agreements and international commitments of states, the purpose whereof is prevention of proliferation of chemical, biological and nuclear weapons and conventional arms by political, economic, diplomatic and legal means.

SECOND CHAPTER

EXPORT, IMPORT AND TRANSIT OF STRATEGIC GOODS

Article 4. Drawing up Lists of Strategic Goods

The Government or the institution authorised by shall draw up and approve Lists of Strategic Goods consisting of the List of Dual-purpose Goods and Technologies and the Common List of Military Equipment on the basis of the lists of goods which are subject to control under the EU, international non-proliferation regime and taking into account foreign policy and national security interests of the Republic of Lithuania.

Article 5. Drawing up Lists of Countries, Export to which and Import from which of Strategic Goods is Prohibited

1. The Government or the institution authorised by it shall draw up and approve the list of states wherefrom export or carriage in transit of strategic goods and the list of states whereto import or carriage in transit of strategic goods is prohibited.

2. When drawing up lists specified in paragraph 1 of this Article, regard shall be had to the sanctions imposed by the United Nations Security Council, the European Union, the Organisation for Security and Cooperation in Europe, international treaties of the Republic of Lithuania as well as the interests of foreign policy, state security and national defense, and national economy of the Republic of Lithuania.

Article 6. Administration of Export, Import and Transit of Strategic Goods

1. The Ministry of the Economy shall be in charge of the control of export, import and transit of strategic goods and shall exercise the control in conjunction with other state institutions and agencies in accordance with the procedure laid down by this Law and other legal acts.

2. The state institutions and agencies subjecting to control export, import and transit of strategic goods shall be designated and the procedure of application of controls on the export, import and transit of the goods in question shall be established by the Government.

Article 7. Requirement to Hold a Licence for Export, Import and Transit of Strategic Goods

1. Export, import and transit of goods included in the Lists of Strategic Goods shall be subject to a licence. Licences shall be issued by the Ministry of the Economy according to the procedure established in Article 8 of this Law.

2. The procedure for issuing licences (authorisations) for the transit of goods that are on the Lists of Strategic Goods, when the sender and the recipient (or at least one of them) are military institutions of a foreign state or the sender and the recipient act on the authorisation of the said institutions, shall be established by other legal acts of the Republic of Lithuania.

3. Import of goods included in the Lists of Strategic Goods when the goods are imported by the Ministry of National Defense of the Republic of Lithuania or the Weaponry Fund under the Government of the Republic of Lithuania shall not be subject to a licence of the Ministry of the Economy.

4. Goods that are not on the Lists of Strategic Goods shall be subject to a licence issued by the Ministry of the Economy if the natural or legal person has been notified in writing by the Ministry of the Economy or any other state institution or agency exercising control over export, import or transit of strategic goods that the goods in question are or may be intended for use in connection with the development, production, handling, operation, maintenance, storage, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production maintenance or storage of missiles capable of delivering such weapons or the goods in question are or may be intended for use in connection with the development or production of goods included in the Common List of Military Equipment.

5. The export of goods not included in the Lists of Strategic Goods shall be subject to a licence issued by the Ministry of the Economy if the importing country or the country of end-uses is subject to arms embargo imposed by the decisions of the EU Council, the Organisation for Security and Cooperation in Europe, the United Nations Security Council and provided that the institutions specified in paragraph 4 of this Article have notified the natural or legal person in writing that the goods in question are or may be intended for use in connection with the production of goods included in the Common List of Military Equipment or the production of test or analytical equipment used for the development, production and maintenance of the goods in question or as unfinished product in the plant where goods included in the Common List of Military Equipment are produced.

6. If the legal or natural person is aware that the goods to be exported, which are not on the Lists of Strategic Goods, are intended for one of the purposes referred to in paragraphs 4 and 5 of this Article, it/he must notify the Ministry of the Economy thereof in writing. The Ministry of the Economy in liaison with the state institutions and agencies exercising control over the export, import and transit of strategic goods shall decide whether or not it is expedient to make the export concerned subject to a licence.

7. Upon the application of state institutions of the exporting country, the legal or natural person importing strategic goods shall be issued an import certificate or an analogous document attesting the end-use of the strategic goods.

8. The types of licences, the conditions and procedure of their issuance, extension, suspension, cancellation, revocation, the procedure for issuing import

certificates and analogous documents attesting the end-use of strategic goods shall be established by the Government.

Article 8. Restrictions for Issuance of Licences for Export, Import and Transit of Strategic Goods

1. When deciding whether or not to issue a licence for the export and import of strategic goods, regard must be had to the provisions of international treaties of the Republic of Lithuania, foreign policy and state security interests of the Republic of Lithuania, requirements of the EU Code of Conduct for Arms Export, international non-proliferation regimes and circumstances relating to the intended end-use of strategic goods and the risk of possible use of the goods in question for the production of weapons of mass destruction.

2. Issuance of a licence for the export, import, transit of strategic goods shall be refused, if this is in contravention of the sanctions applied under the decisions of the United Nations Security Council, the Organisation for Security and Cooperation in Europe, the EU Council or the international treaties of the Republic of Lithuania.

CHAPTER THREE SUPPLY, STORAGE AND ACCOUNTING OF DATA RELATING TO STRATEGIC GOODS

Article 9. Supply of Data relating to Strategic Goods

1. Legal and natural persons engaged in export, import and transit of strategic goods or the end-users of the goods in question must supply, in the manner prescribed by the Government or the institution authorised by it, all data required for performing controls of strategic goods to the state institutions and agencies exercising control over export, import and transit of strategic goods.

2. Data on strategic goods which constitute a state or official secret shall be supplied to the state institutions and agencies exercising control over the goods in question and shall be accumulated and preserved at the said institutions and agencies according to the procedure established by the Law on State and Official Secrets.

Article 10. Accumulation of Data on Strategic Goods

1. The Ministry of the Economy shall accumulate data on strategic goods and legal and natural persons exporting, importing or carrying in transit strategic goods, on the end-users of the goods in question or other persons in any way connected with the goods and shall use the data for the purposes of control of export, import and transit of strategic goods.

2. The statistical data on the export, import and transit of strategic goods shall be collected, processed and supplied by the customs offices according to the procedure established by the Customs Code, the Law on Statistics and other legal acts.

Article 11. Accounting of Data on Strategic Goods

1. Legal and natural persons who have been issued licences for the export, import and transit of strategic goods or who are the end-users of the goods in question must keep detailed accounting of the data on strategic goods, containing sufficient information for the identification of the strategic goods, determination of the quantity, quality, type, value thereof, the names and addresses of the exporter, importer, the end-use and the end-user of the strategic goods.

2. Legal and natural persons must retain the records of accounting of strategic goods specified in paragraph 1 of this Law for at least 3 years counting from the end of the calendar year when the strategic goods were exported, imported or carried in transit, unless the laws and other legal acts of the Republic of Lithuania establish otherwise.

CHAPTER FOUR STRATEGIC GOODS CONTROL MEASURES

Article 12. Carrying out Controls on Strategic Goods

1. The public officers carrying out controls on strategic goods shall have the right to check whether or not the legal and natural persons engaged in the export, import and transit of strategic goods or the end-users of the goods in question comply with the requirements of this Law and other legal acts regulating control of strategic goods, also to enter the territory or premises where the strategic goods are kept or used, to be granted access to the strategic goods accounting records and other

information required for exercising control. The procedure for carrying out controls shall be established by the Government or the institution authorised by it.

2. According to the procedure established by the international treaties of the Republic of Lithuania strategic goods imported into the Republic of Lithuania may be inspected, upon the application of the exporting countries, in the presence of the representatives of the said countries, whereas public servants of the Republic of Lithuania may be authorised to carry out inspection of strategic goods exported from the Republic of Lithuania in the importing country.

3. Strategic goods imported into the Republic of Lithuania may be subject to inspection by international inspecting bodies authorised under international treaties to exercise control over the implementation of non-proliferation regimes.

4. Public servants exercising control over the export, import and transit of strategic goods must ensure protection of information received from legal and natural persons according to the procedure established by the laws of the Republic of Lithuania.

CHAPTER FIVE FINAL PROVISIONS

Article 13. Liability for Violations of the Law

For the violations of this Law natural and legal persons shall be held liable under the laws of the Republic of Lithuania."

Article 2. Recommendation to the Government

The Government or the institution authorised by it shall within 6 months from the entry into force of this Law draw up legal acts necessary for the implementation of the above amendments to this Law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS