

# REPUBLIC OF LITHUANIA

## LAW

### CONCERNING CONTROL OF IMPORT, TRANSIT AND EXPORT OF STRATEGIC GOODS AND TECHNOLOGIES

5 July 1995 No. I-1022

Vilnius

(As amended by 25 June 1998, No. VIII-814)

#### I. GENERAL PROVISIONS

##### ARTICLE 1

The purpose of this law is to assist in the implementation of international agreements and measures, prohibiting the proliferation of weapons of mass destruction and of missiles delivering those weapons; to guarantee the implementation of international agreements in establishing an effective system of importation, transit and export of strategic goods and technologies, in the Republic of Lithuania, that would be integrated into a multi-state export control system; to encourage foreign trade and foreign investments within the Republic of Lithuania in order to acquire advanced technologies; to create conditions that would ensure the security of the Republic of Lithuania and swift growth of its economy.

This law shall establish the conditions of importation into the territory of the Republic of Lithuania of strategic goods and technologies, the transit across the Republic of Lithuania of strategic goods and technologies and the export of these goods and technologies from the Republic of Lithuania and also conditions for the control of activity which may add to proliferation of weapons of mass destruction.

## **ARTICLE 2**

Basic definitions used in this law:

controlled goods - strategic goods, technological and software, including:

double designation (civilian and military) goods, technologies and software;

defence means and services;

chemical and biological materials, which may be utilised in the production of chemical and chemical-bacteriological weapons of mass destruction;

nuclear materials, non-nuclear materials used in nuclear activity, nuclear equipment and technology and also, goods of double designation, which may be utilised in nuclear activity;

goods and technologies used in missile production;

import of controlled goods - importation of strategic goods, technologies and software into Republic of Lithuania territory;

transit of controlled goods - transporting of strategic goods, technologies and software across Republic of Lithuania territory;

export of controlled goods - transmittal of all types of strategic goods, technologies and software within Republic of Lithuania territory or outside its boundaries, with the knowledge that such will be taken outside Republic of Lithuania territory, or that they are intended for this purpose; every type of transmittal of strategic goods, technologies and software to an embassy, consulate or representative mission, of another state; all types of transfer of strategic technologies or software, on Republic of Lithuania territory to a citizen of another state, if the contrary thereof is not provided for by the Government of the Republic of Lithuania.

## **ARTICLE 3**

According to this law:

1) The Government of the Republic of Lithuania, guided by regime lists of those international control institutions with which the Republic of Lithuania cooperates in carrying out import, transit and export control, shall create and approve a list of controlled goods;

2) The Seimas of the Republic of Lithuania shall approve the list of states, into which export of controlled goods shall be prohibited, and the list of states from which import of controlled substances shall be prohibited.

#### **ARTICLE 4**

According to this law control shall be applied to economic entities, natural persons and state institutions, which carry out controlled goods contracts.

This control shall be applied in regulating the activity ( financing, services, agreement formation, consultations, etc.), of individuals residing in the Republic of Lithuania (citizens of Republic of Lithuania, foreigners, individuals without any citizenship), which might contribute to proliferation of weapons of mass destruction and missiles carrying those weapons.

#### **ARTICLE 5**

Imported controlled goods may not be used for military purposes, if this is required by the exporting country.

## **II. LICENSING PROCEDURE**

## **ARTICLE 6**

A Ministry of Economy Licence shall be required for import, transit and export of controlled goods. This requirement shall not apply when the said goods are imported by the Ministry of National Defence of the Republic of Lithuania and the Weaponry Fund of the Republic of Lithuania under the Government of the Republic of Lithuania.

Ministries of the Environment, National Defence, Foreign Affairs, the Interior, the State Atomic Energy Safety Inspectorate, the Customs Department under the Ministry of Finance and the state services, in whose sphere of activity controlled goods are included, shall, in the manner prescribed by the Government of the Republic of Lithuania, present their findings to the Ministry of Economy in its adoption of final decrees on issuance of a licence, and shall control import and export contracts of said goods. The Ministry of Economy shall be in charge of import, transit and export control work, as well as co-ordination of this activity within Lithuania.

Computerised accounting of import, transit and export of controlled goods shall be administered by territorial customs, according to procedure established by the Customs Department under the Ministry of Finance, while computerised accounting of issued and revoked licences, shall be administered by the Ministry of Economy.

## **ARTICLE 7**

The Government of the Republic of Lithuania determines the procedure for issuance of licences and order of licence issuance.

## **ARTICLE 8**

Controlled goods are imported in accordance with the conditions prescribed by the exporting country and the Republic of Lithuania.

## **ARTICLE 9**

Receiver of controlled goods must furnish the Ministry of Economy with information in writing, concerning receipt of controlled goods.

A one-time transfer of licences for controlled goods import, transit and export is possible upon receipt of a written permit from the Government of the Republic of Lithuania, provided that the license obtainer assumes the responsibility of carrying out those conditions of control, which are established by this law.

## **III. CONTROL IMPLEMENTATION**

### **ARTICLE 10**

Ministries of the Environment, National Defence, the Interior, the State Atomic Energy Safety Inspectorate, the Customs Department under the Ministry of Finance shall implement preliminary control of controlled goods, in the procedure established by the Government of the Republic of Lithuania, upon the request by the Ministry of Economy or appropriate institutions of the exporting state.

### **ARTICLE 11**

In order to ensure the implementation of control conditions, the Ministries of the Environment, National Defence, the Interior, the State Atomic Energy Safety Inspectorate and the Customs Department under the Ministry of Finance, along with the Ministry of Economy, shall implement permanent control, i.e., verify location and use of controlled goods, in the procedure prescribed by the Government of the Republic of Lithuania.

## **ARTICLE 12**

Controlled goods may be checked according to the procedure established by international agreements of the Republic of Lithuania, at the request of exporting states and also with the participation of appropriate officials of these exporting states. In addition, officials of the Government of the Republic of Lithuania may be authorised, in accordance with requirements of internationally drawn up agreements, to verify the controlled goods in the importing state.

## **ARTICLE 13**

Officials of certain state institutions are authorised by procedure established by the laws of the Republic of Lithuania, to inspect the activity of economic entities, natural persons and state institutions, which are regulated by this law.

Information obtained on the basis of this law, is confidential and the individual who disseminates it is penalised according to procedure prescribed by the laws of the Republic of Lithuania.

## **ARTICLE 14**

Ministries and state services, whose sphere of activity includes controlled goods, shall inform, according to the procedure established by the Government of the Republic of Lithuania, the Ministry of Economy concerning economic entities, natural persons and state institutions, which are not implementing obligations or control conditions.

The Ministry of Economy shall prepare and publish a list of persons, who do not implement obligations or control conditions. These persons, per decision by the Ministry of Economy shall lose the opportunity to engage in activity provided for by this law.

## **IV. NON FULFILMENT OF OBLIGATIONS**

### **ARTICLE 15**

In the event an economic entity, natural person or state institution, fail to implement its obligations or control conditions, present incomplete or deceptive information, the Ministry of Economy shall revoke the licence.

Economic entities, natural persons and state institutions shall be liable according to the procedure established by Republic of Lithuania laws.

In the event the lawful ownership of controlled goods may not be established, it shall transfer into state property, according to procedure established by Republic of Lithuania laws.

In the event it shall not be possible to prove that the controlled goods have been acquired legally, they shall be held and confiscated according to procedure established by Republic of Lithuania laws.

Confiscated controlled goods shall be sold according to procedure established by the Government of the Republic of Lithuania.

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

**PRESIDENT OF THE REPUBLIC**

**ALGIRDAS BRAZAUSKAS**