

## Tajikistan: Law on Export Control

### Law of the Republic of Tajikistan

**On State Control of the Export of Arms, Military Technology, and Dual-Use Items**  
This Law, in the interests of ensuring the security of the Republic of Tajikistan, fulfilling the Republic's international obligations, and strengthening the regime for the nonproliferation of weapons of mass destruction, determines the basis and procedure for implementing control over the export of arms, military technology, raw materials, materials, equipment, technology, scientific/technical information, and services.

**Article 1. Concepts Discussed in this Law** The concepts discussed in this Law are defined as follows:

- \* items--goods, technologies, equipment, work, services, and information subject to export control;
- \* dual-use items-- items that are not intended to be used for military purposes but may be used to create nuclear, chemical, or other weapons of mass destruction, and the means to deliver them;
- \* list of items subject to export control--a control list of arms and military technology, dual-use items, including nuclear and special non-nuclear materials, certain types of raw materials, materials, equipment, and scientific/technical information and services that are used or may be used to create weapons of mass destruction, or various means of their delivery;
- \* export--the transport of items out of the customs territory of the Republic of Tajikistan, for the purpose of their permanent location or use outside of the territory, or the provision of services related to arms and military technology and dual-use items;
- \* re-export--the export of items out of the customs territory of the Republic of Tajikistan that are produced beyond its borders, or the export of items imported into the Republic of Tajikistan from the customs territory of another country to a third country;
- \* transshipment--the transport of items, under customs control, across the customs territory of the Republic of Tajikistan;
- \* exporter--a legal entity or individual of the Republic of Tajikistan, foreign legal entities or individuals, or individuals without citizenship who implement the export of items;
- \* nuclear and special non-nuclear materials--materials, defined as such in accordance with the requirements of the international regime for the nonproliferation of nuclear weapons;
- \* export control--the combined measures regarding the realization by state agencies, determined by this law, other laws, and other regulatory acts of the Republic of Tajikistan, the procedure of exporting, re-exporting, and transshipment of items subject to export control as well as the discovery, warning, and interception of violations of this procedure;
- \* services--activities which satisfy the demands of other individuals.

For the purposes of this Law, “export control” and “government control of exports” are one and the same.

Article 2. Principles of Implementing Export Control In the Republic of Tajikistan, export control is implemented according to the following principles:

- \* observance of the country’s international obligations regarding the nonproliferation of weapons of mass destruction and other types of weapons;
- \* the priority of the state’s political interests and security in implementing export control;
- \* verification of the end use of items subject to export control within the framework of the nonproliferation regime;
- \* availability of information on legislation that regulates relations in the sphere of export control.

Article 3. Legislation of the Republic of Tajikistan on the State Control of the Export of Arms, Military Technology, and Dual-Use Items

Legislation of the Republic of Tajikistan on the state control of the export of arms, military technology and dual-use items is based on the Constitution of the Republic of Tajikistan and consists of this Law, other legislative acts of the republic passed in accordance with this Law, and international treaties of which the Republic of Tajikistan is a member.

Article 4. Authority of the Organs of Executive Power of the Republic of Tajikistan Involved in Export Control The Government of the Republic of Tajikistan:

- \* creates and develops the system of export control;
- \* issues normative acts on regulating export control, including the procedure for its implementation, and approves the list of items subject to export control;
- \* directs the activity of state organs that implement export control, and establishes their authority in the sphere of export control, based on their areas of jurisdiction;
- \* introduces quantitative limits to the export of items subject to export control;
- \* grants permission for export according to the list of items subject to export control;
- \* grants permission for the transshipment of items subject to export control;

Other organs of executive power:

- \* provide for the direct realization of state policy regarding export control;
- \* develop and implement measures regarding the unification of rules and procedures of export control, and make corrections thereto;
- \* develop lists of items subject to export control;
- \* control the export, re-export, and transshipment of items subject to export control, through authorized organs;
- \* conduct studies of export contracts and treaties;

- \* issue applicants, when necessary, resolutions on categorizing exported items as items subject to export control;
- \* intercept the unlawful transport of items subject to export control across the customs border of the Republic of Tajikistan.

Article 5. Items subject to Export Control The Government of the Republic of Tajikistan, in accordance with international regulatory acts accepted by Tajikistan, determines the categories and approves lists of items subject to export control.

Items subject to export control, according to the requirements and conditions of this Law, include the following:

- \* conventional arms and military technology, raw materials, materials, special equipment and technology, and services related to their manufacture;
- \* nuclear materials, technology, equipment, and installations; special non-nuclear materials; dual-use items, equipment, and technology; radiation sources; and separated isotopes;
- \* dual-use chemical substances and technology that may be used to create a chemical weapon;
- \* infectious agents, their genetically altered forms, and fragments of genetic material that may be used to create bacteriological (biological) and toxic weapons;
- \* equipment, materials, and technology used to create missiles;
- \* scientific/technical information and services related to military items.

The items listed in this article are subject to export control regardless of owner or location or time of production.

The government of the Republic of Tajikistan may establish an export control regime for other types of items.

Article 6. Export Control and Procedure for its Implementation Items subject to export control are exported in accordance with legislation of the Republic of Tajikistan and international obligations of the Republic of Tajikistan regarding the nonproliferation of weapons of mass destruction, other types of weapons, and technology for their production, and other international treaties, of which the Republic of Tajikistan is a member.

The export of items subject to export control is implemented through licenses issued by an authorized state organ (hereafter--the authorized organ) determined by decision of the Government of the Republic of Tajikistan.

The authorized organ issuing the license shall submit to the Government of the Republic of Tajikistan copies of the following:

- \* the business organization's application, approved by the appropriate state organs tasked with export control by the Government of the Republic of Tajikistan;

\* the contract and the end user's import certificate, granted by the authorized state organ, which lists the obligations of the receiving country regarding using the item subject to export control imported from the Republic of Tajikistan solely for the needs of the country and regarding the forbiddance of re-exporting or transferring the product to a third country without Tajikistan's permission.

Originals of the license and contract with notes from the authorized state organ are submitted to the customs organ by the business organization.

During the export of nuclear materials, special non-nuclear materials, and dual-use items, the conditions of the contract must include provisions to ensure the access of authorized state organs of the Republic of Tajikistan tasked with export control to verify the end user.

Nuclear materials, special non-nuclear materials, dual-use items, and technology, installations, and equipment for their manufacture may be exported to non-nuclear weapons states only if the competent state organs of these countries provide official assurances that the export items they receive, as well as nuclear or special non-nuclear materials, dual-use items, installations, and equipment created from them or as a result of their use:

- a) will not be used for the production of nuclear weapons or other nuclear explosive devices or for achieving any military goals;
- b) will be placed under control (safeguards) of the International Atomic Energy Agency (IAEA) for the entire time of their actual use in accordance with agreements on safeguards between the receiving country and the IAEA;
- c) will be provided with physical protection measures on a level no lower than that recommended by the IAEA and/or stipulated by international treaties;
- d) will be re-exported (exported) or transferred out of the jurisdiction of the receiving country only as stipulated in points a, b, and c in part 6 of this article; in the case of uranium enriched to greater than 20 percent, plutonium, or heavy water, the re-export or transfer of the items will take place only with the written consent of the organ authorized by the Government of the Republic of Tajikistan.

The individual submitting the application to obtain a license shall be responsible for the veracity of information presented for obtaining a license.

The authorized organ that issues the license, or the Government of the Republic of Tajikistan, has the right to annul or suspend a license if the exporter violates the procedure for conducting the export transaction.

The customs organs of the Republic of Tajikistan may conduct an inspection of items subject to export control before they are shipped.

The transportation of domestic arms, military technology, military training or auxiliary property, including component parts, across the customs border of the Republic of Tajikistan for repair purposes is implemented by decision of the state organ authorized by the Government of the Republic of Tajikistan.

Control over the transport of items subject to export control out of the customs territory of the Republic of Tajikistan is implemented by the customs organs of the Republic of Tajikistan.

Article 7. Re-export and Transshipment The re-export of items subject to export control is implemented according to the procedure for exports established by this Law.

Items brought into the customs territory of the Republic of Tajikistan that are subject to export control are re-exported by permission of the competent state organ of the item's country of origin and the authorized organ of the Republic of Tajikistan.

The authorized organ of the Republic of Tajikistan has the right to determine the legal force of the permission submitted by the competent state organ of the item's country of origin.

Transshipment of items subject to export control is implemented by permission of the Government of the Republic of Tajikistan.

Article 8. Participation of the Republic of Tajikistan in International Sanctions Regarding Export Control The Republic of Tajikistan participates in international sanctions related to export control (concerning one state or a number of states), and said sanctions enter into force, according to legislation of the Republic of Tajikistan on the basis of United Nations resolutions or other international organizations. In individual cases, the Republic of Tajikistan may impose sanctions on a unilateral basis.

The procedure for compensating exporters for losses if international economic sanctions are imposed is determined by the Government of the Republic of Tajikistan.

Article 9. Export Limitations The Republic of Tajikistan has the right to impose limitations (including embargoes) on the export of items subject to export control to foreign states if they violate their obligations to the Republic of Tajikistan, and on resolutions of international organizations in which the Republic of Tajikistan is a member.

The Republic of Tajikistan, in the interest of ensuring the security of the state and fulfilling its international obligations, determines the list of states to which it may limit the export of items subject to export control.

Article 10. Information Security State organs and officials of the Republic of Tajikistan that are authorized to implement export control must observe the confidentiality of information they receive from exporters.

The provisions of the first part of this article do not extend to cases when the confidentiality of information regime may negatively affect the security interests of the Republic of Tajikistan.

Article 11. Participation in Activities of International Organizations The Republic of Tajikistan participates in the activities of international export control organizations that operate within the UN and other international organizations involved in maintaining and strengthening the regime for the nonproliferation of weapons of mass destruction.

Article 12. Penalties for Violating this Law Legal entities and individuals of the Republic of Tajikistan, foreign legal entities and individuals, and individuals without citizenship shall be penalized for violating this Law according to acting legislation of the Republic of Tajikistan.

President of the Republic of Tajikistan  
E. Rakhmonov

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