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CBRN Export Control on Dual-Use Materials and Intangible Technologies in Central Asia

Handbook for Users in Armenia

Research Center for the Problem of Non proliferation of Weapons of Mass Destruction

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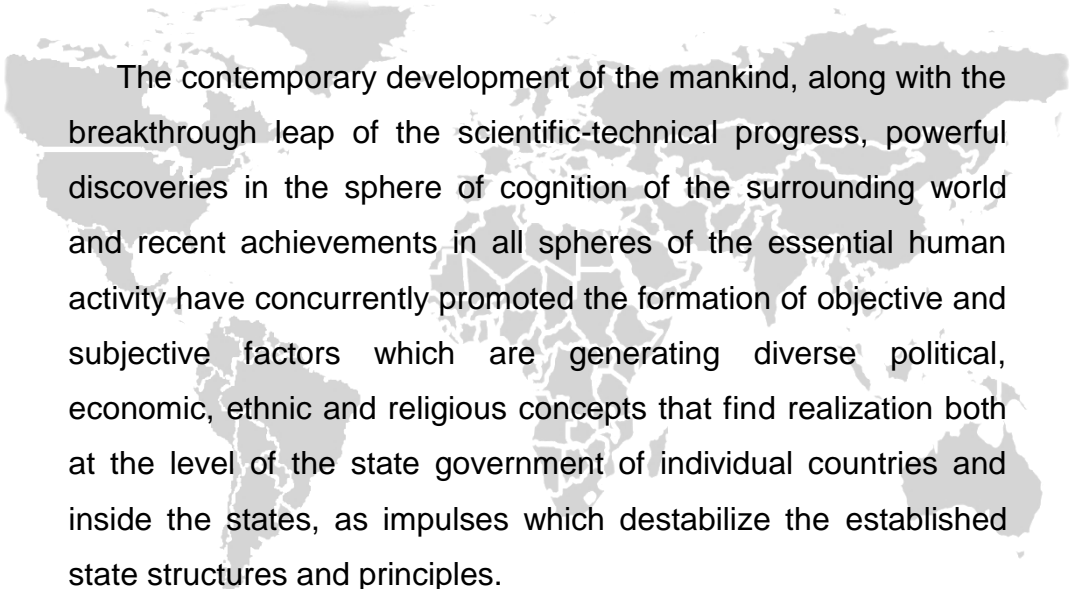
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Proliferation of Chemical, Bacteriological, Radiological and Nuclear Weapons

1.1. A brief history of the international multilateral export control regimes and treaties and the development of export control



The contemporary development of the mankind, along with the breakthrough leap of the scientific-technical progress, powerful discoveries in the sphere of cognition of the surrounding world and recent achievements in all spheres of the essential human activity have concurrently promoted the formation of objective and subjective factors which are generating diverse political, economic, ethnic and religious concepts that find realization both at the level of the state government of individual countries and inside the states, as impulses which destabilize the established state structures and principles.

Today the acts of international terrorism, the creation and functioning of the “terrorist states” (in particular the “Islamic state”), the wave of religious extremism and national separatism have reached an unprecedented scale, expanded the geography of infiltration and acquired a thoroughly organized character.

The wave of the armed violence expanding over all continents is characterized by the use of contemporary technical means and technologies, which raises the level of responsibility of the states

that possess weapons of mass destruction, technologies and raw material for their production. In particular, these states bear responsibility for preventing the direct or indirect acquisition of such technologies and materials by rogue groups, organizations and separate states.

The states which possess such technologies and goods play a significant role in preventing the illegal export of technologies and goods which are used for the creation and proliferation of the WMD and means of their delivery. The states accomplish this role through a targeted and systemically organized work of corresponding state structures. The timely detection of potential violations in the sphere of export control, collection and analysis of information, even not complete and fragmented, about the transfers of sensitive technologies, unusual orders and transactions, companies, organizations and individuals suspected in illegal activities, allow the special state services to reveal the secret plans on creation of the WMD and means of their delivery and mark the paths of the potential perpetrators with the so-called “red flags”.

The export control is not the only means of fighting the proliferation of the WMD. As a matter of fact, there is no one “cure of all diseases” in the sphere of trade and economic cooperation between the countries. The professional vigilance of the authorized state bodies and compliance of the states with the

international obligations taken by the countries through multilateral export control regimes, international treaties, the participation in initiatives and embargoes, have a decisive role in fighting the proliferation of the WMD and securing the safety and peace in the whole contemporary world.

Naturally, all of these measures are not perfect and absolutely secure of shortcomings and sometimes failures. Below we have listed the most substantial shortcomings of the contemporary export control measures:

- the multilateral control has not become yet an internationally adopted legal norm, practiced by all countries possessing the WMD and technologies for their production and delivery;
- it is possible to use local suppliers or substitute products with close to the controlled parameters;
- it is practically impossible to control everything that could be used in the process of creation of the WMD;
- there are always permanent risks and potential participants for the organization of the illegal trade of sensitive goods and technologies.

Despite these circumstances, the measures of export control produce a substantial positive effect, by reducing the risk of proliferation of the WMD, while largely raising the level of international security. These measures, in particular, have a range of positive impacts as described below:

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- they secure the implementation of commitments taken by the countries in the frameworks of the international agreements and treaties;
 - they prevent contacts of industries with such customers, who can use their products to create risks or threats for their countries and the whole world, through elaborate systemized procedures;
 - they secure the legitimate foreign economic activities of companies and physical entities;
 - they secure the equality of rights of the participating producers and developers in the global trade by unifying the international principles of transferring goods and technologies.

The most important measure is the support of the multilateral international regimes of non-proliferation of the WMD and systems of their delivery. Thanks to the measures of export control it has become possible:

- to have early identification of interests and intentions of countries that have chosen to lead covert military programs;
- to make more costly the covert programs of nuclear, bacteriological and chemical weapons, which in its turn makes them more “visible” in the state financial institutions through controlled frameworks for large financial operations;

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- to delay and hinder the accomplishment of programs aimed at acquiring the WMD and technologies, by creating difficulties for the perpetrators in search for potential suppliers.

The export control in complex with such components as the physical protection, surveillance and control of the controllable materials, significantly raises the effectiveness of the measures, undertaken by the governments for the non-proliferation, making their contribution in strengthening the international security more sustainable and effective.

1.2. Core ideas and key provisions of multilateral export control regimes, international treaties, initiatives and embargoes

Supporting peace and strengthening the international security is one of the most important tasks of the contemporary international relations. The Global community gradually becomes more and more interconnected and interdependent, that is why, the comprehensive cooperation between countries against the proliferation of the WMD is crucial.

The international cooperation in the sphere of non-proliferation of the WMD is performed through participation of countries in international agreements and treaties with regimes of non-proliferation and export control, through negotiations and bilateral or multilateral exchange of information in this sphere.

Currently, there are two types of international agreements in the sphere of non-proliferation of the WMD and export control:

- legally binding international agreements, and
- voluntary associations of states, who have agreed to lead a definitive policy in the sphere of non-proliferation of the WMD, and have got the name of “multilateral export control regimes”.

Some states are concurrently participating in the international agreements (multilateral and bilateral) and non-proliferation export control regimes. Others are only members of the treaties. As a rule, the number of participants in the multilateral international treaties is significantly more than in the non-proliferation export control regimes.

The most important achievements in the joint efforts of states for promoting the non-proliferation of the WMD in the 20th century are the “Geneva Protocol” for the “Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare”¹, signed in 1925 and three legally binding international treaties with no time expiration:

- the Treaty on the Non-Proliferation of Nuclear Weapons² (NPT);

¹ See the text of the Protocol here: <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/>

² See the text of the Treaty: <https://www.un.org/en/conf/npt/2015/pdf/text%20of%20the%20treaty.pdf>

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- the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction³ (BTWC);
 - the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction⁴ (the Chemical Weapons Convention or CWC).

These international treaties are based on one fundamental principle, which states that “no country (nobody) should possess this kind of weapons and strive to acquire them”.

³ See the text of the BTWC Convention: <http://disarmament.un.org/treaties/t/bwc/text>

⁴ See the text of the CWC Convention: <https://www.opcw.org/chemical-weapons-convention/download-convention>

International Treaties, UN Resolutions and Agreements

2.1. Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare

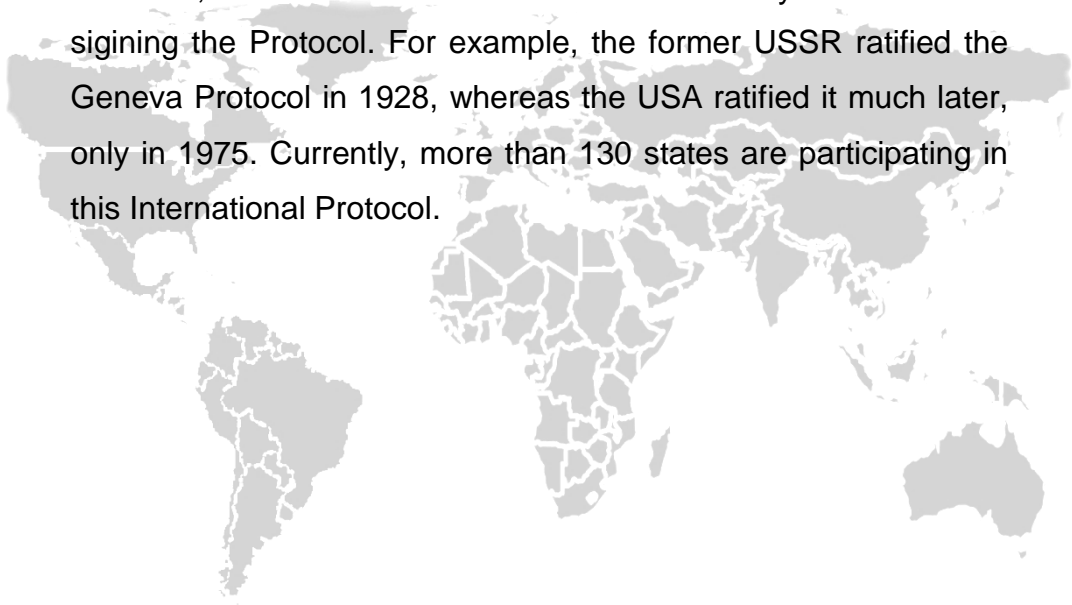
The first international treaty on prohibition of the WMD was the so-called “Geneva Protocol” for the “Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare”⁵. It was a treaty prohibiting the use of chemical and biological weapons in international armed conflicts.

The Geneva Protocol was drawn up and signed at a conference which was held in Geneva under the auspices of the League of Nations from 4 May to 17 June 1925, and it entered into force on 8 February 1928. The 1925 Geneva Protocol prohibits the use of chemical and biological weapons in war “asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare. It recognizes the significance of bringing together controls on chemical and biological weapons. It prohibits the use of such weapons. A number of countries submitted reservations when becoming parties to the Geneva Protocol, declaring that they only regarded the non-use obligations as applying to other parties and that these obligations would cease to

⁵ See the text of the Protocol here: <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/>

apply if the prohibited weapons were used against them. The main elements of the protocol are now considered by many to be part of customary international law.

The states that signed it, have taken a commitment to do everything possible to convince other countries to join the treaty. However, different states have reacted differently to the call for signing the Protocol. For example, the former USSR ratified the Geneva Protocol in 1928, whereas the USA ratified it much later, only in 1975. Currently, more than 130 states are participating in this International Protocol.



2.2. United Nation Security Council Resolution No. 1540 (UNSCR 1540)

United Nations Security Council Resolution (UNSCR) 1540⁶ places an international obligation on all Members of the UN to take action against the proliferation of WMD and their means of delivery. UNSCR 1540 is a legally binding international instrument with the objective to prevent non-state actors from acquiring and using WMD, which has been widely used as a common legal basis for states to use when drafting and promoting strategic trade control legislation.

The control lists agreed in the above-mentioned multilateral regimes, have become an informal part of international law, and are mentioned in the UNSC 1540 Preamble (“Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,”) and in a Preamble note, which defines related materials as “materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.” Although the Preamble is not legally binding, the inclusion of these references is a strong indication of the importance of the export control regimes.

⁶ See the text of UNSCR 1540 here:
[http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20\(2004\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004))

2.3. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction - Chemical Weapons Convention (CWC)

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, known as the Chemical Weapons Convention (CWC) is the first legally binding multilateral treaty with the objective to eliminate an entire category of weapons of mass destruction within a fixed time frame. It was opened for signature in 1995 and entered into force in 1997. The Convention prohibits the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons (and the diversion of chemicals to this purpose) by States Parties. To date **193 States** committed to the CWC; only four countries have yet to join.

The CWC contains a number of provisions relating to the transfer of chemicals which may be diverted to chemical weapon programs. In addition, Parts VI, VII and VIII of the Annex on Implementation and Verification impose specific restrictions on the trade in chemicals listed in the Schedules to the Convention. The CWC lists certain toxic chemicals and their precursors in Schedules 1, 2 and 3 in the Annex on Chemicals to the CWC. Schedule 1 chemicals are prohibited while Schedules 2 and 3 chemicals shall be monitored and verified. Since their adoption in 1993 the CWC lists have, however, not changed. States Parties

must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

The “challenge inspection” under the CWC is really extraordinary in international law. It means, that any State Party in doubt about another State Party's compliance can request the Director-General to send an inspection team. Under this “challenge inspection” procedure, CWC States Parties commit themselves to the principle of 'anytime, anywhere' inspections with no right of refusal.

The Organisation for the Prohibition of Chemical Weapons (OPCW) has been established to “implement the provisions of the Chemical Weapons Convention to achieve our vision of a world free of chemical weapons and the threat of their use, and in which chemistry is used for peace, progress, and prosperity”.⁷ The OPCW and its Member States continue to engage with States not Party to the OPCW to demonstrate the value of the Convention and its contribution to regional and international peace and security. These activities are guided by the 2003 Action Plan for the Universality of the Chemical Weapons Convention.

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons can be qualified as a unique international document. Thanks to the CWC for the first time in the history an order was established allowing to

⁷ See the text of the Convention here: <https://www.opcw.org/about-us/mission>

eliminate phase by phase and in an accountable and controllable manner a whole class of weapons of mass destruction, preventing both the proliferation and recreation of such weapons in the future.

2.4. The Biological and Toxin Weapons Convention (BTWC)

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, commonly known as the Biological Weapons Convention (BWC) or Biological and Toxin Weapons Convention (BTWC) is a legally binding multilateral treaty that outlaws biological arms banning an entire category of weapons. The BTWC opened for signature in 1972 and entered **into force in 1975**. It currently has **182 states-parties**, including Palestine, and five signatories (Egypt, Haiti, Somalia, Syria, and Tanzania). Ten states have neither signed nor ratified the BTWC (Chad, Comoros, Djibouti, Eritrea, Israel, Kiribati, Micronesia, Namibia, South Sudan and Tuvalu).

The BTWC bans the development, production, acquisition, transfer, retention, stockpiling and use of:

- Biological agents and toxins "of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;"

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- Weapons, equipment, and delivery vehicles "designed to use such agents or toxins for hostile purposes or in armed conflict."

The convention further requires states-parties to destroy or divert to peaceful purposes the "agents, toxins, weapons, equipment, and means of delivery" described above within nine months of the convention's entry into force. Accordingly, many States Parties have adopted national legislation and regulations to implement the prohibitions of the Convention. The BTWC does not ban the use of biological and toxin weapons but reaffirms the 1925 Geneva Protocol, which prohibits such use. It also does not ban biodefense programs.

In contrast to the Chemical Weapons Convention, the BTWC has no verification mechanism to monitor compliance, and negotiations on the creation of such a mechanism have stalled to date. The treaty regime mandates that states-parties solve compliance concerns consulting each other and also allows states-parties to lodge a complaint with the UN Security Council who can investigate complaints; but this power has never been invoked.

Recently, and in particular in the wake of the evolution of more sophisticated/complex terrorism threats and actions, a renewed interest in ensuring greater global participation and implementation of the BTWC has emerged. States Parties agreed

to promote the effective implementation of the Convention nationally, including integration into **education; outreach; and raising awareness**. In contrast to the CWC, only a small Implementation Support Unit has been established for the BTWC within the Geneva Branch of the United Nations Office for Disarmament Affairs, which is also tasked with outreach activities. But in practice, education, outreach and awareness-raising activities take place in scientific, professional and academic associations, bodies and institutions within States Parties.

2.5. The Nuclear Non-Proliferation Treaty (NPT) as amended

Since the middle of the 20th century, the most urgent and critical international problem of the mankind has been the nuclear disarmament. The emergence of the nuclear weapon, the power of which cannot be compared with any other weapon of war, is threatening today everything living on the planet. The danger is multiplied by the growing threat of terrorism. In these conditions, one of the first steps in the direction of the non-proliferation of nuclear weapons and strengthening the regional security was the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons⁸ (NPT) and the creation of the free of nuclear weapons territories in different regions of the world.

⁸ See the text of the Treaty here: <https://www.un.org/disarmament/wmd/nuclear/npt/text/>

The NPT is a multilateral international treaty which was initiated and arranged by the United Nations Disarmament Commission⁹ (UNDC). The purpose of this treaty is:

1) to prevent the expansion of the number of countries possessing nuclear weapon;

2) to provide the necessary international control over meeting the commitments taken by the states according to the Treaty and to restrict the possibility of armed conflict with the use of this weapon;

3) to create wide opportunities for the peaceful exploitation of the nuclear power.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) opened for signature in 1968 and entered into force in 1970. Its objective is to prevent the spread of nuclear weapons and weapons' technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving both nuclear disarmament and general and complete disarmament. A total of **191 States** have joined the Treaty, including the five nuclear-weapon States. Only India, Israel, Pakistan and South Sudan have not joined the Treaty.

The Treaty holds conferences once every five years on reporting and planning of the further activities of the NPT. The NPT establishes a safeguards system under the responsibility of

⁹ United Nations Disarmament Commission:
<https://www.un.org/disarmament/institutions/disarmament-commission/>

the International Atomic Energy Agency (IAEA) a specialized agency of the UN, which is entitled to verify compliance and conduct inspections.

The 2000 NPT Review Conference reconfirmed that any transfer of nuclear-related dual-use items should be in full conformity with the NPT and called upon all States parties to ensure that their exports of nuclear-related dual-use items to States not party to the Treaty do not assist any nuclear weapons programme. The 2010 NPT Review Conference (Action 36) encouraged States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls¹⁰.

The IAEA Secretariat, with active support from many Member States and the EU, has conducted **outreach and support activities** on behalf of the Additional Protocol, including, safeguards seminars for states that had signed Additional Protocols and were looking forward to ratification and entry into force, and seminars for states without safeguards agreements.

The NPT consists of a Preamble and 11 Articles. The Preamble of the NPT contains the basic principles and commitments of the member-countries, namely:

¹⁰ For further information see para. 17 of <https://www.iaea.org/sites/default/files/infcirc539r6.pdf>.

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- the necessity of preventing the nuclear war and the proliferation of nuclear weapons;
 - the implementation of the IAEA guarantees in respect of peaceful nuclear activities;
 - the availability of nuclear technologies for peaceful purposes for all member-countries;
 - the support of global and complete disarmament and cessation of all test explosions of nuclear weapons.

The first three articles are the most significant for the non-proliferation and export control. Articles I and II of the NPT contain commitments of the member-states. The states which possess nuclear weapons (nuclear states) take the obligation of not passing a nuclear weapon and not inciting its production and use. The states which do not possess a nuclear weapon (non-nuclear states) take the obligation of not accepting a nuclear weapon, not producing and not acquiring it.

Article III of the Treaty formulates the obligations of the non-nuclear states on reporting for the peaceful guarantees of the IAEA on all of their peaceful nuclear activities and prohibiting the transfer of the special raw or processed material and the equipment for processing, use or production of the special splitting material if it is not covered by the guarantees of the IAEA. Article IV perpetuates the rights of the member-states to produce and use nuclear power in peaceful purposes. The participants

must promote the exchange of equipment, materials and scientific-technical information, supporting the non-nuclear states in benefiting from any peaceful use of nuclear technologies.

The rest of the articles of the NPT prescribe the practice of nuclear explosions for peaceful purposes (Article V); obligate to hold negotiations on nuclear disarmament (Article VI); secure the rights for creating non-nuclear zones (Article VII); prescribe the periodicity of reporting and control actions (Article VIII). The organizational issues – signing, accession, depositaries, definitions of nuclear states, exiting the Treaty and the terms of validity – are narrated in Articles IX-XI. Article IX formulates the features that give a state the status of a nuclear state – “a nuclear state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive devices before January 1, 1967.” Correspondingly, the nuclear states are the Russian Federation, the USA, Great Britain, France, China.

2.6. The Hague Code of Conduct against Ballistic Missile Proliferation

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)¹¹ supplements the MTCR¹². The HCOC includes **139 subscribing states** and has developed from its MTCR origin in 2002 to the only multilateral transparency and

¹¹ For further information see the HCOC website, <http://www.hcoc.at>.

¹² Missile Technology Control Regime <https://mtrc.info/>

confidence building instrument concerning the spread of ballistic missiles. The HCOC is a multilateral code negotiated outside the context of the United Nation System linked to the UN with the Resolutions regarding the HCOC that were adopted during the 59th, 60th, 63rd, 65th, 67th, 69th, and the 71st UN-General Assemblies in New York.

Multilateral embargoes

In **2016** there were 42 embargoes in force as shown on the EU Sanctions Map (<https://www.sanctionsmap.eu/#/main>), which is updated regularly. It is important to look closely at information regarding embargoes as it may differ from country to country, depending on how the embargo is implemented. For example, some EU embargoes directly implement UN decisions, but others modify geographical scope or coverage of the weapon types included. Countries may implement their own embargoes as well, without any UN counterpart embargo.

International Initiatives

4.1. The Proliferation Security Initiative (PSI)

The Proliferation Security Initiative (PSI)¹³, is a voluntary global initiative, launched by then US President George W. Bush in 2003, that aims to **prevent illicit trade, trafficking and transshipment of WMD**, their delivery systems and related materials to and from states and non-state actors of proliferation concern.

The PSI currently includes **105 participating nations**¹⁴ who share a deep concern that WMD, their delivery systems, and related materials could fall into the hands of terrorists in line with the UNSCR 1540.

With the Statement of Interdiction Principles, to which all PSI Participants abide, the PSI provides common standards for interdicting proliferation-relevant cargo.

The PSI conducts **outreach activities** to identify, develop and promote the PSI Critical Capabilities and Practices among the broader PSI community through meetings, exercises and outreach seminars, such as in 2018 in Germany, the Asia-Pacific Region and Central Europe. The 2013 High-Level Political

¹³ For further information see the PSI website, www.psi-online.info

¹⁴ See Press Statement as of 11 May 2018, <https://www.psi-online.info/psi-info-en/aktuelles/-/2075616>

Meeting identified four Critical Capabilities and Practices, (i) prohibition of proliferation; (ii) search and identification of illicit WMD related cargoes; (iii) their seizure and disposal; and (iv) rapid decision-making in fast-moving interdiction cases.

4.2. The Container Security Initiative (CSI)

The Container Security Initiative (hereinafter referred to as CSI)¹⁵ was announced in January 2002 by the U.S. Customs and Border Protection's (CBP). It is now operational at ports in North America, Europe, Asia, Africa, the Middle East, and Latin and Central America. It consists of three core elements:

- Using advance information and strategic intelligence automatically target and identify containers that pose a potential risk for terrorism.
- Pre-screen and evaluate containers if they pose a risk, as early in the supply chain as possible, generally before they are shipped at the port of departure.
- Use large-scale X-ray and gamma ray machines and radiation detection devices to pre-screen high-risk containers rapidly without slowing down the movement of trade.

¹⁵ For further information see the CSI website, <https://www.cbp.gov/border-security/ports-entry/cargo-security/csi/csi-brief>

Multilateral export control regimes

The mentioned earlier multilateral international agreements formulated the main principles of the non-proliferation of different types of WMD. Naturally, certain mechanisms of implementation needed further development and elaboration. The international regimes became the structures which deal with the growing needs of export control. The concept of the international regimes was developed in political science in the middle of the seventies of the 20th century. The international or multilateral regimes establish certain standards of behavior and conduct which help the states to assess each other's intentions and reputation, promote equal exchange of information and increase the predictability of the international conduct.

“Multilateral Export Control Regimes” are **non-legally, but politically binding** agreements operating by consensus. They require implementation and enforcement through national laws in order to become effective. The agreed control lists have become an informal part of international law, since they are (in a footnote) referred to in the legally binding United Nations Security Council Resolution (UNSCR) No. 1540 and included in country-specific UN Security Council Resolutions, for example regarding North

Korea and Iran. They are also legally binding on EU member states through the EU Dual-use Regulation.

Their **main functions** are **practical sharing of information** through regular meetings of licensing officials (and to a certain extent customs officials) and their counterparts in Participating Countries on the organization of national export control systems, decision-making on control lists, and confidential information exchange on approvals or denials of export licences and procurement patterns. Their second function is the drafting, annual updating and publication of lists of controlled goods and technologies (hereinafter referred to as *control lists*)^[8], good practices, setting norms and standards, and outreach activities with interested Non-Participating Countries beyond the membership of the regimes. Because of their broad adoption, the regimes have encouraged a worldwide **harmonisation** of control lists, increasing the common understanding of the key elements of a functioning export control system, such as the catch-all clause.

The four (plus one) main multilateral export control regimes are

- the Australia Group (AG),¹⁶
- the Missile Technology Control Regime (MTCR),¹⁷
- the Nuclear Suppliers Group (NSG)¹⁸ and

¹⁶ For further information on the Australia Group see <http://www.australiagroup.net>.

¹⁷ For further information on the MTCR see <http://mtcr.info>.

¹⁸ For further information on the NSG see <http://www.nuclearsuppliersgroup.org/en/>.

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- the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies (Wassenaar Arrangement, WA)¹⁹,
 - and The Zangger Committee (ZC)²⁰.

The Zangger Committee is sometimes referred to as the fifth multilateral export control regime; it has a limited mandate and therefore plays only a complementary role.

The participation of a country in these regimes assumes creation of a national legal basis, participation in forums of the member-states, commitment to the principles adopted by the regimes in the foreign policy of the states.

¹⁹ For further information see <http://www.wassenaar.org>.

²⁰ For further information see <http://zanggercommittee.org/>.

5.1. The Australia Group (AG)

The Australia Group (hereinafter referred to as AG) was established in 1985 to minimise the risk of **chemical and biological weapons** proliferation while not impeding the “*normal trade of materials and equipment used for legitimate purposes*”.

The AG has **43 participants**. With the exception of the European Union, all AG participants are States Parties to the Chemical Weapons Convention (CWC)²¹, the related Biological and Toxin Weapons Convention (BTWC)²² and the Geneva Protocol²³.

The Australia Group encourages all countries to adhere to the AG Guidelines and Control Lists. AG Adherents notify the AG Chair in writing of their political commitment to adhere to the AG Guidelines and Common Control Lists and any subsequent changes. This adherence is unilateral by the non-member country and not subject to any acceptance decision by the AG membership. The only Adherent since 2015 is Kazakhstan.

The AG established and annually updates guidelines and control lists for **materials, technology and software that could contribute to chemical and biological weapons activities** covering **chemicals, production equipment and technology**.

²¹ 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, <https://www.opcw.org/chemical-weapons-convention>.

²² 1972 Biological and Toxin Weapons Convention, <https://www.un.org/disarmament/wmd/bio>

²³ 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol>

The AG continues an active program to enhance coordination, engagement and regionally based outreach to non-members, industry and academia “through more regular AG Dialogues and continued efforts to encourage all states to implement robust export controls and to adopt AG export controls as the model for international best practice,” noting the rapid development of new technologies and scientific developments.

5.2. The Missile Technology Control Regime (MTCR)

The Missile Technology Control Regime (hereinafter referred to as MTCR) was formed in 1987 as an informal political understanding among like-minded states to limit the proliferation of **missiles, missile material, equipment and related technologies**, including **unmanned delivery systems** (e.g. unmanned aerial vehicles), which could be used for the delivery of all types of weapons of mass destruction (WMD)

There are currently **35 Partners** including Russia, Ukraine and – since 2016 – India; while other missile exporters such as China, Israel, Iran, North Korea or Pakistan have not yet adhered.

The MTCR has no legal basis but uses UNSCR 1540 as its international legal reference. UNSCR 1540 identifies delivery systems for CBRN weapons as a necessary target for national controls and many countries reflect the MTCR lists in their national legislation.

The MTCR produced Guidelines and the Equipment, Software and Technology Annex for the control of **unmanned aerial**

vehicles (UAVs) capable of delivering weapons of mass destruction (i.e. rockets, potential delivery systems). The MTCR guidelines are based on a major distinction between Category I items: rocket systems (such as ballistic missiles, space launch vehicles, and sounding rockets) and unmanned air vehicle systems (such as cruise missiles systems, target and reconnaissance drones) capable of carrying a 500 kg payload over a range of at least 300 km; and all other items, which are included in Category II. The MTCR Annex defines Category I items as those that should not be exported except in rare cases, and Category II items as those that can be exported after consideration of six criteria in relation to the risk of misuse (see <http://mtcr.info/guidelines-for-sensitive-missile-relevant-transfers/>). The MTCR control list has been modified over the years, such as on UAVs and solid fuel rocket technology in 2015. Since 2005 all MTCR Partners are required to have catch-all export controls for controlling the export of items not included on a control list when they may be intended for use in connection with delivery systems for WMD other than manned aircraft.

5.3. Nuclear Suppliers Group (NSG)

The Nuclear Suppliers Group (hereinafter referred to as NSG) was founded in response to the Indian nuclear test in May 1974 as a voluntary non-legally binding association of nuclear supplier states with the objective to **prevent nuclear proliferation** by

controlling the transfers of **nuclear related** and **nuclear related dual-use materials, equipment and technology (including software)**.

The NSG Guidelines define dual-use items as “*items, which have both nuclear and non-nuclear applications that could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity*”. A “catch-all-clause” authorizes members to block any export of dual-use items suspected to be destined to a nuclear weapons program even if the export does not appear on one of the control lists.

It has **48 members**, plus the European Commission and the Chair of the Zangger Committee as permanent observers.

There is no formal link between the NSG and the UN, but with the implementation of the NSG Guidelines and Annexes at the national level the NSG’s activities helps governments to fulfil their national export control obligations under **UNSCR 1540** and in particular Article III.2 of the NPT. Therefore, the NSG draws its normative foundations and legitimacy from the **Nuclear Non-Proliferation Treaty (NPT)**²⁴, to which all NSG members are States Parties. See Table 3.

The NSG established non-legally binding Guidelines²⁵. Their common goal is to help ensure that transfers of listed items would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. The Guidelines for the Export of Nuclear

²⁴ Treaty on the Non-Proliferation of Nuclear Weapons, INFCIRC/140, <https://www.un.org/disarmament/wmd/nuclear/npt>

²⁵ For the full text, see the website of the NSG <http://www.nuclearsuppliersgroup.org/en/nsg-documents>

Material, Equipment and Technology (*Guidelines for Nuclear Transfers*, published by the International Atomic Energy Agency (IAEA) in INFCIRC/254/Part 1, as amended), govern the export of items that are especially designed or prepared for nuclear use, including (i) nuclear technology; (ii) software; and (iii) nuclear material & equipment.

The NSG conducts **outreach activities** to provide information about the Guidelines and Control lists through visits, meetings and/or regular briefings of individual non-participating governments, transit and trans-shipment countries, multilateral and regional fora, other export control regimes, and industry.²⁶

In 1976 the NSG developed a basic document “The Leading Principles of the Nuclear Export” which includes the conditions for supplying nuclear goods and an Attachment, containing the list of goods of nuclear export (“The Initial List”). The leading Principles were published in the document INFCIRC/254, Part 1.

In 1992 the NSG adopted a new condition for nuclear supplies, the principle of catchall guarantees, established a new regime of control over the export of equipment and materials of dual-use and corresponding technologies, used in the nuclear sphere, and the list of corresponding goods and technologies. The leading principles for controlling the goods were published in the document INFCIRC/254, Part 2. Currently, the NSG has 46

²⁶ Further information is available on the NSG Outreach Website, <http://www.nuclearsuppliersgroup.org/en/outreach>

member-states. In May 2002 the NSG has launched its official website with open access.

The NSG does not have any permanent bodies, such as a secretariat. The practical coordination of the activities of the NSG is done by the Permanent Representation of Japan in Vienna which acts as the contact point of the Group.

The Contact Point receives and disseminates the documents of the Group. It informs on the terms of the next meeting sessions and provides practical assistance to the Chairing Persons of the NSG and the Consulting Group.

The NSG meets once a year with the rotation of chairmanship. The Chairing Person is elected by the representatives of the countries during the plenary session. The Consulting Group meets in between the Plenary Sessions also twice a year to discuss different questions within the competency of the NSG and prepare suggestions for the Plenary Sessions. The working groups meet on urgent issues upon necessity.

5.4. Wassenaar Arrangement (WA)

In light of the end of the Cold War, members of the former Coordinating Committee on Multilateral Export Controls (COCOM) established the Wassenaar Arrangement (hereinafter referred to as WA) **1995** as a voluntary non-legally binding export control regime. Its aim is to contribute to regional and international security and stability, by promoting transparency and greater responsibility and helping states to effectively implement export controls in transfers of **conventional arms and dual-use goods and technologies**, thus preventing destabilising accumulations. With its focus on conventional arms and dual-use goods, the WA complements the other export control regimes, which aim at the prevention of proliferation of WMD (see Figure 1 below).

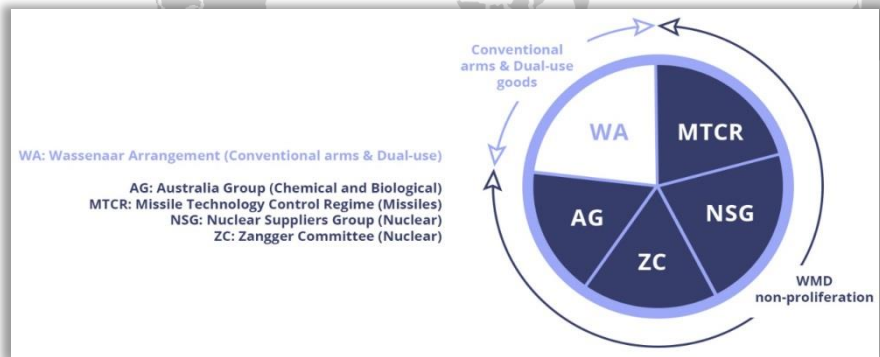


Figure 1 from: Website of the Wassenaar Arrangement, <https://www.wassenaar.org/about-us>

With India's admission on 8 December 2017 the WA includes now **42 Participating States**. WA participants agree to apply **export controls** to all **conventional weapons** and **sensitive dual-use goods and technologies** with the objective of preventing unauthorized transfers or re-transfers of those items to regions and states with situation/behaviour representing serious concerns to the members, to prevent "potentially destabilising accumulations of conventional weapons.

The WA has no treaty counterpart; in a joint declaration²⁷, its Participating States welcomed the adoption of the Arms Trade Treaty (ATT)²⁸ in 2013 as complementary and mutually reinforcing in view of the common goals.

The WA has developed a very comprehensive package of voluntary guidelines and best practice documents, most of which are not only applicable to conventional arms and related dual-use items but for trade controls in general. Their publications include a **List of Dual-Use Goods and Technologies**²⁹, a **Munitions List** and **best practices documents**³⁰ relating to decision making on arms export licensing, including guidance focused on avoiding transfers that might contribute to a destabilizing accumulation of conventional arms.

²⁷ For the full text see <https://www.wassenaar.org/public-documents/public-statement-by-the-wassenaar-arrangement-on-the-arms-trade-treaty-att/>

²⁸ Further information is available at the Arms Trade Treaty website, <https://thearmstradetreaty.org>

²⁹ For the full text see <https://www.wassenaar.org/control-lists>

³⁰ For a full list of best practice see <https://www.wassenaar.org/best-practices>

The WA conducts an **outreach program** aimed at encouraging broad adoption of WA standards and promoting effective national export control systems, including annual post-plenary briefings and enhanced technical briefings, as well as outreach seminars, workshops and other events for interested parties³¹.

The WA is a mechanism of multilateral interaction on export control which was established in December 1995 in Wassenaar (Netherlands) as a substitution to the Coordinating Committee for Multilateral Export Controls (COCOM) which ceased to function on March 31, 1994. The WA pursues the following main goals:

- to provide more transparency (openness) and correspondence in the sphere of transferring arms and “sensitive” goods and technologies;
- to prohibit the supplies of dual-use goods and technologies for military use into states the policies of which create serious concern among the member states of the Wassenaar Arrangement and the peaceful worldwide community.
- to provide and exchange information and support for devising a coordinated national policy in the spheres of export control of dual-use goods and technologies.

The obligations taken by the member-states are described in the leading document “Initial Elements” and include the goal of the

³¹ Further information available at the WA outreach website, <https://www.wassenaar.org/outreach>

regime, the scope of its activities, the procedures of information exchange, and an attachment.

Following the adopted obligations, the member states perform control over the export of goods which are included in the arranged lists of the regime – “The List of Dual-use Goods and Technologies” and “The List of Armaments”. This list of armaments has been adopted as well by Russia, Ukraine and France as a reference list.

The member-states of the WA exchange information every six months on supplies of armaments by seven categories, indicating the quality, type and model of the armaments and the importing country. The data contain information only on the export, and by the consent of the importer, only the member-states of the regime are informed.

Currently, the main supporting bodies of the WA are the Main Working Group which deals with political issues and the Expert Group which deals with the lists. Once in a year the Main Working Group holds a meeting of representatives of licensing and law enforcing bodies of the member-states. The Secretariat of the WA is in Vienna.

The Wassenaar Arrangement stipulates voluntary exchange of information between the member-states in respect of the supplies or rejection of providing supplies of dual-use goods and technologies which are included in the control lists to third countries. The member-states also have agreed to provide information to each other twice a year on the supplies of

conventional armaments and ammunition, the nomenclature of which is based on the UN Register of Conventional Arms.

The expert group regularly makes changes and amendments in the control lists. The last amendment was made in 2019.

5.5.Zangger Committee and Nuclear Non-Proliferation Treaty

The Zangger Committee (hereinafter referred to as ZC), also known as the "NPT Exporters Committee", was established following the coming into force of the NPT on 5 March 1970. Its objective is *"to serve as the "faithful interpreter" of its Article III, paragraph 2 [of the NPT] to harmonize the interpretation of nuclear export control policies for NPT Parties"*³². By interpreting and implementing article III, paragraph 2, the ZC helps all parties to the Treaty to **prevent the diversion of exported nuclear items** from peaceful purposes to nuclear weapons or other nuclear explosive devices, and thereby furthers the objectives of the NPT and enhances the security of all States. As an informal organization The ZC does not bind its members with legal commitments, its mandate is limited by the interpretation of Article III.2 of the NPT. This organization, created between 1971 and 1974, consists of representatives of fifteen states (participants and potential participants of the NPT) – the main owners of

³² Further information is available at the Zangger Committees website, <http://zanggercommittee.org>

nuclear technologies. The Committee had a series of consultations in Vienna under the chairmanship of professor Zangger to achieve agreement on the following issues:

- understanding Article III.2 of the NPT regarding the source or production of special fissionable materials, “specifically stipulated or prepared for processing, use and production of special fissionable material”;
- developing conditions and procedures, which must regulate the export of such equipment or materials for performing the mutual obligations of the member-states.

The ZC has currently **39 Member States** and the EU as permanent observer. The work of the ZC finds its legal foundation and legitimation in the NPT. The ZC established a **Trigger List** of *especially designed or prepared* items with illustrative examples of equipment and materials falling under Article III.2 of the NPT. The ZC does not cover dual-use material, equipment or technologies (incl. software) for the development, production and use of the items on the list

The Trigger List and the ZC’s understandings, such as export conditions on listed items are published by the International Atomic Energy Agency (IAEA) in the INFCIRC/209 series.

The Agreements of the Zangger Committee demand the control of the IAEA as a condition of the supply of fissionable material. The supplied equipment and materials for processing,

use and production of special fissionable material, can also be re-exported only under the condition of control of the IAEA. The Zangger Committee has adopted its List of controlled nuclear goods for export. The Agreements and the List were initially published by the IAEA in 1974 in the document INFCIRC/209.

The Chairmanship of the Committee is nominated for an indefinite period. The role of the Secretariat is performed by Great Britain. The Committee has meetings twice a year.



The Arms Trade Treaty (ATT)

The ATT is a document regulating the international trade of conventional arms — from shooting guns to tanks, aircrafts and ships — which entered into force on December 24, 2014. This is a multilateral international treaty which is regulating the international trade of arms limited by corresponding conventions. The aim of the Treaty is to prevent the illegal turnaround of arms in the world.

The document establishes new standards for the export of conventional arms including the prohibition of export of conventional arms in violation of the embargo and sanctions and arms that can be used for the execution of genocide, crimes against humanity, military crimes and terrorist actions.

One of the fundamental principles of the ATT is Article 51 of the United Nations Charter: “... the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations...”. Other provisions taken from the Charter into the text of the Treaty are the refrain from the threat or use of force against territorial integrity and the rule of non intervention in the internal affairs of any country. The text of the Treaty prescribes its goals as:

- 1) to establish possibly high international standards for regulating and improving the regulation of international trade of conventional arms;

2) to prevent and eliminate the illegal trade and redirection of conventional arms.

The scope of the Treaty includes the following categories of conventional arms: battle tanks, armored fighting vehicles; large caliber artillery; fighter aircrafts, fighter helicopters, battleships, missiles and missile launching systems, guns and light armament. The text of the Treaty specifies that it is regulating the following types of activities in the international trade: export, import, transit, redirection (kind of re-export) and broker activities. The Treaty commits each member-state of the ATT to create and use a national system of control over the transfer of arms and ammunition. According to the Treaty each member-state that has joined the ATT must create and use such control systems, including the national control lists, which must be not smaller than the one which is specified by the Treaty. The Participants of the Treaty must submit their control lists to the Secretariat of the ATT, which will provide it to other member-states. Each country must create a contact point for information exchange. The Treaty stipulates direct prohibitions for the transfer of armaments, in case such transfer violates the measures adopted by the Security Council of the UN, if it is a violation of the international commitments of the member-state, or if these armaments or ammunition can be used for the execution of acts of genocide, crimes against humanity, serious violations of the Geneva

Conventions of 1949, attacks on civilian objects and civilian persons, and other military crimes.

The text of the Treaty was approved by the majority of votes at the General Assembly of the UN, on April 2, 2013. The project was supported by 154 states from 193 member-states of the UN. Only Iran, Korean Democratic Republic and Syria voted against it and 23 delegations abstained from voting, including China and Russia.

With a relatively positive aspect of development and signing of such huge international agreement, nevertheless, separate articles of the agreement can be interpreted ambiguously and used by countries for political purposes or for competing interests which, by the assessment of the military experts, can result in “moderate” violations of provisions of the Treaty by its potential participants.

In April 2019 the President of the USA, Donald Trump, declared that the USA is stepping out of the Treaty, while justifying it with the protection of the sovereignty of the USA.

Legislation: Laws, Legislative Acts and other binding legal documents for controlling the trade of the dual-use goods

The first official international document signed by the First President of the RA after the declaration of independence of the Republic of Armenia in September 1991, was the Treaty of the Non-Proliferation of Nuclear Weapons (NPT). Actually, the signing of this document laid the grounds for development of the system of export control in the independent Armenia. The Committee on Export Control was created in 1996, which involved the deputy heads of the stakeholder state agencies, and the chairman of the committee was the Deputy Prime Minister of the RA. However, in 2003 it became clear that the measures on export control are not effective in this format. Consequently, a decision was made on developing the first law on export control of dual-use goods and technologies which was adopted in September 2003 (N 998 24.09.2003). Article 15 of the given law created the need for organizing technical control and thus classifying the goods. This was supposed to be the function of a specialized accredited non-governmental organization. In this format the accredited non-governmental organizations would make the classification of the goods and only those cases would reach the Committee which required a special permit (license). The Committee would meet

once in two weeks which significantly slowed down the process of acquisition of permits for the export of goods and created difficulties for the trade and business in Armenia. Exactly because of that a new law was adopted in 2010, “On Export of Dual-use Goods and Transit of Dual-use Goods through the Territory of the Republic of Armenia, as well as the Transfer of Dual-use information and Products of Intellectual Property” (42-N, April 8, 2010). In compliance with this law the Committee on Export Control was abolished and an authorized Ministry was assigned instead, the Ministry of Economy of the Republic of Armenia.

According to the new law the permits (licenses) are granted within 18 days since the application. An authorized body checks the correctness of the application, and the availability of all required documents for starting the procedure of issuing a permit. As stipulated by the Law there are three types of permits:

- One-time
- Multiple covering one contract
- Multiple (general) covering several contracts.

The Ministry of Economy cooperates with other stakeholding state agencies in the sphere of export control, and these stakeholding agencies are:

- National Security Service of the RA
- Committee of the State Revenues (Customs Committee)
- Ministry of Foreign Affairs of the RA
- Ministry of Defense of the RA.

Whenever necessary, the Ministry of Energy, Police and other state bodies shall also be involved.

After receiving the application, the licensing body sends the package of documents to all agencies for collecting feedback for the final decision. If there is no response from the agencies within 5 working days, then this is considered as an official consent for the export of the given goods. If any of the agencies objects against this operation, it informs its objection to the licensing body with the detailed explanation of the grounds of the objection. Unanimous consent of all involved agencies is required for issuing a permit or license.

If the exporter was denied a license, he can apply to the Government of the RA and the final decision will be made then on the level of the Prime-Minister of the RA.

Other decrees of the Government of the RA pertinent to the export control are the Order of Approval of the Certificate of the End-user and the Order of Provision and Approval of the Certificate of Import and the forms of these certificates adopted on May 31, 2012 (N 706-N). According to this Decree the authorized body corroborates the certificates of the end-user and performs control over the dual-use goods imported to the territory of the RA. Below we provide the translations of samples of the certificate of the end-user and the certificate of import approved by the Decree of the Government of the RA.

Primary national legislative resources (for example the laws), regulating the control over the dual-use goods and establishing

the order of jurisdiction of the laws are not available in English or French.³³

Secondary national executive legal documents (for example, decrees, orders of juridical implementation and regulation) for the control of dual-use goods are not available in English or French.³⁴

Other information / documentary sources (for example reports on the Resolution 1540, the history of internationally implemented sanctions) on control of dual-use goods are available in English and French translations.

The Security Council Committee report on the implementation of Resolution 1540 were issued in 2004³⁵ and 2016³⁶.

7.1. Criminal Responsibility for Violating Export Control Rules

The criminal legislation of the Republic of Armenia is instituted by the Criminal Code. It includes also the new laws, presuming criminal responsibility. Thus, the Criminal Code contains all types of criminally prosecuted crimes.

The Criminal Code of the Republic of Armenia covers all necessary aspects of the non-proliferation because it presumes

³³ See the Law in Armenian language only

<http://www.parliament.am/legislation.php?sel=show&ID=3789&lang=arm>

³⁴ See the secondary national executive legal documents in Armenian language only

<https://www.e-gov.am/gov-decrees/item/18195/>

³⁵ UN Security Council Committee report on Armenia

[https://undocs.org/S/AC.44/2004/\(02\)/72](https://undocs.org/S/AC.44/2004/(02)/72)

³⁶ UN Security Council Committee report on Armenia <https://undocs.org/S/AC.44/2016/6>

criminal responsibility for actions that are prohibited by the treaties of non-proliferation of weapons of mass destruction and also it stipulates extraterritorial jurisdiction in respect of these crimes, as well as criminal responsibility for the different forms of complicity.

The law of the RA presumes involvement of all stakeholder agencies which participate in the export control. The main functions of the participants are:

- granting or denying permits on the export of dual-use goods and technologies;
- creation of mechanisms of the export control and their improvement;
- coordination of the activities on the development of the new control lists;
- discussion of issues on international cooperation in the sphere of export control, organization of discussion with the ministries and agencies around each application connected with the dual-use goods and technologies;
- registration of exporters;
- raising awareness of the exporters and producers on the latest changes in the legislation on export control and international regimes of non-proliferation;
- receiving notices on the transit of dual-use goods and technologies through the territory of the country.

The law stipulates the creation of a program of internal

compliance for those companies which produce or are constantly in the trade of dual-use goods and technologies.

According to the law, the authorized body for export control has received additional authorities in respect of collecting information on the end-use and end-users. Permits for the export of controlled goods and technologies are given only in cases when the end-user provides in writing a certificate of end-use which confirms that the dual-use goods and technologies will not be used for the production of weapons of mass destruction or means of their delivery. This certificate also indicates that the given permit is valid on condition that the end-user will not allow the transfer (re-export) of controlled goods and technologies to third parties without the authorized permission of the competent body of the RA. Besides this authorized body requests, additional information or documents can be requested also by the authorized bodies of other countries. which should also give guarantees in writing that the controlled goods and technologies will not be used for the creation of weapons of mass destruction or means of their delivery. Besides this, according to the given law, the authorized body is entitled to undertake all measures necessary for checking the exported goods and technologies after their shipment or delivery.

7.2.Law Enforcement and Sanctions

The violations of the export control following the Law of the RA are prosecuted in accordance with the legislation of the country and are reflected in the following Articles of the Criminal Code of the RA.

Article 235.1. prescribes that smuggling strong toxic, explosive, radioactive materials, sources of radiation, nuclear materials, fire guns, or their components, besides the hunting shot guns and bullets for them, explosive devices, ammunition, means of mass destruction, equipment for their delivery, military devices and other dual-use materials or equipment or products used for the creation of weapons of mass destruction and missile launchers for their delivery, other chemical bacteriological weapons and arms of mass destruction, strategically important raw material and cultural values, through the territory of the Republic of Armenia:

1. Smuggling strong toxic, explosive, radioactive materials, sources of radiation, nuclear materials, fire guns, or their components, besides the hunting shot guns and bullets for them, explosive devices, ammunition, means of mass destruction, equipment for their delivery, military devices and other dual-use materials or equipment or products used for the creation of weapons of mass destruction and missile launchers for their delivery, other chemical bacteriological weapons and arms of

mass destruction, through the territory of the Republic of Armenia, regardless of the size, as well as the smuggling of strategically important raw materials and cultural values included in the lists confirmed by the Government of the RA through the customs border of the Eurasian Economic Union or the state borders of the Republic of Armenia is prosecuted by imprisonment from two to six years with the confiscation of the property.

2. The actions stipulated by the first part of this Article, which were accomplished

- 1) by a group of individuals by preliminary consent;
 - 2) with the misuse of the official position;
 - 3) with violence implemented against individuals performing the duties of control of the customs or border services,
- are prosecuted by imprisonment from three to seven years with the confiscation of the property;

3. The actions stipulated in the first and second parts of this article which were implemented by an organized group of individuals are prosecuted by imprisonment from seven to twelve years with the confiscation of the property.

4. The size of the strategically important materials is considered big when it is equal the eight thousand times of the minimum wage accepted in the country. The sizes is considered big for the cultural values when it is eight hundred times the

minimum wage accepted in the country. (Addition to Article 235.1: 16.05.16 HO-83-N)

Article 240.1. prescribes that the violation of the accepted order of information exchange and transfer of intellectual property

1. The deliberate transfer of dual-use information or products of intellectual activity without the permit of the competent body, or with the violation of the stipulated conditions, are prosecuted by imprisonment from three to five years with the confiscation of the property;

2. The activities stipulated by part one of the present article, that were accomplished by:

- 1) a group of individuals by preliminary agreement;
- 2) with the misuse of the official position;
- 3) had serious ramifications

are prosecuted by imprisonment from five to seven years with the confiscation of the property. (Addition to Article 240.1: 08.04.10 HO-43-N)

Participation and Membership of Armenia in Non- proliferation International Treaties and Regimes

Name of the organization	YES/NO - Signed - Ratified
Treaty on Non-Proliferation of the Nuclear Weapons (NPT) https://www.un.org/disarmament/wmd/nuclear/npt/	Yes, September 24, 1991
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention) https://www.opcw.org/chemical-weapons-convention/	Yes, May 27, 1995
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (usually referred to as the Biological Weapons Convention) https://www.un.org/disarmament/wmd/bio/	Yes, June 07. 1994
Nuclear Suppliers Group. http://nuclearsuppliersgroup.org/en/	No
Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies http://www.wassenaar.org/	No
Australia Group http://www.australiagroup.net/en/	No
Missile Technology Control Regime https://mtcr.info/	No
Arms Trade Treaty https://www.un.org/disarmament/convarms/armstrade/	No

Armenia adopted the Law on Control of dual-use goods and technologies in 2010, which substituted an analogous law adopted in 2003. For the implementation of the law, the

Government of Armenia adopted Decree No 1785 of 15.12.2011, which confirmed the control list of the dual-use goods. The list was in harmony with the European list of controlled dual-use goods and technologies and was improved along with the updates of the European lists. The last acting edition corresponds with the changes of 26.9.2017 of the Protocol of the Council of Europe № 428/2009, which establishes the Regime of the EC of control over the export, transfer, brokerage and transit of dual-use goods.

Armenia has ratified the Treaty of Non-proliferation of Nuclear Weapons (NPT), on September 24, 1991, the Chemical Weapons Convention (CWC) on May 27, 1995. and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction (BTWC) on June 07, 1994.

Armenia is not member of the following international regimes of export control: the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Zangger Committee, the Australia Group and the Wassenaar Arrangement. The main reason for not acceding to these regimes is the fact that Armenia is not a significant suppliers of controlled and military goods and technologies and its membership in many regimes would be not expedient, taking into account the economic profile of the country. Thus, the non-participation of Armenia should not be seen as an unwillingness of its government to follow the international standards. It is the result of inconsistency of the membership criteria rather than the lack of good will. Although Armenia is not member of many different control regimes, it is, nevertheless, actively supporting the goals and principles of these regimes.

Licensing: the authorized national body providing licenses or permits for exporting and trade activities

The authorised national body of Armenia for providing trading licenses and/or permits for exporting activities is the Ministry of Economy of the Republic of Armenia. In the Ministry the functions of licensing are assigned to the Agency of Licensing and Permits (Current Head of the Agency is Armen Nalbandyan, analbandyan@mineconomy.am). The main functions, the process of providing licenses for the export of dual-use goods, transfer of controlled intangible values in the sphere of controlling the circulation and transit of dual-use goods through the territory of the Republic of Armenia. The Agency has three employees. The Agency gives in average fifteen licenses per year. The Agency consists of the director, specialists on the analysis of the applications and a specialist on the implementation of the policy of the export control. The Ministry provides as well methodological support to companies for establishing internal programs of consistency, compliance to the provisions of export control by the exporting and transporting companies. All decisions are made on the basis of consensus with the stake holding agencies within 18 days starting from the moment of registration of the application.

The leading agencies responsible for the prevention of the import and export of not licensed goods, investigation of the violations and implementation of corresponding sanctions are the

Customs Committee, the National Security Service, and the Ministry of Foreign Affairs of the Republic of Armenia. In all cases, connected with the possibility of criminal prosecution, the Customs Committee must act in accordance with the Customs Code of the Republic of Armenia.

The Agency does not provide licenses for trading other categories of not dual-use goods (for example arms).

The permits for trading military goods are given by the Ministry of Defense of the Republic of Armenia. Control over the military goods is done by the Decision of the Government of the RA No. 1308 of 12.11.2009-

<https://www.arlis.am/documentview.aspx?docid=83010>.

The consulting expert organization NPC is periodically arranging training and outreach meetings or workshops with the representatives of the business community, to updated their awareness and provide information on the legal regulation of the sphere. The outreach meetings serve not only for informing the representatives of the business community of the current state and approaches in the sphere of export control and changes in the legislation, but also to collect feedback and analyze the needs of the business community.

The exporters can determine the classification of their goods themselves independently or they can apply to the expert organizations to receive an expert conclusion on the classification of their goods. Below we present samples of the forms licenses/permits and expert conclusions on the matter of classification of the declared goods.

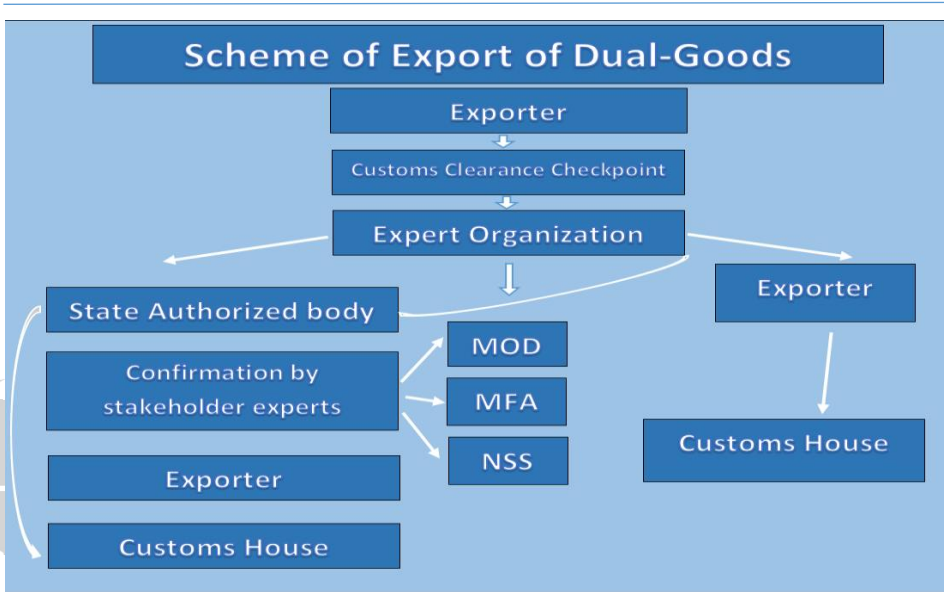
The Customs Committee

According to the legislation of the RA the exporters shall initiate certain steps for passing the procedure of expert control, namely:

If the exporter has managed to determine that his product is controllable, then he shall immediately apply to the licensing body for acquiring a permit for export;

If the exporter is unable to perform a technical analysis of his product then he applies to an accredited organization for the classification of his product. If the product is classified as a controlled product, then the exporter shall apply to the licensing organization for acquiring a permit for export. Otherwise, the exporter shall submit documents for registration to the customs body, attaching the conclusion of the expert analysis that the given item is not controllable according to the legislation of the RA. The Customs Committee in its turn can make an inquiry to the accrediting organization for confirmation of the validity of the provided documents and then start the procedure of customs clearance. A simplified scheme of steps for the export control procedure for dual-use goods is provided below.

The Customs Committee of the Republic of Armenia as required by the law shall do the customs registration of both conventional and dual-use goods.



The Government has established a Department of Customs Control for working with the dual-use goods. Currently, the contact person in this Department is Arthur Avetisyan, artur_avetisyan@customs.am, +374 11 801170 /1190/.

The export or transit of dual-use goods through the territory of the Republic of Armenia, as well as the transfer of controlled non-material values is allowed only with the corresponding permit given by a competent body, currently, of the Ministry of Economy of the RA.

Armenia as a member of the World Customs Organizations since 24.03.2006, and has joined the initiative for implementing the non-proliferation safety measure.

Raising the level of awareness and information with the help of education and involvement

The Law of the Republic of Armenia does not stipulate a special agency which would be responsible for working with the industry and exporters in the sphere of export control. The Ministry of Economy is in constant contact with the manufacturers on common questions of the export of goods that are produced on the territory of the country.

However, the role of such an organization for working with the producers is performed by non-governmental organizations, in particular, the Armenian Centre of Research of Problems of Non-proliferation (NPC).

In the framework of different international programs, as well as upon its own initiative the NPC organizes different workshops and working meetings with the manufacturers and the representatives of the business community of the RA, involved in the export of goods from the country.

In particular, the Center of Research of Non-proliferation Issues of the WMD (NPC) with the support of the European program EU 2P2 and the US Program EXBS has organized a series of workshops for the exporters, namely:

-
- “Export Control System in the Republic of Armenia: identification of military and dual-use goods”, September 2017;
 - Industry Outreach 2017, December 2017;
 - Industry Outreach 2017, June 2018;
 - A workshop on the Program of Internal Compliance with the requirements of Export Control, August 2018;
 - Industry Outreach June 2019;
 - The Decree of the Government on the New List of the Dual-use Goods, July 2019.

The official site of the Ministry of Economy of the RA presents the list of controlled dual-use goods, in compliance with the legislation of the RA.

Besides, the manufacturers also use the official site of the organization NPC - www.npc.am – where they can find not only the lists of the controlled goods, but also lists of goods for which there has been positive decision previously. This means that the goods of these lists are already identified as not controllable.

Besides, there are also reference books for the identification of the dual-use goods, published with the support of the program EXBS of the Embassy of the USA in the RA.

The Center of Research of Non-proliferation Issues of the



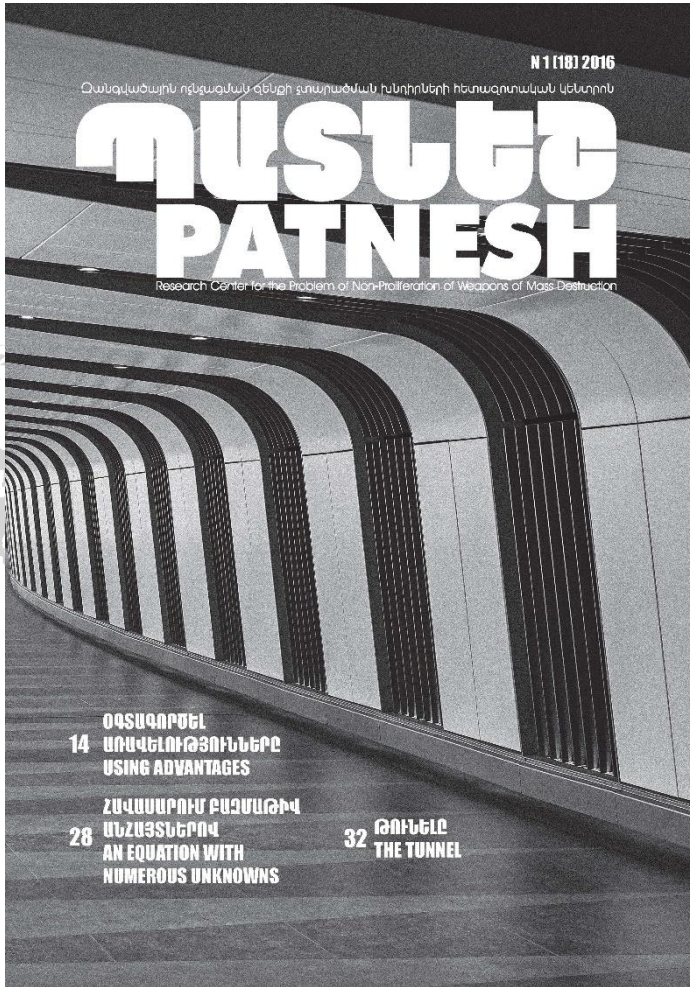
WMD (NPC) has also developed reference brochures with cartoon images for explanation of the steps required in the export control. An example of such reference brochure is attached after this section.

A popular information magazine is published regularly by the NPC titled “Patnesh”, which contains the news, information on events happening in the sphere of export control in the country,

as well as the analysis of the possible solutions of the problems of export control in the RA.

More than thirty issues of the magazine have been published in the recent years, serving as a relevant reference information source for the experts and often providing answers to the questions that arise in the sphere of export of dual-use goods.

Electronic versions of the magazine in three languages can be found on the site of the NPC, www.npc.am



14 **ՕԳՏԱԳՈՐԾԵԼ
ԱՌՎԵԼՈՒԹՅՈՒՆՆԵՐԸ
USING ADVANTAGES**

28 **ՀԱՎԱՍԱՐՈՒՄ ԲԱԾԱՌԹՎ
ԱՆՀԱՅՏՆԵՐՈՎ
AN EQUATION WITH
NUMEROUS UNKNOWNNS**

32 **ԹՈՒՆԵԼԸ
THE TUNNEL**

The employees of the NPC also provide free of charge consulting on the classification of the goods to the exporters and employees of the customs services in the framework of different programs.

The law of the RA stipulates the mandatory implementation of the internal compliance programs for the acquisition of permits for export. However, in the recent years, there have been active

discussions on providing privileges to the companies which will implement programs of internal compliance. As the majority of producers in the RA are small and medium-sized enterprises for which it is economically not expedient to keep additional employees for the functions of the export control, the granting of privileges can become a serious encouragement for the implementation of the program.

Currently, the program EXBS is discussing the possibility of implementing a pilot version of the program of internal compliance in certain enterprises of Armenia.

The analysis of the end-use and the end-user of exported from the RA goods is done by the National Security Service and the Ministry of Foreign Affairs of the RA.

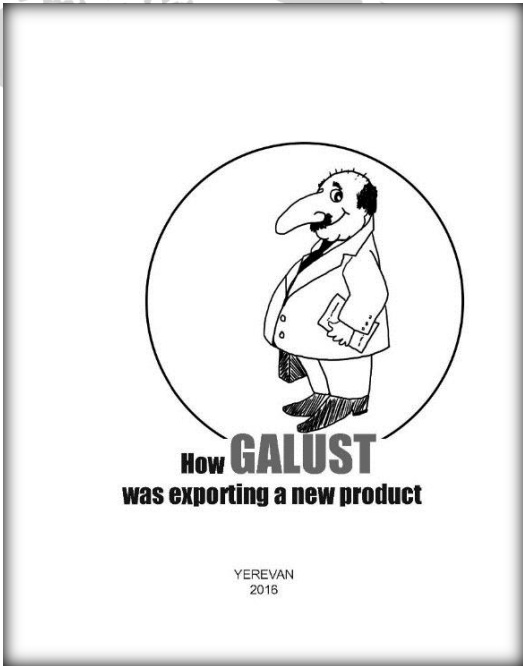
The process of checking the end-user involves both official information which is openly available and the operative information acquired by the NSS, also checks on the spot through the Embassy of the RA in the importing countries.

The contact person in the MFA is Georgie Kocharyan, g.kocharian@mfa.am.

The process of classification of goods is a complex process which includes accredited organizations according to the law of the RA on export control. These originations are responsible for the classification of the goods and are accredited by the Ministry of Economy of the RA once in three years. The licensing body (<http://www.armnab.am/>) annually checks the accredited organizations, confirming their compliance with the done work.

The most experienced responsible organization is the NPC (since 2003). The NPC works with the laboratory of the Nuclear

Power Station and higher educational institutions of the RA on contractual basis. However, these laboratories play a supporting role the in classification, as the main share of responsibility belongs to the experts of the accredited expert organizations, whose decision is final and can be appealed against only through the court, according to the legislation of the RA.



«Բարի Գալուստ» մասնավոր ձեռնարկության տնօրեն Գալուստ Գալստյանը մի օր որոշեց, որ ժամանակն է արտադրել այնպիսի ապրանք, որը միջուկային կլինի միջազգային շուկաներում: Եվ իսկապես Գալուստն արդեն ուներ աշխատանքային սուպերհերոս, ժամանակին լուծել էր գործնական սուպերխոլորներ և դարձել էր իսկական սուպերմենջեր: Երկուսից նրա մեքենայի բեռարկող սուպեր էր: Սակայն սուպերմենջեր Գալուստի ձեռնարկությունը դեռ պետք է սուպեր դառնար: Եվ դրա համար պետք էր արտադրել Սուպերապրանք:

2

STEPS OF DEVELOPMENT

The Republic of Armenia continues the dialogue and cooperation in the sphere of non-proliferation in different forums, to join the common stand against the threat of proliferation of nuclear, chemical and bacteriological weapons and means of their delivery.

The United States of America and the Republic of Armenia have reached agreement on mutually beneficial cooperation and support in the framework of the global act of fight against the proliferation of weapons of mass destruction. In this connection, both countries have signed an agreement titled “Agreement between the Government of the United States of America and the Government of the Republic of Armenia Concerning Cooperation in the Area of Counter-Proliferation of Weapons of Mass Destruction”.

The state bodies of the Republic of Armenia are actively cooperating with the Departments of the USA on nuclear safety and the Nuclear Regulatory Commission (NRC) of the USA. In Yerevan, the Government of the USA has organized a series of training for the employees of the customs and border-guard services on the issues of control over the nuclear export and identification of the end-use and end-user of the nuclear materials.

The Republic of Armenia has performed active participation in all projects suggested by the USA in this sphere.

Armenia also participates in the Export Control and Related

Border Security (EXBS) Program, under the auspices of the Office of Export Control Cooperation, in the Bureau of International Security and Nonproliferation, U.S. Department of State (ISN/ECC). Currently, the contact persons of this program in Armenia are Robert Pazos, pazosr@state.gov; Armen Tovmasyan, TOVMASYANAV@state.gov. The main goal of the program is to promote the professional skills of the Armenian border guards and employees of the customs services in their fight against the transit of dual-use goods and weapons of mass destruction. The Republic of Armenia notes with satisfaction that the United States are expressing wish to continue the cooperation with Armenia to strengthen the potential of Armenia in the sphere of export control and border security. All currently in progress projects are the proof of such readiness and the priority of this issue for the Government of Armenia.

Republic of Armenia is actively participating in the accomplishment of the EU initiative on the cooperation in the sphere of non-proliferation and disarmament.

In the sphere of export control in the Republic of Armenia an important role is played by the NGO Research Centre of Non-proliferation Issues (NPC). Currently, the contact person of this organization is Karen Gasparyan, adm@npc.am, www.npc.am , tel.: +37494 41 76 83.

The Centre actively cooperates with the international organizations in the sphere of non-proliferation and does an active work for implementing the best international practices in Armenia.

ATTACHMENTS

Attachment No 1. Sample of Required End-User Certificate

(translation)

Attachment No 3 to the Decision of the Government of the RA N706-N of May 31, 2012.

Form N 1

End-user certificate №		
1. End-user's full name and address	2. Importer's full name and address (if different than the end-user)	
3. Exporter's full name and address	4. Location of the end use or installment of the goods	
5. Description of the goods	6. Quantity	
7. Indication of the end-use of the goods		
8.		
8.1. By this certificate the end-user guarantees that the specified goods will not be transferred to any third person or will not be used for any purpose other than declared in Point 7 of this Certificate without the validated consent of the Authorized State Body of the exporting country.		
8.2. By this certificate the end-user gives his agreement to allowing the Authorized State Body an on-site verification of the guarantees declared in Statement 8.1. of this Certificate.		
Name and Surname of the legal entity's head or representative	Signature	(Date)
9. By this certificate the Authorized State Body of the Republic of Armenia confirms the guarantees of the end-user to not transfer specified goods to any third persons and to not use for any purposes other than those declared, without the validated consent of the Authorized State Body of the exporting country.		
From the Authorized State Body of the Republic of Armenia	Signature	(Date)
STAMP		

1.3.Attachment No 2. Samples of required documents

Form N 2

THE AUTHORIZED STATE BODY OF THE REPUBLIC OF ARMENIA (name of the appropriate state body) №	IMPORT CERTIFICATE №
1. <i>Importer's full name and address</i>	2. <i>Exporter's full name and address</i>
3. <i>Importing country</i> Republic of Armenia	4 <i>Exporting country</i>
5. <i>Name and description of the goods</i>	6. <i>Quantity</i>
<p>7 7.1. The importer guarantees that he is importing to the Republic of Armenia the goods in quantities described above, or, if the named goods are not imported into the Republic of Armenia, that he will not divert, transship, or re-export them to another destination except with the explicit approval of the Authorized State Body of the Republic of Armenia, as appropriate.</p> <p>7.2. By this certificate the importer gives his agreement to allow the Authorized State Body to make on-site verification of the guarantees made in point 7.1 of this Certificate</p>	
<p>_____ (Name and Title of the Authorized Official)</p>	
<p>_____ (Signature of the Authorized Official, Stamp)</p>	<p>_____ (Date of Signing)</p>
<p>Valid within 6 (six) months from the date of signing.</p>	

Head of Staff of the Government of the
Republic of Armenia

G. Sargsyan

Attachment No 3. Example of Conclusion of Expert Analysis

(translated sample)

Approved

K.E.Gasparyan

EXPERT CONCLUSION N16

Grounds of expert analysis: Application No MD 7018PO347

Product: PGA pallet - 200 (лиук.365352.073TY)

Goal of the expert analysis: determine the compliance of the presented for the expert analysis product with the conditions of the adopted by the European Regulating Body in the Attachment to the Regulating Document N428/2009 European List of dual-use goods, of 05.05.2009, with modifications of 12.09.2017 (COMMISSION DELEGATED REGULATION (EU) .../...of 26.9.2017 with amendments of Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items).

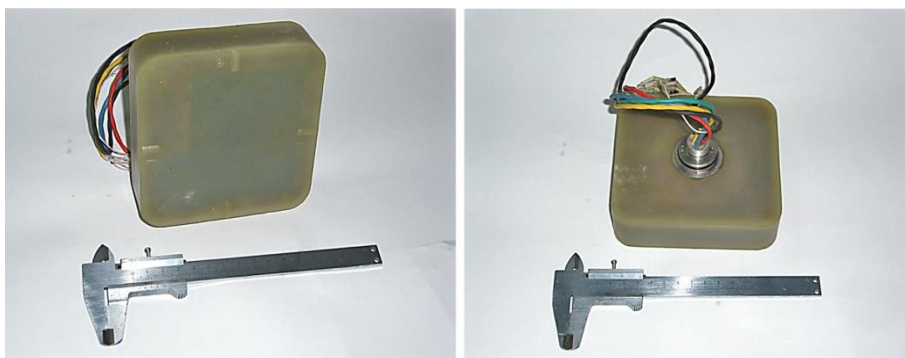
Presented materials: 1. Application to the Scientific Research Institute "RIF- AKVAAPARAT" section of control of the turnaround of dual-use goods of the Ministry of Economy of the Republic of Moldova with the following attachments: Application for receiving permit for export /re-export of strategic goods, copy of the Agreement No 837 of March 7, 2018 with the log of delivery, protocol of arrangement of the contractual

price and additional agreements No 1 and No 2, the copy of the certificate of registration of the company, the end-user, technical description of the PGA Pallet 200 (лиук. 365352.073 ТУ). 2. Passport of the product.

The expert analysis was made on the basis of the presented documents.

Results of the expert analysis: The presented for consideration PGA Pallet - 200 (лиук.365352.073ТУ) – is a pallet of hydro-acoustic converters with frequency 200kHz. The product serves for emitting and receiving hydro-acoustic signals. It is equipped with omnidirectional multifunctional antennae with arranged phase centers. It is used on the depths of 2 to 32 meters.

In the European list of dual-use goods (Attachment to N428/2009 of 05.05.2009, with amendments of 12.09.2017) PGA Pallet - 200 (лиук.365352.073ТУ) corresponds to the following position: **Category 6 Sensors and lasers** № 6A001,a,1,a,1; 6A001,a,1,a,2; 6A001,a,1,b; 6A001,a,1,d; 6A001,a,1,e.



The comparison of characteristics presented for expert analysis of the PGA Pallet - 200 (лиук.365352.073ТУ) with the position of the list 1A005 gave the following results:

N	List Data	Item Data
6A001,a,1,a,1	<p>Acoustic systems, equipment and components, as follows:</p> <p>a. Marine acoustic systems, equipment and specially designed components therefor, as follows:</p> <p>1. Active (transmitting or transmitting-and-receiving) systems, equipment and specially designed components therefor, as follows:</p> <p>a. Acoustic seabed survey equipment as follows:</p> <p>1. Surface vessel survey equipment designed for seabed topographic mapping and having all of the following:</p> <p>a. Designed to take measurements at an angle exceeding 20° from the vertical;</p> <p>b. Designed to measure seabed topography at seabed depths exceeding 600 m;</p> <p>c. 'Sounding resolution' less than 2; and</p> <p>d. 'Enhancement' of the depth "accuracy" through compensation for all the following:</p> <p>1. Motion of the acoustic sensor;</p> <p>2. In-water propagation from sensor to the seabed and back; and</p> <p>3. Sound speed at the sensor;</p>	<p>Presented for analysis PGA Pallet - 200 (лиук.365352.073ТУ) is an active acoustic system. From data presented for the analysis we conclude on the probable correspondence with the requirements of the position (data on the depth of measurement not available).</p>
6A001,a,1,a,2	<p>Acoustic systems, equipment and components, as follows:</p> <p>a. Marine acoustic systems, equipment and specially designed components therefor, as follows:</p> <p>1. Active (transmitting or transmitting-and-receiving) systems, equipment and specially designed components therefor, as follows:</p>	<p>Presented for analysis PGA Pallet - 200 (лиук.365352.073ТУ) is not designed and is not modified for operation at depths of 100 or 300 meters. Does not comply with the requirements of the position.</p>

N	List Data	Item Data
	<p>a. Acoustic seabed survey equipment as follows:</p> <p>2. Underwater survey equipment designed for seabed topographic mapping and having any of the following:</p> <p><i>Technical Note:</i> <i>The acoustic sensor pressure rating determines the depth rating of the equipment specified in 6A001.a.1.a.2.</i></p> <p>a. Having all of the following:</p> <ol style="list-style-type: none"> 1. Designed or modified to operate at depths exceeding 300 m; and 2. 'Sounding rate' greater than 3 800 m/s; or <p>b. Survey equipment, not specified in 6A001.a.1.a.2.a., having all of the following:</p> <ol style="list-style-type: none"> 1. Designed or modified to operate at depths exceeding 100 m; 2. Designed to take measurements at an angle exceeding 20° from the vertical; 3. Having any of the following: <ol style="list-style-type: none"> a. Operating frequency below 350 kHz; or b. Designed to measure seabed topography at a range exceeding 200 m from the acoustic sensor; and 4. 'Enhancement' of the depth "accuracy" through compensation of all of the following: <ol style="list-style-type: none"> a. Motion of the acoustic sensor; b. In-water propagation from sensor to the seabed and back; and c. Sound speed at the sensor; 	
6A001,a,1,b	<p>b. Systems or transmitting and receiving arrays, designed for object detection or location, having any of the following:</p> <ol style="list-style-type: none"> 1. A transmitting frequency below 10 kHz; 2. Sound pressure level exceeding 224 dB (reference 1 µPa at 1 m) for equipment with an operating 	<p>Presented for analysis PGA Pallet - 200 (люк.365352.073ТУ) has an operational frequency of 200kHz, the depth of installation is 2 to 32 meters.</p>

N	List Data	Item Data
	<p>frequency in the band from 10 kHz to 24 kHz inclusive;</p> <p>3. Sound pressure level exceeding 235 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band between 24 kHz and 30 kHz;</p> <p>4. Forming beams of less than 1° on any axis and having an operating frequency of less than 100 kHz;</p> <p>5. Designed to operate with an unambiguous display range exceeding 5 120 m; or</p> <p>6. Designed to withstand pressure during normal operation at depths exceeding 1 000 m and having transducers with any of the following:</p> <ul style="list-style-type: none"> a. Dynamic compensation for pressure; or b. Incorporating other than lead zirconated titanite as the transduction element; 	
6A001,a,1,d	<p>Acoustic systems and equipment, designed to determine the position of surface vessels or underwater vehicles and having all the following, and specially designed components therefor:</p> <ul style="list-style-type: none"> 1. Detection range exceeding 1 000 m; and 2. Determined position error of less than 10 m rms (root mean square) when measured at a range of 1 000 m; 	<p>Presented for analysis PGA Pallet - 200 (лижк.365352.073ТУ) can be used in compliance with the requirements of this position.</p>
6A001,a,1,e	<p>Active individual sonars, specially designed or modified to detect, locate and automatically classify swimmers or divers, having all of the following, and specially designed transmitting and receiving acoustic arrays therefor:</p> <ul style="list-style-type: none"> 1. Detection range exceeding 530 m; 2. Determined position error of less than 15 m rms (root mean square) when measured at a range of 530 	<p>Presented for analysis PGA Pallet - 200 (лижк.365352.073ТУ) meets the conditions of this position.</p>

N	List Data	Item Data
	m; and 3. Transmitted pulse signal bandwidth exceeding 3 kHz; <i>N.B. For diver detection systems specially designed or modified for military use, see the Military Goods Controls.</i> <i>Note: For 6A001.a.1.e., where multiple detection ranges are specified for various environments, the greatest detection range is used.</i>	

In compliance with the regulating document N428/2009 of 05.05.2009, with amendments of 12.09.2017, the item can be considered a dual-use product, if its parameters comply with the data, indicated in the European list of dual-use goods. In the current case there is compliance with three clauses.

CONCLUSION

Presented for analysis PGA Pallet - 200 (лиук.365352.073ТУ) **is a dual-use item.**

EXPERT

«Non-Proliferation Center of WMD»

Republic of Armenia

Attachment No 4. The obligations of the World Customs Organization (WCO) member-states for not proliferating nuclear weapons

The table below contains information on the status of the WCO member-states in respect of the non-proliferation and export control as of March 2016.

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Afghanistan (Islamic Republic of)	Yes	Yes	Yes	Yes	Yes					
Albania	Yes	Yes	Yes	Yes	Yes	S				
Algeria	Yes	Yes	Yes	Yes						
Andorra	Yes	Yes	Yes		Yes					
Angola	Yes	Yes								
Argentina	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Armenia	Yes	Yes	Yes	Yes	Yes					
Australia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Austria	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Azerbaijan	Yes	Yes	Yes	Yes	Yes					
Bahamas	Yes	Yes	Yes	Yes		S				
Bahrain	Yes	Yes	Yes	Yes						
Bangladesh	Yes	Yes	Yes	Yes						
Barbados	Yes	Yes	Yes	Yes						
Belarus	Yes	Yes	Yes	Yes	Yes		Yes			
Belgium	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Belize	Yes	Yes	Yes	Yes		S				
Benin	Yes	Yes	Yes	Yes	Yes	S				
Bermuda	P	P	P	P						
Bhutan	Yes	Yes	Yes	Yes						
Bolivia	Yes	Yes	Yes	Yes						
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes					
Botswana	Yes	Yes	Yes	Yes						
Brazil	Yes	Yes	Yes	Yes		S	Yes		Yes	

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Brunei Darussalam	Yes	Yes	Yes	Yes						
Bulgaria	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Burkina Faso	Yes	Yes	Yes	Yes	Yes	S				
Burundi	Yes	Yes	Yes	Yes	Yes	S				
Cambodia	Yes	Yes	Yes	Yes	Yes					
Cameroon	Yes	Yes	Yes	Yes	Yes					
Canada	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Cape Verde	Yes	Yes	Yes	Yes	Yes					
Central African Republic	Yes	Yes	Yes	S	Yes					
Chad	Yes	Yes	Yes		Yes					
Chile	Yes	Yes	Yes	Yes	Yes					
China	Yes	Yes	Yes	Yes	Yes		Yes			
Colombia	Yes	Yes	Yes	Yes	Yes	Yes				
Comoros	Yes	Yes	Yes	Yes		Yes				
Congo (Republic of the)	Yes	Yes	Yes	Yes	Yes					
Costa Rica	Yes	Yes	Yes	Yes	Yes	S				
Côte d'Ivoire	Yes	Yes	Yes	S		S				
Croatia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Cuba	Yes	Yes	Yes	Yes						
Curacao	P	P	P	P						
Cyprus	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		
Czech Republic	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Democratic Republic of the Congo	Yes	Yes	Yes	Yes						
Denmark	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Djibouti	Yes	Yes	Yes							
Dominican Republic	Yes	Yes	Yes	Yes	Yes	S				
Ecuador	Yes	Yes	Yes	Yes	Yes					
Egypt	Yes	Yes		S						
El Salvador	Yes	Yes	Yes	Yes	Yes	S				
Eritrea	Yes	Yes	Yes		Yes					
Estonia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Ethiopia	Yes	Yes	Yes	Yes	Yes					
European Union *										
Fiji	Yes	Yes	Yes	Yes	Yes					

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Finland	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
France	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Gabon	Yes	Yes	Yes	Yes	Yes					
Gambia	Yes	Yes	Yes	Yes	Yes					
Georgia	Yes	Yes	Yes	Yes	Yes					
Germany	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Ghana	Yes	Yes	Yes	Yes	Yes					
Greece	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Guatemala	Yes	Yes	Yes	Yes	Yes	S				
Guinea	Yes	Yes	Yes	Yes	Yes	S				
Guinea-Bissau	Yes	Yes	Yes	Yes	Yes					
Guyana	Yes	Yes	Yes	S	Yes	C				
Haiti	Yes	Yes	Yes	S	Yes					
Honduras	Yes	Yes	Yes	Yes	Yes					
Hong Kong, China	P									
Hungary	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Iceland	Yes	Yes	Yes	Yes	Yes	C	Yes	Yes	Yes	
India	Yes		Yes	Yes						
Indonesia	Yes	Yes	Yes	Yes						
Iran (Islamic Republic of)	Yes	Yes	Yes	Yes						
Iraq	Yes	Yes	Yes	Yes	Yes					
Ireland	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Israel	Yes		S							
Italy	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Jamaica	Yes	Yes	Yes	Yes		S				
Japan	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Jordan	Yes	Yes	Yes	Yes	Yes					
Kazakhstan	Yes	Yes	Yes	Yes	Yes		Yes			
Kenya	Yes	Yes	Yes	Yes	Yes					
Kosovo										
Korea (Republic of)	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Kuwait	Yes	Yes	Yes	Yes	Yes					
Kyrgyzstan	Yes	Yes	Yes	Yes	Yes					
Lao People's Democratic	Yes	Yes	Yes	Yes	Yes					

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Republic										
Latvia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Lebanon	Yes	Yes	Yes	Yes						
Lesotho	Yes	Yes	Yes	Yes						
Liberia	Yes	Yes	Yes	S	Yes	S				
Libya	Yes	Yes	Yes	Yes	Yes	S				
Lithuania	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Luxembourg	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Macedonia	Yes	Yes	Yes	Yes	Yes					
Macau, China	P									
Madagascar	Yes	Yes	Yes	Yes	Yes					
Malawi	Yes	Yes	Yes	S	Yes					
Malaysia	Yes	Yes	Yes	Yes						
Maldives	Yes	Yes	Yes	Yes	Yes					
Mali	Yes	Yes	Yes	Yes	Yes	S				
Malta	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Mauritius	Yes	Yes	Yes	Yes		S				
Mauritania	Yes	Yes	Yes	Yes						
Mexico	Yes	Yes	Yes	Yes		S	Yes	Yes		Yes
Moldova	Yes	Yes	Yes	Yes	Yes					
Mongolia	Yes	Yes	Yes	Yes	Yes					
Montenegro	Yes	Yes	Yes	Yes	Yes	S				
Morocco	Yes	Yes	Yes	Yes	Yes					
Mozambique	Yes	Yes	Yes	Yes	Yes	S				
Namibia	Yes	Yes	Yes							
Nepal	Yes	Yes	Yes							
Netherlands	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
New Zealand	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Nicaragua	Yes	Yes	Yes	Yes	Yes					
Niger	Yes	Yes	Yes	Yes	Yes					
Nigeria	Yes	Yes	Yes	Yes	Yes	C				
Norway	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Oman	Yes	Yes	Yes	Yes						
Pakistan	Yes		Yes	Yes						
Palestine										

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Panama	Yes	Yes	Yes	Yes	Yes	S				
Papua New Guinea	Yes	Yes	Yes	Yes	Yes					
Paraguay	Yes	Yes	Yes	Yes	Yes	S				
Peru	Yes	Yes	Yes	Yes	Yes					
Philippines	Yes	Yes	Yes	Yes	Yes					
Poland	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Portugal	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Qatar	Yes	Yes	Yes	Yes						
Romania	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		
Russian Federation	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Rwanda	Yes	Yes	Yes	Yes	Yes	S				
Rwanda	Yes	Yes	Yes	Yes						
Suriname										
Samoa	Yes	Yes	Yes		Yes					
Sao Tome and Principe	Yes	Yes	Yes	Yes						
Saudi Arabia	Yes	Yes	Yes	Yes						
Senegal	Yes	Yes	Yes	Yes	Yes	S				
Serbia	Yes	Yes	Yes	Yes	Yes	S	Yes			
Seychelles	Yes	Yes	Yes	Yes	Yes					
Sierra Leone	Yes	Yes	Yes	Yes	Yes					
Singapore	Yes	Yes	Yes	Yes	Yes					
Slovakia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Slovenia	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes		Yes
Somalia	Yes	Yes	Yes	S						
South Africa	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
South Sudan	Yes									
Spain	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Sri Lanka	Yes	Yes	Yes	Yes						
Sudan	Yes	Yes	Yes	Yes	Yes					
Swaziland / Eswatini	Yes	Yes	Yes	Yes						
Sweden	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Switzerland	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Syrian Arab Republic	Yes	Yes	Yes	S						
Tajikistan	Yes	Yes	Yes	Yes	Yes					
Tanzania	Yes	Yes	Yes	S	Yes	S				

WCO MEMBER-STATES	UN	NPT	CWC	BTWC	HCOC	ATT	NSG	AG	MTCR	WA
Thailand	Yes	Yes	Yes	Yes						
Timor-Leste	Yes	Yes	Yes	Yes	Yes					
Togo	Yes	Yes	Yes	Yes		S				
Tonga	Yes	Yes	Yes	Yes	Yes					
Trinidad and Tobago	Yes	Yes	Yes	Yes		S				
Tunisia	Yes	Yes	Yes	Yes	Yes					
Turkey	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
Turkmenistan	Yes	Yes	Yes	Yes	Yes					
Uganda	Yes	Yes	Yes	Yes	Yes					
Ukraine	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Union of Myanmar (Republic of the)	Yes	Yes	S	S						
United Arab Emirates	Yes	Yes	Yes	Yes		S				
United Kingdom	Yes	Yes	Yes	Yes	Yes	S	Yes	Yes	Yes	Yes
United States	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Uruguay	Yes	Yes	Yes	Yes	Yes	S				
Uzbekistan	Yes	Yes	Yes	Yes	Yes					
Vanuatu	Yes	Yes	Yes	Yes	Yes	S				
Venezuela	Yes	Yes	Yes	Yes	Yes					
Vietnam	Yes	Yes	Yes	Yes						
Yemen	Yes	Yes	Yes	Yes						
Zambia	Yes	Yes	Yes	Yes	Yes					
Zimbabwe	Yes	Yes	Yes	Yes						

List of Abbreviations used in the Table

S - Signed

R - Ratified

P - Ratification has been postponed

UN - United Nations Organization

NPT - Treaty on the Non-Proliferation of Nuclear Weapons

CWC - Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention)

BTWC - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (usually referred to as the Biological Weapons Convention)

HCOC - The International Code of Conduct against Ballistic Missile Proliferation, also known as the Hague Code of Conduct

ATT - Arms Trade Treaty

NSG - Nuclear Suppliers Group

AG - Australia Group

MTCR - Missile Technology Control Regime.

WA - Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and technologies.

Definitions of Some Basic Terms Used in Export Control Literature

Applicant - The person who applies for an export or re-export license, and who has the authority of a principal party in interest to determine and control the export or re-export of items.

Biological agents - Are pathogens or toxins, selected or modified (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to UV radiation) to produce casualties in humans or animals, degrade equipment or damage crops or the environment.

Controlled goods and products - goods, including components and technology (for example, blueprints and technical specifications in paper or electronic format, including the rights for such) with strategic significance or national security implications, regardless of where they are manufactured, which potentially can be used for the design, production stockpiling and delivery of military goods, as well as products, which have the strong risk of potential for the preparation and realization of terrorist acts.

Creation of weapons of mass destruction and means of their delivery - fundamental research, design, production, testing, use and technical maintenance of nuclear, chemical, bacteriological

(biological) or toxin weapons, missiles and unmanned aerial vehicles, capable of delivering such weapons, sub-systems and components of these types of weapons, missiles and unmanned aerial vehicles as well as technologies, materials, equipment, computer hardware and software connected with them.

Dual use goods (also controlled goods) - any type of goods, products and technologies normally used for civilian purposes, but which may have military applications.

End-use - A detailed description of how the ultimate consignee intends to use the commodities being exported.

End-user - The person abroad that receives and ultimately uses the exported or re-exported items. The end-user is not a forwarding agent or intermediary, but may be the purchaser or ultimate consignee.

Export of goods - Generally, an export means (1) an actual shipment or transmission of items controlled under the local and international laws and regulations; (2) any written, oral, or visual release or disclosure of controlled technology, information, or software to a Foreign Person either in the given state or outside this state, or (3) any actual use or application of controlled technology on behalf of or for the benefit of any foreign entity or person anywhere with no liability of returning it back to the country.

Export control - Export control consists of a complex of measures, laws and regulations that prohibit the unlicensed export of certain commodities or information for reasons of national security or protection of trade. The need for the export control usually emerges because of one or more of the following reasons: (1) The exported goods have actual or potential military applications or create grounds for economic protection issues; (2) The governments have concerns about the destination countries, organizations, or individuals involved in the export of certain goods; (3) The governments have concerns about the declared or suspected end-use or end-user of the exported goods.

Export license - The approval documentation issued by an export agency authority which authorizes the recipient to proceed with the export, re-export, or other regulated activity as specified on the application.

Exporter - The person who has authority of a principal party in interest to determine and control the sending of items out of the country.

Foreign economic activity - can be realized both at the level of the state and individual economic entities. The main forms of the foreign economic activity are foreign trade, investment and other development activities and international cooperation in exchange of goods, information, labour services, products of intellectual property or rights to intellectual property.

Foreign economic activity participants - legal entities (legal persons) engaged in foreign economic activities or the transportation of goods, information, results of intellectual activity (rights on them) created or produced in accordance with the legislation of the given country, and physical entities (physical persons) who are citizens of the given country or citizens of other country with permit of residence in the given country, including the physical persons who have registered as individual entrepreneurs in accordance with the legislation of the given country.

Foreign or international trade of intellectual property or rights - is the transfer or trade of legal rights granted by the owners of these rights to other sides for further use or trade for the development of innovation and creative output by ensuring that the creators reap the benefits of their inventions or works. They may take forms such as patents, trade secrets, copyrights, trademarks, or geographical indications.

Foreign international trade participants - citizens of a given country and foreign persons engaged in foreign trade activities.

Foreign persons - any legal entity, foreign corporation, business association, partnership, trust, society, or any other entity or group that is incorporated or organized to do business in other state, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions), and anyone who is not a citizen of the given state, and

whose rights for economic activity are incorporated by the laws of the state to which they are citizens, and individuals with no citizenship whose economic rights are incorporated by the state where they have permanent residence.

Foreign trade - is exchange of capital, goods, and services across international borders or territories. In most countries, it represents a significant share of the gross domestic product (GDP).

Foreign trade of information - trade of goods if the information is the main or substantial part of these goods; foreign trade of intellectual property if the transfer of information is realized in the form of transfer of rights on the intellectual property, or foreign trade of services in other cases.

Foreign trade of goods - an exchange of capital, goods, and services across international borders or territories.

Foreign trade of services - an international provision of services (labour) including production, distribution, marketing and delivery of goods or services.

Forwarding agent - This is the person in the country of origin who is authorized by a principle party in interest to perform the services required to facilitate the export of the items from the country of origin. This may include air couriers or carriers. In

routed export transactions, the forwarding agent and the exporter may be the same, for compliance purposes.

Fundamental research - means basic or applied research in science and engineering, performed or conducted at an accredited institution of higher learning where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons or pursuant to specific state access and dissemination controls.

Goods - Any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technology which is a subject of foreign trade, also movable goods deemed to be real estate, like aircrafts and ships, space crafts and space objects as well as fuel, energy and other forms of energy. (Means of transportation used on contractual basis for international deliveries are not considered as goods.)

Import of goods - refers to a product or service produced in abroad that is purchased in the home country. Countries are most likely to import goods or services that their domestic industries cannot produce as efficiently or cheaply as the exporting country.

Intermediate consignee - The person who acts as an agent for a principal party in interest for the purpose of affecting the delivery of items to the ultimate consignee. The intermediate consignee may be a bank, forwarding agent, or other person who acts as an agent for a principal party in interest.

Internal system of export control - measures of organizational, institutional, administrative, informative and other character realized by the participants of the foreign economic activity with the purpose of preserving compliance with the rules and regulations of the export control

Internal compliance program - An Internal Compliance Program (ICP) describes the internal control measures required for monitoring compliance with the export control legislation. It serves as an in-house manual which is detailing such matters as the internal protocols and procedures put in place to deal with all risks relating to the export control.

International transit - transfer of goods, movement of transportation vehicles through the customs territory of a given country if such transfer or movement is only part of the route which starts and ends beyond the customs territory of the given country.

Means of delivery - the part of a weapon system that serves to deliver a weapon to a target.

Munitions list - articles, services and related technical data designated as defense articles and defense services pursuant to the arms export control lists of a given country if there is one.

Non-tariff regulation - a method of state regulation of foreign trade of goods, which is performed through mechanisms other than the simple imposition of tariffs, using quantity limitation (quotas) and other restrictions of economic character.

Products deemed to be highly dangerous for preparation and (or) accomplishment of terrorist actions – technical devices or toxic, poisonous, exploding, radioactive and other substances, which in case of their use in the preparation or accomplishment of terrorist actions can create a real threat to the lives and health of people, cause a significant property damage, or other grave consequences comparable with the ramifications of the use of the weapons of mass destruction. These products can be only objects of civilian rights which in accordance with the legislation of the given country are limited in circulation or are acquired through scientific-technical, manufacturing or other types of economic activity for which a special license or permit is required.

Public domain - means information that is published and that is generally accessible or available to the public: (1) through sales at newsstands and bookstores; (2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; (3) at libraries open to the

public or from which the public can obtain documents; (4) through patents available at any patent office; (5) through unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the public; (6) through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant government department or agency; and (7) through fundamental research in science and engineering at accredited institutions of higher learning where the resulting information is ordinarily published and shared broadly in the scientific community.

Purchaser - The person abroad who has entered into a transaction to purchase an item for delivery to the ultimate consignee. In most cases, the purchaser is not a bank, forwarding agent, or intermediary. The purchaser and ultimate consignee may be the same entity.

Reasons for control - Reasons for control are: anti-terrorism (AT), chemical and biological weapons (CBW), crime control (CC), missile technology (MT), national security (NS), nuclear non-proliferation (NP), regional stability (RS), short supply (SS), and United Nations sanctions (UN).

Re-export - An actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of export control regulations, the export or re-export of items subject to export control that will transit

through a country or countries to a new country, or are intended for re-export to the new country, are deemed to be exports to the new country.

Substitute product - a product or good that serves the same purpose as another product in the market, and by its functional designation, use, quality and technical characteristics is completely identical with another product or good, and can be used instead of it in case of the unavailability of the other one.

Technical assistance - Technical assistance may take forms such as instruction, skills training, working knowledge, consulting services, and may also involve the transfer of technical data.

Technical data - Information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. Technical data may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

Technology - Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, software, or in intangible form,

such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.

Ultimate consignee - The principal party in interest located abroad who receives the exported or re-exported items. The ultimate consignee is not a forwarding agent or other intermediary, but may be the end-user.

Weapons of mass destruction - A weapon of mass destruction is a nuclear, radiological, chemical, biological, or any other weapon that can kill and bring significant harm to numerous humans or cause great damage to human-made structures, natural structures, or the biosphere.