



EXPORT CONTROL

IN THE KYRGYZ
REPUBLIC

MANUAL

Bishkek - 2019



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FOREWORD

Export control policy of the country is included in the overall set of measures to implement the political course of the Kyrgyz Republic both, in the country and abroad. Its main goal is to ensure the security of the country, protect the economic, political and military interests of the state, implement the requirements of international treaties in the field of non-proliferation of weapons of mass destruction, their means of delivery, and establish favorable environment for integrating the economy of the Kyrgyz Republic into the global economy.

Export control is a set of measures to ensure the implementation of the procedure established by the regulatory and legislative frameworks of the Kyrgyz Republic for implementation of foreign trade in relation to a certain group of goods and technologies (controlled items). These include: materials, inputs, equipment, technologies, works and services, scientific and technical data and intellectual property that can facilitate development of weapons of mass destruction and their means of delivery, other types of military weapons and equipment, and terrorist activities.

Export control system is not only governmental and other structures that ensure implementation of foreign trade policy to achieve certain political, military and economic goals, but also is a practical form of performance of these structures, as well as relevant legislation.

Licensing is a key regulatory tool, i.e. achievement of export control objectives.

Licensing does not provide for a complete ban of the controlled items export, except certain categories of goods. The government, by granting a license, performs control over import, export, re-export and transit of controlled items, and supervision of observing by the licensees of relevant licensing requirements and terms.

The key mechanism of state export controls is the Control Lists

In the Kyrgyz Republic, the export control system was introduced in 2003. To date, its structure has been sufficiently developed. An effective legal framework was developed and is constantly being improved. Basically, the export control system established in the Kyrgyz Republic meets the relevant requirements of internationally recognized standards.

In January 2003, the Law of the Kyrgyz Republic *On Export Control* was adopted, based on the principles and norms of international law in the field of export control. Subordinate legislation was developed and adopted for implementation of the Law.

The Kyrgyz Republic National Control List of Controlled Items was passed by the Decree of the Government of the Kyrgyz Republic on April 2, 2014 No.197.

Furthermore, in accordance with the Decree of the President of the Kyrgyz Republic *On measures for further development of military-and-technical cooperation of the Kyrgyz Republic with foreign states and for implementation of the national export control system* dated August 14, 2003 No. 265, in order to further develop the regulatory legal framework in the field of export control, the *Commission on Military-and-Technical Cooperation and Export Control* was established (Commission on MTC and EC).

The *MTC and EC Commission* coordinates the work of all public authorities involved in export control related matters, settles the interdepartmental disagreements with regards to permits.

This very version of the Export Control Guide is designed for foreign trade operators engaged in export-import operations with controlled items, to facilitate them in implementation of the required procedures.

This Guide will provide the answers to the specific, practical questions related to implemen-

tation of foreign trade operations with controlled items and technologies, and to obtaining the permits. This Guide provides for a complete list of export control related regulatory legal acts for those employees of companies that are in charge of export control, for the employees of logistics departments, and for the civil servants. The Guide is a kind of practical assistance to foreign trade operators familiarizing them with the key provisions and principles of export control and guiding them in export control legislation.

This Guide provides for the detailed information on international export control regimes, on the national export control system in the Kyrgyz Republic, and on the relevant current legislation. It describes the licensing and permit granting procedures, the controlled items end-use control procedure, customs control, granting of end-user certificates, and internal control procedure.

Furthermore, in this Guide one will find information about the authorized state bodies that grant permits, about liability for violations of the legislation of the Kyrgyz Republic in the field of export control (*state coercive measures against those who violate the order of the foreign trade operations in respect of the controlled items*), as well as about radiation, chemical and biological safety.

The authors of the Guide believe that it will provide practical assistance to those foreign trade operators that plan and implement the foreign trade operations with controlled items, and will become a useful tool for training the staff of export control units in the companies and agencies.

The Handbook was prepared by a group of export control experts with the assistance of the Ministry of Economy of the Kyrgyz Republic, the Center on Export Control (CEC), the International Science and Technology Center (ISTC) and with the support of the European Union (EU).

I. CORE IDEAS AND KEY PROVISIONS OF MULTILATERAL EXPORT CONTROL REGIMES, INTERNATIONAL TREATIES, INITIATIVES AND EMBARGOES

1.1. Multilateral export control regimes

This section provides an overview of the goal, scope, main documents and provisions of multilateral export regimes and their links to international treaties.

“**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),¹
- the Missile Technology Control Regime (MTCR),²
- the Nuclear Suppliers Group (NSG)³ and
- the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies (Wassenaar Arrangement, WA)⁴, and
- The Zangger Committee (ZC)⁵.

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.

1.1.1. 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

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

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

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

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

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

States Parties to the Chemical Weapons Convention (CWC)⁶, the related Biological and Toxin Weapons Convention (BTWC)⁷ and the Geneva Protocol⁸.

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**.

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.

1.1.2. 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.

6 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>.

7 1972 Biological and Toxin Weapons Convention, <https://www.un.org/disarmament/wmd/bio>

8 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>

1.1.3. 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)**⁹, to which all NSG members are States Parties. See Table 3.

The NSG established non-legally binding Guidelines¹⁰. 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 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 industry¹¹.

1.1.4. 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).

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

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

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

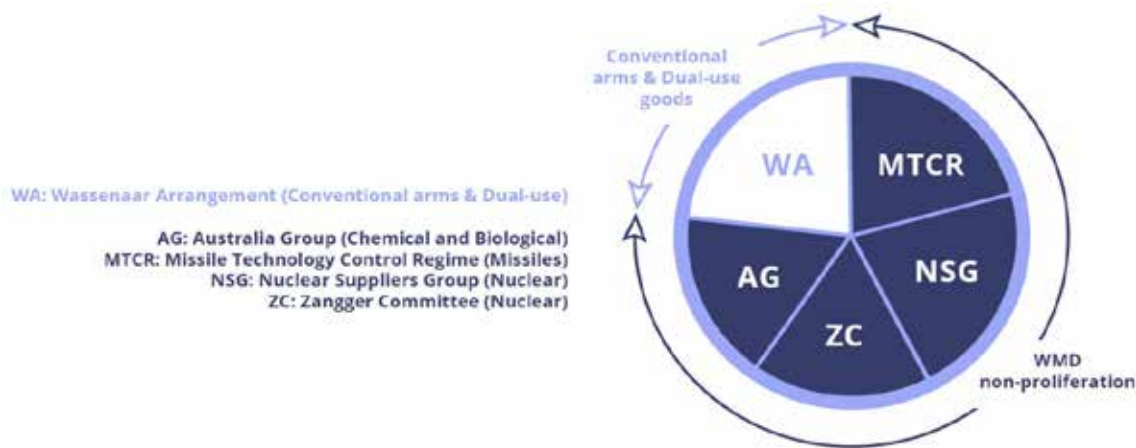


Figure 1 from: Website of the Wassenaar Arrangement, <https://www.wassenaar.org/about-us>

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 declaration¹², its Participating States welcomed the adoption of the Arms Trade Treaty (ATT)¹³ 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**¹⁴, a **Munitions List** and **best practices documents**¹⁵ relating to decision making on arms export licensing, including guidance focused on avoiding transfers that might contribute to a destabilizing accumulation of conventional arms.

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 parties¹⁶.

1.1.5. 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”¹⁷. 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.

¹² For the full text see <https://www.wassenaar.org/public-documents/public-statement-by-the-wassenaar-arrangement-on-the-arms-trade-treaty-att/>

¹³ Further information is available at the Arms Trade Treaty website, <https://thearmstradetreaty.org>

¹⁴ For the full text see <https://www.wassenaar.org/control-lists>

¹⁵ For a full list of best practice see <https://www.wassenaar.org/best-practices>

¹⁶ Further information available at the WA outreach website, <https://www.wassenaar.org/outreach>

¹⁷ Further information is available at the Zangger Committees website, <http://zanggercommittee.org>

I. CORE IDEAS AND KEY PROVISIONS OF MULTILATERAL EXPORT CONTROL REGIMES

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 ZCs understandings, such as export conditions on listed items are published by the International Atomic Energy Agency (IAEA) in the INFCIRC/209 series.

1.2. International Treaties, UN Resolutions and Agreements

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

United Nations Security Council Resolution (UNSCR) 1540¹⁸- 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.

1.2.2. Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare - Geneva Protocol of 17 June 1925

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 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.

1.2.3. 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,

18 For the text of UNSCR 1540 see [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))

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”¹⁹. 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.

1.2.4. 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;”
- 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.

¹⁹ <https://www.opcw.org/about-us/mission>

I. CORE IDEAS AND KEY PROVISIONS OF MULTILATERAL EXPORT CONTROL REGIMES

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.

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

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 nuclear disarmament and general and complete disarmament. A total of **191 States** have joined the Treaty, including the five nuclear-weapon States. The NPT establishes a safeguards system under the responsibility of 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 controls²⁰.

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.

1.2.6. The Hague Code of Conduct against Ballistic Missile Proliferation

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)²¹ supplements the MTCR. The HCOC includes **139 subscribing states** and developed from its MTCR origin in 2002 to the only multilateral transparency and 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.

20 For further information see para. 17 of <https://www.iaea.org/sites/default/files/infocirc539r6.pdf>.

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

1.3. 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.

1.4. International Initiatives

1.4.1. The Proliferation Security Initiative (PSI)

The Proliferation Security Initiative (PSI)²², 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**²³ 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 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.

1.4.2. The Container Security Initiative (CSI)

The Container Security Initiative (hereinafter referred to as CSI)²⁴ 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 four 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.

²² For further information see the PSI website, www.psi-online.info

²³ See Press Statement as of 11 May 2018, <https://www.psi-online.info/psi-info-en/aktuelles/-/2075616>

²⁴ For further information see the CSI website, <https://www.cbp.gov/border-security/ports-entry/cargo-security/csi/csi-brief>

II. EXPORT CONTROL SYSTEM IN THE KYRGYZ REPUBLIC

2.1. National System of Export Control in the Kyrgyz Republic

Currently, in the Kyrgyz Republic the legal basis for the export control system is available. Regulatory legal framework has been developed, implemented and continuously improved.

The basis of the national export control system consists of international treaties in the field of non-proliferation of weapons of mass destruction and the legislation of the Kyrgyz Republic in the field of foreign trade and export control.

The main regulatory act is the Law of the Kyrgyz Republic *On Export Control*. This law was developed on the basis of the norms and principles of international law and adopted in 2003 with the aim of regulating the export control.

This very Law regulates the export control related relations of the state administration agencies of the Kyrgyz Republic and foreign trade operators, and also defines their rights, duties and responsibilities in this area.

The Law reflects the main powers of the Government of the Kyrgyz Republic and governmental bodies in the field of export control; and the key objectives, methods and mechanisms of export control. Furthermore, the key requirements for foreign trade operations with controlled items included in the National Control List of the Kyrgyz Republic have been established. They also reflect the goals and forms of international cooperation in the field of export control, and liability for violations in the field of export control.

In accordance with this very Law, export control in the Kyrgyz Republic shall be implemented through legal regulation of foreign trade, including:

- compliance of specific types of inputs and materials, equipment and technologies, scientific and technical information, works and services, dual-use items and the results of intellectual activity, which are the objects of foreign trade operations, types of items included in the National Control List of the Kyrgyz Republic;
- permissive procedure for carrying out foreign trade operations with controlled items;
- customs control and customs clearance of export, import, re-export and transit of controlled items in accordance with the legislation of the Kyrgyz Republic;
- currency control over the implementation of foreign trade operations with controlled items, including over the timeliness and completeness of wiring the foreign exchange revenues on the accounts in the authorized banks;
- implementation of measures of state coercion (sanctions) in relation to persons that have violated the procedure of foreign trade in relation to controlled items provided for by this Law, by the other laws and regulatory legal acts of the Kyrgyz Republic or have made an attempt to undertake these activities;
- development of *Internal Export Control* programs by the enterprises and organizations engaged in scientific and manufacturing activities to ensure the defense and security of the Kyrgyz Republic.

According to the Law, any foreign trade operations with controlled items can be carried out only after obtaining permission from the export control authorized state body.

The subjects of export control are the types of inputs and materials, equipment and technologies, scientific and technical information, works and services, dual-use items and results of intellectual activity, which are used for developing the weapons of mass destruction, their means of

delivery, other types of weapons and military equipment.

In order to implement the Law *On Export Control* and develop the relevant regulatory framework of the export control system, the KRG Decree No. 330, on May 4, 2004, passed the *Regulations on the Commission on Military-and-Technical Cooperation and Export Control and Procedure for Granting the Permits for Transit of the Items subjected to Export Control Through the Territory of the Kyrgyz Republic*. This Procedure provides for a mechanism for interaction between the regulatory bodies, and procedure for organizing inspections of transit cargo, and granting of transit permits.

The Decree of the Government of the Kyrgyz Republic dated October 27, 2010 No. 257 passed the *Regulation on the Export Control Procedure for the controlled items in the Kyrgyz Republic*.

This Regulation defines the general procedure and export control implementation mechanism by various government agencies and Services, the procedure for reviewing and agreeing on their decisions, checking and controlling the end-users of controlled items.

The authorized state body and other state bodies and organizations with powers in the field of export control have been defined.

Furthermore, the National Control List of Controlled Items of the Kyrgyz Republic was developed and adopted (*KRG Decree No. 197 dated April 2, 2014*). The List is harmonized with international non-proliferation regimes.

The above List is divided into 6 Annexes, according to their potential use for developing of weapons of mass destruction.

1. List of export-controlled pathogens of diseases (pathogens) of humans, animals and plants, genetically modified microorganisms, toxins, equipment and technologies

2. List of export-controlled chemicals, equipment and technologies that can be used for development of chemical weapons

3. List of export-controlled nuclear materials, equipment, special non-nuclear materials and related technologies

4. List of export-controlled equipment and materials for dual use and related technologies used for nuclear purposes

5. List of export-controlled equipment, materials and technologies that can be used for development of rocket weapons

6. List of export-controlled dual-use items and technologies that can be used for development of weapons and military equipment.

Access to the lists of controlled items is open. The National Control List of controlled items after its approval was published in accordance with the law, and is now publicly available on the official website of the authorized state body in the field of export control (Ministry of Economy) and on the global computer network Internet.

2.2. Licensing of controlled items included in the National Control List of the Kyrgyz Republic

Introduction of the licensing procedure is provided for by the Law of the Kyrgyz Republic *On the Licensing System in the Kyrgyz Republic*, dated October 19, 2013, #195.

In accordance with the above Law, import, export, and re-export of items from the National Control List of Controlled Items of the Kyrgyz Republic passed by the Government of the Kyrgyz Republic shall be subjected to licensing. Furthermore, their transit through the territory of the Kyrgyz Republic shall be implemented on the basis of permission of the authorized export control body.

Furthermore, the compulsory licensing of foreign trade operations on export, import and re-export of controlled items is established by the Law of the Kyrgyz Republic *On Export Control*.

General control procedure, uniform terms and requirements for processing and granting the licenses for export, import and re-export of the items from the National Control List were passed by the Decree of the Government of the Kyrgyz Republic *Export Control Procedure Regulation for the Controlled items in the Kyrgyz Republic* on October 27, 2010, # 257.

Procedure for granting the permits for transit of items subjected to export control through the territory of the Kyrgyz Republic was passed by Decree # 330 of the Government of the Kyrgyz Republic on May 4, 2004.

In accordance with the above mentioned documents, the Ministry of Economy is the authorized state body of the Kyrgyz Republic for granting the licenses for export, import and re-export of controlled items and permits for their transit through the territory of the Kyrgyz Republic.

Customs clearance of export, import and re-export of controlled items shall be carried out on the basis of a license issued by the Ministry of Economy of the Kyrgyz Republic.

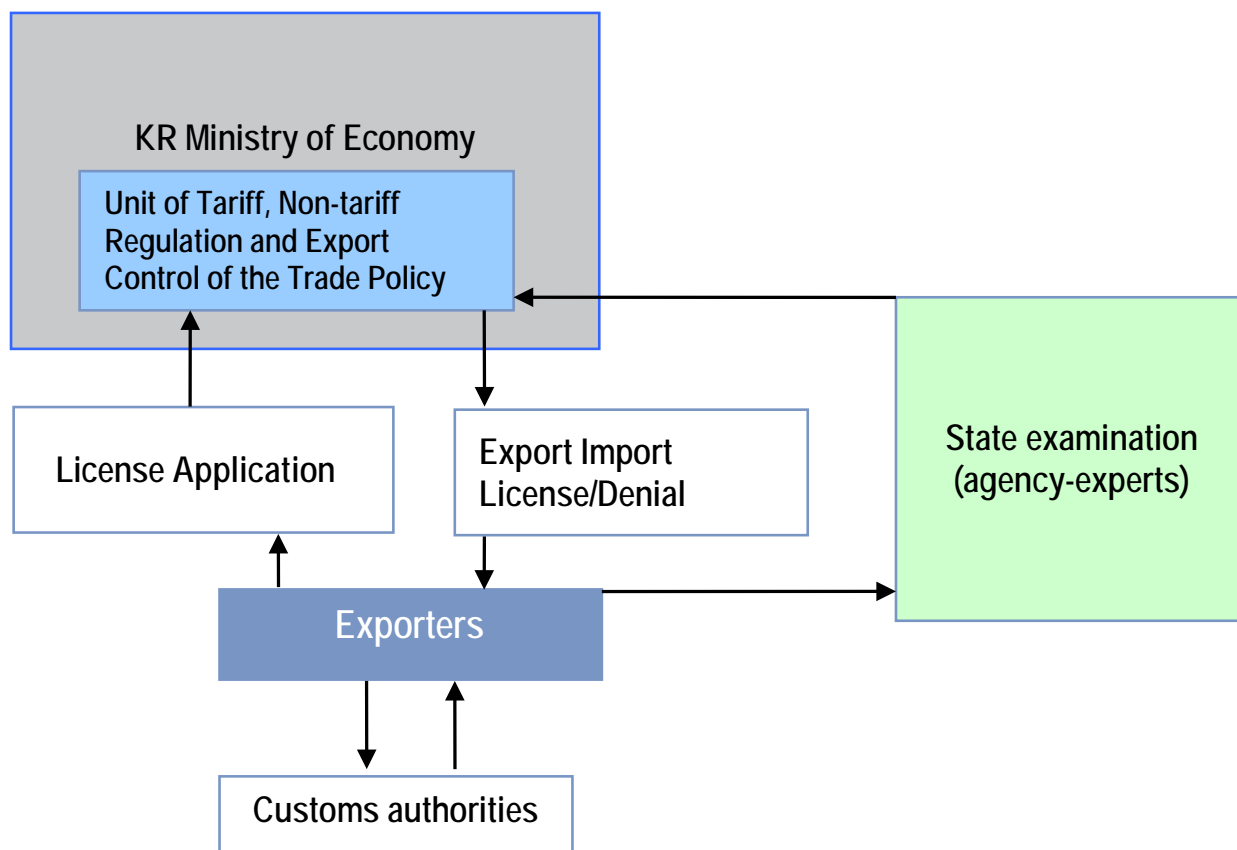
Required documents for granting a license

To obtain a license, the applicant shall submit the following documents to the Ministry of Economy of the Kyrgyz Republic:

- original of the contract for export-and-import of items (works and services) with amendments and/or addenda to the contract, their copies and translated copies, certified by the signature of the applicant (head of the legal entity), and sealed;
- copy of the Sales Contract, certified in the prescribed manner, in the event that the foreign trade operator is not a manufacture of items (works and services);
- copy of the document confirming state registration with the Ministry of Justice of the Kyrgyz Republic (for legal entities), with the state statistics agencies (for individuals) in the relevant country (for foreign individuals and legal entities not registered as legal entities or individual entrepreneurs in the Kyrgyz Republic);
- document confirming the registration of the applicant with the tax authorities at the place of state registration of the applicant (copy of the TIN or a certificate of the tax authorities indicating the TIN);
- Certificate of Origin of items in the CT-1 form and its copy (for export and re-export of the controlled items) or a document confirming the origin of the items and its copy (for importation of the controlled items);
- document confirming the payment of a license fee;

- copy of the license for implementation of certain types of licensed activities, if provided for by the legislation of the Kyrgyz Republic;
- original of the End User Certificate (for export and re-export of controlled items) issued by the authorized state body of the country of destination for export control with the recipient's obligations to use controlled items imported from the Kyrgyz Republic solely for the stated purposes, as well as to prevent their re-export to third countries without permission of the authorized body of the country of origin of the controlled items;
- document containing complete information on the technical characteristics of the controlled items.

Licensing procedure is shown in the following Figure.



Application for a license for import and export of controlled items by foreign trade operators shall be done in the prescribed form.

License shall be granted on the basis of the Opinion of State Expert bodies about possibility and relevance of exporting or importing a particular item, based on national interests, national security and environmental safety of the Kyrgyz Republic.

Functions of scrutinizing the submitted documents, of identifying the items and preparing an Opinion about possibility of issuing an export/import license are assigned to the Unit of Tariff, Non-Tariff Regulation and Export Control of the Trade Policy Department of the Ministry.

During the scrutiny of the submitted documents, the staff of the Department shall check the following:

- availability of documents required by law;
- compliance of the data submitted for obtaining a license with the submitted documents;
- accuracy of the submitted documents;
- origin of the declared items;
- confirmation of ownership of the exported items;

II. EXPORT CONTROL SYSTEM IN THE KYRGYZ REPUBLIC

- availability in accordance with the legislation of all permits issued by the authorized state bodies of the Kyrgyz Republic for the right to carry out activities with the declared items.

Based on the findings of the scrutiny of the documents, the staff of the Department shall prepare an Expert Opinion on granting or denying an export/import license.

The term for considering and granting a license is 30 working days from the date of registration of the relevant documents.

State expert bodies shall issue an Opinion no later than 10 working days from the date of receipt of the Application.

The license is issued for a period not exceeding one calendar year.

Upon the written request of the applicant, the term of license may be extended for the period required to complete the fulfillment by the applicant of the obligations under the foreign trade transaction, but not more than for one calendar year.

The term of license can be extended no more than once. The license extension procedure shall be carried out during the period of its validity.

Should the main terms and circumstances of a foreign trade contract (agreement) be changed, the license shall be reissued.

The renewal and extension of the license shall be carried out by the Ministry of Economy within 15 business days from the date of request.

Granting of permits for transit of controlled items shall be coordinated with the Ministry of Transport and Communications of the Kyrgyz Republic.

The applicant shall provide insurance and other financial safeguards or other obligations for damages caused by a possible accident during the transit, in accordance with the regulations of the Kyrgyz Republic.

Foreign trade operators, having obtained the permits for transit of controlled items and of the items classified by the legislation of the Kyrgyz Republic to the category of hazardous goods, shall transport these controlled items strictly in accordance with the established requirements of the Kyrgyz Republic in the field of safe transportation of hazardous goods.

2.3. Authorized state bodies of the Kyrgyz Republic for granting of licenses for export, import and re-export of the controlled items

The national export control system includes a ramified structure of state executive bodies, dedicated to regulate and control this crucial component for ensuring the national and economic security. This vertical governance of decision makers, along with the Government of the Kyrgyz Republic, includes a number of ministries and agencies of the Republic.

The following state bodies are involved in implementation of export control: the Kyrgyz Republic State Committee for Defense Affairs; the Kyrgyz Republic State National Security Committee; the Ministry of Health of the Kyrgyz Republic, the Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic; the State Committee for Industry, Energy and Subsoil of the Kyrgyz Republic; the Ministry of Transport and Roads of the Kyrgyz Republic; the State Agency for Environmental Protection and Forestry under the KRG; and the National Academy of Sciences of the Kyrgyz Republic. These are the expert organizations that grant permits (*licenses, permits, end-user certificates*).

The Ministry of Economy of the Kyrgyz Republic is an authorized state body of the Kyrgyz Re-

public for export control implementation, for licensing of foreign economic operations on export, import and re-export of products subjected to export control.

According to the Paragraphs 2.4. of the Regulation on the export control procedure for the controlled items in the Kyrgyz Republic, passed by the Government of the Kyrgyz Republic on October 27, 2010 # 257, the state bodies - experts on certain types of controlled items are:

- **Ministry of Health** of the Kyrgyz Republic, Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for human animal and plant pathogens, genetically modified microorganisms, toxins, equipment and technologies;

- **Ministry of Health** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic; National Academy of Sciences of the Kyrgyz Republic - for chemicals, equipment and technologies that can be used for chemical weapons development;

- **State Committee for Defense Affairs** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for nuclear materials, equipment, special non-nuclear materials and relevant technologies;

- **State Committee for Defense Affairs** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for dual-use equipment and materials and relevant technologies used for nuclear purposes;

- **State Committee on Defense Affairs**, National Academy of Sciences of the Kyrgyz Republic for equipment, materials and technologies that can be used for missiles development;

- **State Committee for Defense Affairs of the Kyrgyz Republic, State Committee for Industry, Energy and Subsoil** of the Kyrgyz Republic (for explosives) - for dual-use items and technologies that can be used for development of weapons and military equipment.

For granting the export and import licenses, as well as permits and end-user certificates, the Ministry of Economy shall be guided by the Opinions of the above mentioned expert organizations.

The Ministry is also an authorized body for granting the permits for transit of goods subjected to export control through the territory of the Kyrgyz Republic; it grants the permits for transferring these items to other persons within the country, and issues the end-user certificates.

Transit permits for a specific type of goods shall be granted after prior approval of the transit by the Ministry of Transport and Communications of the Kyrgyz Republic and, if necessary, by other governmental stakeholders, depending on the type of controlled items.

Ministry of Economy of the Kyrgyz Republic grants the end-user certificates after preliminary approval of the safeguard obligations of foreign trade operators by the State Committee for National Security of the Kyrgyz Republic and relevant governmental stakeholders of the Kyrgyz Republic:

- Ministry of Health of the Kyrgyz Republic, Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic, State Inspectorate for Veterinary and Phytosanitary Security of the Government of the Kyrgyz Republic - for importation of pathogens (pathogens) of humans, animals and plants, of genetically modified forms of microorganisms, toxins, equipment and technologies;

- State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz

II. EXPORT CONTROL SYSTEM IN THE KYRGYZ REPUBLIC

Republic for importation of chemicals, equipment and technologies that can be used for chemical weapons development; for development of nuclear materials, equipment, special non-nuclear materials and related technologies;

- State Committee for Defense Affairs of the Kyrgyz Republic for importation of dual-use equipment and materials and related technologies used for nuclear purposes; equipment, materials and technologies that can be used for rocket weapons development; dual-use items and technologies that can be used for development of weapons and military equipment.

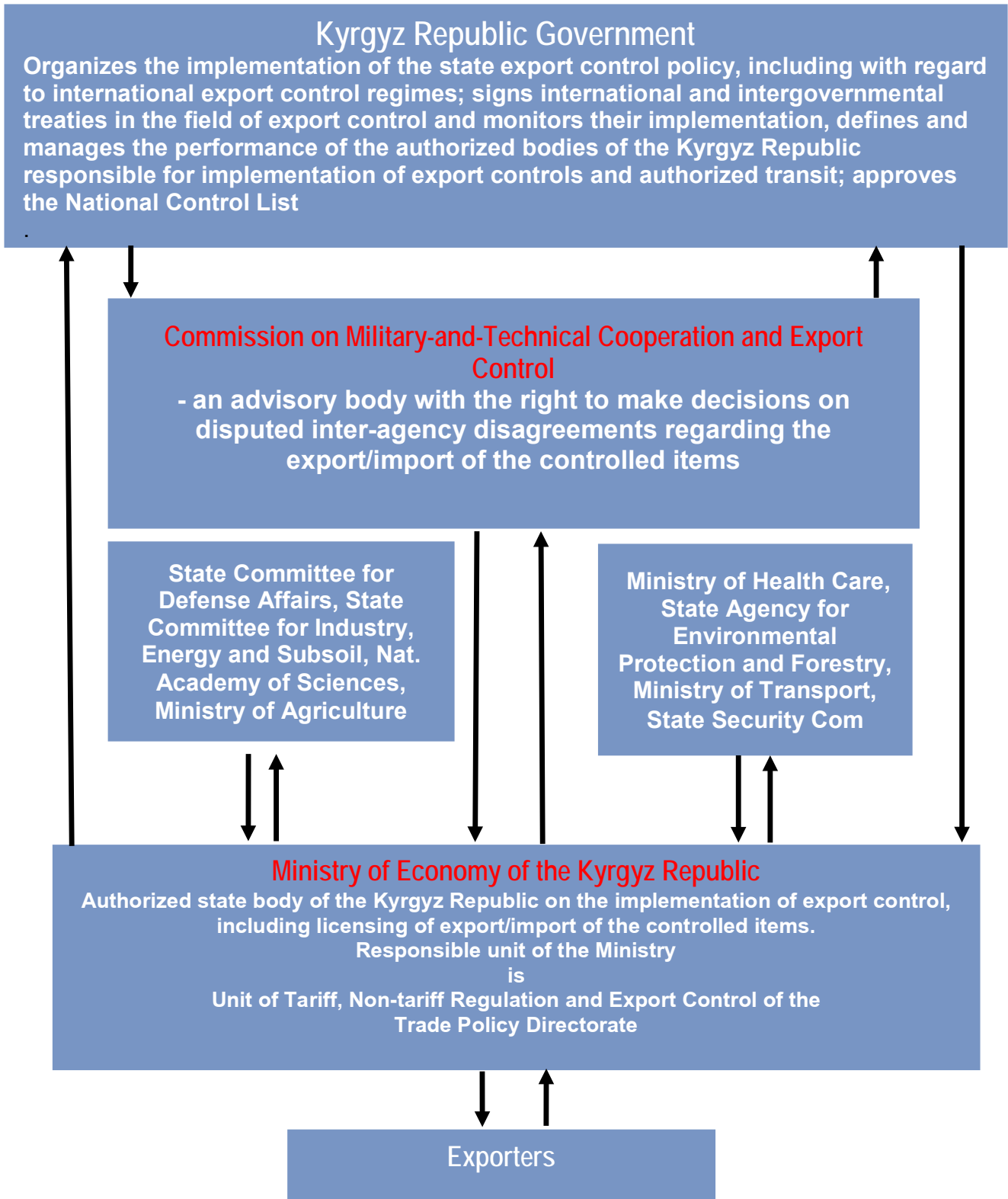
Should there be a necessity to transfer the controlled items imported to the Kyrgyz Republic to another person operating in the territory of the Kyrgyz Republic, the end user shall obtain from the Ministry of Economy of the Kyrgyz Republic a permission for such transfer.

The Ministry of Economy of the Kyrgyz Republic, within 10 working days from the date of receipt of the request, shall make a decision on either granting or refusing to issue a permit for transfer of the items, and inform the Applicant hereinafter.

The state bodies - experts on certain types of controlled items are indicated in the table:

№	Authorized state body for issuing licenses	The state bodies - experts
1	for human animal and plant pathogens, genetically modified microorganisms, toxins, equipment and technologies (section1)	
	Ministry of Economy of the Kyrgyz Republic	Ministry of Health of the Kyrgyz Republic
		Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic
		National Academy of Sciences of the Kyrgyz Republic
2	for chemicals, equipment and technologies that can be used for chemical weapons development (section 2)	
	Ministry of Economy of the Kyrgyz Republic	Ministry of Health of the Kyrgyz Republic
		State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic
		National Academy of Sciences of the Kyrgyz Republic
3	for nuclear materials, equipment, special non-nuclear materials and relevant technologies (section 3)	
	Ministry of Economy of the Kyrgyz Republic	State Committee for Defense Affairs of the Kyrgyz Republic
		State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic
		National Academy of Sciences of the Kyrgyz Republic
4	for dual-use equipment and materials and relevant technologies used for nuclear purposes (section 4)	
	Ministry of Economy of the Kyrgyz Republic	State Committee for Defense Affairs of the Kyrgyz Republic
		State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic
		National Academy of Sciences of the Kyrgyz Republic
5	for equipment, materials and technologies that can be used for missiles development (section 5)	
	Ministry of Economy of the Kyrgyz Republic	State Committee for Defense Affairs of the Kyrgyz Republic
		National Academy of Sciences of the Kyrgyz Republic
6	for dual-use items and technologies that can be used for development of weapons and military equipment (section 6)	
	Ministry of Economy of the Kyrgyz Republic	State Committee for Defense Affairs of the Kyrgyz Republic

Structure of the Export Control System in the Kyrgyz Republic



2.4. National Control List of the controlled items of the KR

In accordance with the Article 6 of the Law of the Kyrgyz Republic *On Export Control*, the Kyrgyz Republic National Control List of the Controlled Items is a subject for approval by the Government of the Kyrgyz Republic.

Updating the Kyrgyz Republic National Control List of the Controlled Items is to be carried out at least once in two years, from the moment of its last update, and in accordance with the changes in the Control Lists of the International Export Control Regimes.

Controlled items included in the Kyrgyz Republic National Control List are subject to export control and identification, regardless of ownership, place of origin and time of manufacture. Identification is the responsibility of foreign trade operators.

At present, the Kyrgyz Republic National Control List of the Controlled Items, approved by the Decree of the Government of the Kyrgyz Republic on April 2, 2014 No. 197 is effective. This Control List consists of six main lists of goods and technologies subjected to export control:

2.4.1. List of export-controlled pathogens of diseases (pathogens) of humans, animals and plants, genetically modified microorganisms, toxins, equipment and technologies

Things to know about the List.

The List consists of the following sections:

Section 1. Microorganisms pathogenic for humans, and toxins

Section 2. Microorganisms pathogenic for animals

Section 3. Microorganisms pathogenic for plants

Section 4. Genetically Modified Microorganisms and Genetic Elements

Section 5. Equipment

Section 6. Technology

Section 7. Software

It should be noted that in this List, the taxonomic names of pathogens (in Latin and English) are given in accordance with the nomenclature approved by the International Union of Microbiological Societies.

The affiliation of a microorganism, toxin or equipment to the goods subjected to export control is determined by the correspondence of the description of the microorganism, toxin or technical characteristics of the equipment to the description or technical characteristics indicated in the *Item* column and the TN FTO Code.

The affiliation of a particular technology to the goods subjected to export control is determined by the conformity of the technical characteristics of the technology with the technical characteristics indicated in the *Item* column.

The authorized state body of the Kyrgyz Republic that grants licenses for export, import and re-export of pathogens of humans, animals and plants, genetically-modified microorganisms, toxins, equipment and technologies is the Ministry of Economy of the Kyrgyz Republic; the state bodies-experts are: Ministry of Health of the Kyrgyz Republic; Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic; and National Academy of Sciences of the Kyrgyz

Republic.

The definitions used in this List mean the following:

1) in the public domain, as applied to software, it means that it has been made available without restrictions on further distribution (copyright restrictions do not remove the software from being in the public domain);

2) vaccines - drugs or medicines that are designed to stimulate a protective immune response in humans or animals in order to prevent diseases in those to whom they are injected;

3) isolated live culture - includes live cultures in resting form or in the form of a dried preparation;

4) immunotoxin - a conjugate of a cell-specific monoclonal antibody with a toxin or subunit of a toxin that selectively targets target cells;

5) use - operation, installation (including on-site installation), maintenance (inspection), repair, overhaul or reconstruction;

6) medicines - dosed drugs, ready for use;

7) drugs - substances used for prevention, diagnosis and treatment of diseases with pharmacological activity and authorized for clinical trials, use or sale by executive bodies of the manufacturing country or country-user;

8) lighter-than-air aircraft - balloons and other aircraft, the lifting force of which is provided by hot air or gases that are lighter than air, such as helium, hydrogen, etc.;

9) microorganisms - viruses, mycoplasmas, rickettsia, bacteria, chlamydia or natural fungi, improved or modified in the form of isolated living cultures or materials, including living materials that were deliberately inoculated or infected with such cultures;

10) microprogram - a sequence of elementary commands stored in a special memory, the execution of which is initiated by a launching command from its instruction register;

11) publicly available information - technologies for the further distribution of which no restrictions are imposed (restrictions related to copyrights do not exclude technology from the public domain);

12) program - a sequence of commands for execution or conversion into a form executable by a computer;

13) software - a collection of one or more programs, or micro-programs, fixed in any tangible medium of expression;

14) production - all production phases, such as production engineering, manufacturing, integration, mounting, inspection, testing, and quality assurance;

15) development - all phases prior to production such as design, design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and layouts;

16) toxin subunit - a structural and functional component of the toxin;

17) technical assistance – training, capacity building, practical training, transfer of practical experience, and consulting services. Technical assistance may include the transfer of technical data;

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18) technical data - drawings and their copies, diagrams, charts, models, formulas, tables, technical characteristics and specifications, manuals, and instructions on various material carriers;

19) technology - specific information required for the development, production or use of controlled items. Information can be transmitted in the form of technical data transfer or technical assistance;

20) toxins - toxins are understood in the form of specifically isolated preparations or mixtures, regardless of the method of preparation; different from toxins that are present in other materials contaminated with microorganisms, such as pathological samples, inoculum, and food or seeds;

21) basic scientific research - experimental or theoretical activities aimed at gaining new knowledge about the basic laws of the structure, functioning and development of people, society, and natural environment, not aimed at achieving a specific practical goal or solving a specific problem.

2.4.2. List of export-controlled chemicals, equipment and technologies that can be used for development of chemical weapons

Things to know about the List.

The List consists of the following sections:

Section 1. Chemicals included in List 1 of the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

Section 2. Chemicals included in List 2 of the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

Section 3. Chemicals included in List 3 of the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

Section 4. Chemicals that have a peaceful purpose, but can be used for the development of chemical weapons

Section 5. Equipment

Section 6. Software

It should be noted that, under this List, export control does not apply to equipment specifically designed for civilian use (for food production, pulp and paper processing, water treatment) and which, due to its design features, is unsuitable for storage, processing, manufacturing or for allowing the flow of any controlled chemicals specified in the Sections 1-4 of this List.

Export of any uncontrolled equipment containing one or more controlled components specified in the Section 5 of this List, when the controlled component or components are the main part of this equipment and can be practically removed or used for other purposes, shall be a subject to export control in the manner established for the equipment that represents such a controlled component.

In assessing whether the controlled component(s) should be considered the main element, it is necessary to evaluate the relevant quantitative, cost and technology-related know-how factors,

as well as other special circumstances that could determine the controlled component(s) as the main element of the to be acquired item.

Export of technologies related to controlled chemicals specified in the Sections 1-4 of this List and to the controlled equipment, including licenses for their production, shall be done to the extent permitted by the legislation of the Kyrgyz Republic.

Export control during technology transfer, including technical assistance, does not apply to the transfer of publicly available information or fundamental scientific research, as well as to the minimal information required for filing a patent application.

The authorized state body of the Kyrgyz Republic for granting the licenses for export, import and re-export of chemicals, equipment and technologies that can be used for the development of chemical weapons is the Ministry of Economy of the Kyrgyz Republic. The state bodies-experts are: Ministry of Health of the Kyrgyz Republic; State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic; and National Academy of Sciences of the Kyrgyz Republic.

The definitions used in this List mean the following:

1) toxic chemical - any chemical that, due to its chemical effect on life processes, can cause death, temporary incapacitating effect or cause permanent harm to humans or animals, regardless of the origin of such a chemical or the method of its manufacturing;

2) precursor - any chemical reagent participating in any stage of manufacturing of a toxic chemical in any way, playing a very important role in determining the toxic properties of the final product and quickly reacting with other chemicals in a binary or multicomponent system;

3) installation - a combination of items of equipment required for manufacturing, processing or consumption of a chemical, including reaction vessels and their systems;

4) technology - special information required for manufacturing, processing or consumption of a chemical or for the development, manufacturing or use of equipment. Transfer of this information may take the form of transmitting technical data or providing technical assistance;

5) technical data - drawings and their copies, diagrams, charts, models, formulas, tables, technical specifications and specifications, manuals, instructions, in a written form or in the other media or devices, such as disks, magnetic tape, and read-only memory devices;

6) technical assistance - briefing, capacity building, staff training, transfer of experience and consulting services. Technical assistance may include the transfer of technical data;

7) chemical manufacturing - making a chemical through a chemical reaction;

8) chemical processing - a physical process during which a chemical does not turn into another chemical (composition, extraction, purification and other processes);

9) chemical consumption - the conversion of a chemical into another chemical through a chemical reaction;

10) equipment development - this is the stages preceding manufacturing, such as design, design research, analysis of design options, development of design concepts, assembly and testing of prototypes (modeling), pilot manufacturing schemes, technical documentation, and the process of transferring technical documentation;

11) equipment manufacturing - all stages of manufacturing, such as manufacturing, layout, assembly (installation), manufacturing control and verification, testing and quality assurance ac-

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tivities;

12) use of equipment - operation, installation (including on-site installation), maintenance and repair of equipment;

13) publicly available information - technologies for the further distribution of which no restrictions are imposed (restrictions related to copyrights do not exclude technology from the public domain);

14) basic scientific research - experimental or theoretical works that are carried out mainly in order to obtain new knowledge about fundamental principles or observable facts and are not aimed at achieving a specific practical goal or solving a specific problem;

15) in the public domain - as applied to software, means that it was made available without restrictions on further distribution (restrictions imposed by copyright do not exclude software from being in the public sphere);

16) microprogram - a sequence of elementary instructions stored in a special memory, the execution of which is initiated by a launch command entered into the instruction register;

17) program - a sequence of commands for execution or conversion into a form to be executed by a computer;

18) software - a set of one or more programs or microprograms recorded on any type of medium.

2.4.3. List of export-controlled nuclear materials, equipment, special non-nuclear materials and related technologies

Things to know about the List.

The List consists of the following two sections:

Section 1. Nuclear Materials

Section 2. Equipment and Non-nuclear Materials

The authorized state body of the Kyrgyz Republic that grants licenses for export, import and re-export of nuclear materials, equipment, special non-nuclear materials and related technologies is the Ministry of Economy of the Kyrgyz Republic. State bodies-experts are: State Committee for Defense of the Kyrgyz Republic; State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic; and National Academy of Sciences of the Kyrgyz Republic.

2.4.4. List of export-controlled equipment and materials for dual use and related technologies used for nuclear purposes

Things to know about the List.

The List consists of the following six sections:

Section 1. Industrial equipment

Section 2. Materials

Section 3. Equipment and parts for the separation of uranium isotopes

Section 4. Equipment associated with heavy water plants

Section 5. Testing and measuring equipment for development of Nuclear Explosive Devices**Section 6. Components for Nuclear Explosive Devices**

This List is based on the International System of Units (SI). In all cases, the physical quantity, measured in SI units, should be considered as the officially recommended reference value. The exception is made for some parameters of the machines, which are given in their traditional units of measurement, not included in the SI system.

Permission to transfer any item from the List of Controlled Items also means permission to transfer to the same end-user the minimum amount of technology required for the installation, operation, maintenance and repair of the exported item.

Export control does not apply to publicly owned or related to fundamental scientific research technologies.

The authorized state body of the Kyrgyz Republic that grants licenses for export, import and re-export of dual-use equipment and materials and related technologies used for nuclear purposes is the Ministry of Economy of the Kyrgyz Republic. State body-experts are: State Committee for Defense of the Kyrgyz Republic; State Agency for Environment Protection and Forestry of the Government of the Kyrgyz Republic; and National Academy of Sciences of the Kyrgyz Republic.

The definitions used in this List mean the following:

1) in the public domain - the definition of technology or software that are available without restrictions on their further distribution. (Copyright restrictions do not exclude technology or software from the public domain category);

2) fibrous or filamentary materials - continuous monofilament, yarn, roving, tow or tape.

Special notes:

a) tape - a material made up of threads, strands, rovings, tows or yarns that are twisted or oriented in the same direction, and so on, usually pre-impregnated with resin;

b) monofilament or thread - the smallest component of the fiber, usually a few micrometers in diameter;

c) tow - a bunch of threads, usually approximately parallel ones;

d) strand - a bunch of threads (usually over 200) located approximately in parallel;

e) yarn - a bunch of twisted strands;

f) roving - a bunch (usually 12-120) of approximately parallel strands;

3) contour control - two movements or more with numerical program control, carried out in accordance with the commands that specify the next required position and the required feed rate to this position. These speeds vary in relation to each other in such a way that the required contour appears;

4) linearity (usually measured through non-linearity parameters) – the maximum deviation of the actual characteristic (the average value of the samples up and down the scale), positive or negative, from a straight line located in such a way as to equalize and minimize the maximum deviations;

5) microprogram - a sequence of elementary commands stored in a special memory, the execution of which is initiated by a launching command from the Command Register;

6) monofilament - see Fibrous or Filamentary Materials;

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7) thread - see Fibrous or Filamentary Materials;

8) deviation of the angular position - the maximum difference between the angular and the real position, very accurately measured angular position after turning the part fixed on the table from the initial position;

9) measurement error - a parameter that determines in which range near the measured value is the true value of the measured variable with a confidence level of 95%. This value includes uncompensated systematic deviations, uncompensated backlash and random deviations;

10) use - operation, installation (including installation on the site), maintenance (inspection), repair, overhaul and restoration;

11) program - a sequence of commands for the implementation of the process, presented in such a form that it can be performed by a computer or turned into such a form;

12) software - a set of one or more programs or microprograms recorded on any tangible medium;

13) production - all stages of manufacturing, such as construction, organization of manufacturing, manufacturing, integration, installation (assembly), control, testing and quality assurance;

14) development - refers to all stages preceding manufacturing, such as design, design research, analysis of design options, development of design concepts, assembly and testing of prototypes (prototypes), pilot manufacturing schemes, design and technical documentation, process for the implementation of design data in the product, structural design, integrated design and layout;

15) resolution - the smallest increment in the readings of the measuring device; in digital devices - the least significant digit;

16) technical assistance - assistance in the form of training, capacity building, practical training of personnel, provision of working information, advisory services.

Note.

Technical assistance may include the transfer of technical data;

17) technical data - data in the form of drawings, diagrams, charts, models, formulas, technical projects and specifications, reference materials and instructions, written or recorded on other media or devices, such as disks, magnetic tape, and read-only memory devices;

18) technology - special information that is required for the development, manufacturing or use of any item from the List. Special information is provided in the form of technical data or technical assistance;

19) accuracy - usually measured through an error, defined as the maximum allowable positive or negative deviation of the specified value from the accepted standard or true value.

20) basic scientific research - experimental or theoretical works carried out mainly in order to obtain new knowledge about the fundamental principles of phenomena and observed facts, not primarily aimed at achieving a specific practical goal or objective;

21) numerical program control - an automatic process control carried out by a device that uses digital data, usually entered during the operation.

2.4.5. List of export-controlled equipment, materials and technologies that can be used for development of rocket weapons Things to know about the List.

The List consists of the following sections:

Section 1. Completed Delivery Vehicles

Section 2. Completed systems used for Completed Delivery Vehicles

Section 3. Elements of Propulsion Systems and Equipment

Section 4. Fuels and Chemicals

Section 5. Fuel Manufacturing

Section 6. Manufacturing of Composite Materials for Structural Purposes

Section 7. Pyrolytic Deposition and Compaction

Section 8. Construction Materials

Section 9. Measuring, Navigation and Direction-finding Equipment and Systems

Section 10. Flight Control Systems

Section 11. On-board Electronic Equipment

Section 12. Equipment for Launching

Section 13. Computers

Section 14. Analog-to-Digital Converters

Section 15. Testing Systems and Equipment

Section 16. Simulation and Design

Section 17. Decreasing Visibility

Section 18. Protection Against the Damaging Factors of Nuclear Weapons

Section 19. Other Completed Delivery Vehicles

Section 20. Other Complete Systems

The authorized state body of the Kyrgyz Republic that grants licenses for export, import and re-export of the equipment, materials and technologies that could be used for missile weapons is the Ministry of Economy of the Kyrgyz Republic. State body-experts are: State Committee for Defense; and National Academy of Sciences of the Kyrgyz Republic.

The definitions used in this List mean the following:

1) in the public domain - in relation to technology or software means that they were made available to an indefinite number of persons without restrictions on further distribution;

Note.

Copyright restrictions do not exclude technology or software from being in the public domain;

2) range - the maximum distance that the specified rocket system or unmanned aerial vehicle (UAV) system is capable of travelling in the mode of stable flight as measured by the projection of its trajectory over the surface of the Earth.

Technical Notes:

a) The maximum capability based on the design characteristics of the system, when fully load-

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ed with fuel or propellant, will be taken into consideration in determining the range;

b) The range for both rocket systems and UAV systems will be determined independently of any external factors such as operational restrictions, limitations imposed by telemetry, data links or other external constraints;

c) For rocket systems, the range will be determined using the trajectory that maximizes the range, assuming ICAO standard atmosphere with zero wind;

d) For UAV systems, the range will be determined for a one-way distance using the most fuel-efficient flight profile (e.g. cruise speed and altitude), assuming ICAO standard atmosphere with zero wind;

3) use - operation, installation work (including on-site installation), maintenance, repair, overhaul, restoration;

4) microprogram - a sequence of elementary commands stored in a special memory, the execution of which is initiated by a launch command entered in the command register;

5) microcircuit - a device that performs the function of a circuit in which a number of passive and/or active elements is considered to be inextricably linked with or located in a holistic structure;

6) payload - the total mass that can be carried or delivered by the specified rocket system or unmanned aerial vehicle (UAV) system that is not used to maintain the flight.

Note.

Equipment included in the payload depends on the type and configuration of the delivery vehicle under consideration.

Technical notes:

a) ballistic missiles.

Payload for systems with separating re-entry vehicles (RVs) includes:

- The RVs, including guidance, navigation and control equipment, as well as countermeasures equipment;

- weapons (munitions) of any type (e.g. explosive or non-explosive);

- supporting structures and deployment mechanisms for the warhead (e.g. hardware used to attach to, or separate the RV from, the bus/post-boost vehicle) that can be removed without violating the structural integrity of the vehicle;

- mechanisms and devices for safing, arming, fuzing or firing;

- countermeasures equipment (e.g. decoys, jammers or chaff dispensers) that separate from the RV bus/post-boost vehicle;

- the bus/post-boost vehicle or attitude control/velocity trim module not including systems essential to the operation of the other stages.

Payload for systems with non-separating re-entry vehicles includes:

- weapons (munitions) of any type (e.g. explosive or non-explosive);

- supporting structures and deployment mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;

- mechanisms and devices for safing, arming, fuzing or firing;
- any countermeasures equipment (e.g. decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle.

b) space launch vehicles.

Payload includes:

- spacecraft (single or multiple);
- spacecraft-to-launch vehicle adapters including, if applicable, apogee/perigee kick motors or similar maneuvering systems.

c) meteorological vehicles.

Payload includes:

- equipment required for a mission, such as data gathering, recording or transmitting devices for mission-specific data;
- recovery equipment (e.g. parachutes) that can be removed without violating the structural integrity of the vehicle;

d) cruise missiles.

Payload includes:

- munitions of any type (e.g. explosive or non-explosive);
- supporting structures and deployment mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;
- mechanisms and devices for safing, arming, fuzing or firing;
- countermeasures equipment (e.g. decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;
- signature alteration equipment that can be removed without violating the structural integrity of the vehicle;

e) other unmanned aerial vehicles.

Payload includes:

- weapons (munitions) of any type (e.g. explosive or non-explosive);
- mechanisms and devices for safing, arming, fuzing or firing;
- countermeasures equipment (e.g. decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;
- equipment required for a mission such as data gathering, recording or transmitting devices for mission-specific data;
- signature alteration equipment that can be removed without violating the structural integrity of the vehicle;
- recovery equipment (e.g. parachutes) that can be removed without violating the structural integrity of the vehicle;

7) software - a collection of one or more programs, or micro-programs, fixed in any tangible medium of expression;

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8) program - a sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer;

9) production equipment - tools, templates, jigs, mandrels, molds, dies, fixtures, alignment mechanisms, test equipment, other machinery and components therefor, limited to those specially designed or modified for development or for one or more phases of production;

10) production facilities - production equipment and specially designed software therefor integrated into installations for development or for one or more phases of production;

11) production - all production phases, such as production engineering; manufacture; integration; mounting; inspection; testing; quality assurance;

12) radiation hardened - equipment or its components are designed or rated to withstand radiation levels which meet or exceed a total irradiation dose of 5×10^5 rads (Si);

13) development - all phases prior to production such as design, design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and layouts;

14) technical data - may take forms such as blueprints, plans, diagrams, models, formulas, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape and other rewritable or read-only memories;

15) technical assistance - may take forms such as instruction, skills, training, work knowledge, consulting services;

16) technology - specific information which is required for the development, production or usage of a product. The information may take the form of technical data or technical assistance.

17) accuracy - means the maximum deviation, positive or negative, of an indicated value from an accepted standard or true value. Accuracy is usually measured in terms of inaccuracy.

18) basic scientific research - experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

2.4.6. List of dual-use items and technologies subjected to export controls that can be used for development of weapons and military equipment

Things to know about the List.

The List consists of the following three sections.

Section 1 consists of the following categories:

Category 1. Special Materials and Related Equipment and Munition

Category 2. Material Processing

Category 3. Electronics

Category 4. Computer Engineering

Category 5 (Part 1. Telecommunications, Part 2. Information Security)

Category 6. Sensors and Lasers

Category 7. Navigation and Avionics

Category 8. Maritime**Category 9. Aerospace and Propulsion**

Section 2 consists of the following categories:

Category 1. Special Materials and Related Equipment and Munition**Category 2. Material Processing****Category 3. Electronics****Category 4. Computer Engineering****Category 5 (Part 1. Telecommunications)****Category 6. Sensors and Lasers****Category 7. Navigation and Avionics****Category 8. Maritime****Category 9. Aerospace and Propulsion**

Section 3 consists of the following categories:

Category 1. Special Materials and Related Equipment and Munition**Category 5 (Part 1. Telecommunications)****Category 6. Sensors and Lasers****Category 7. Navigation and Avionics****Category 8. Maritime****Category 9. Aerospace and Propulsion**

Affiliation of a particular item or technology to the items and technologies subjected to export control is determined by the conformity of the technical characteristics of the item or technology with the technical description, as well as with the registration number of the item in the Chemical Abstracts Service Registry Number (CAS) in the column Item of the List.

The TN FTO codes given in this List are for the reference only.

The authorized state body of the Kyrgyz Republic that grants licenses for export, import and re-export of dual-use items and technologies that can be used for development of weapons and military equipment is the Ministry of Economy of the Kyrgyz Republic. The state bodies- experts are: State Committee for Defense of the Kyrgyz Republic; and State Committee for Industry, Energy and Subsoil Use of the Kyrgyz Republic (for explosives).

More detailed information on the National List of Controlled Items of the Kyrgyz Republic could be found on the website of the Ministry of Economy of the Kyrgyz Republic <http://mineconom.gov.kg> in the Trade section at <http://mineconom.gov.kg/ru/document/105>

2.5. Internal Compliance Program

Effectiveness of the national export control policy directly depends on the quality of decisions made at the level of companies and organizations engaged in foreign trade. To this end, the exporters are recommended to implement procedures aimed at compliance with the export control rules established by law.

In accordance with the Law of the Kyrgyz Republic *On Export Control*, one of the methods of export control implementation is introduction of the Internal Compliance Programs in the companies and organizations engaged in scientific and manufacturing activities related to defense and security capacities of the Kyrgyz Republic.

Internal Compliance Program is represented by organizational, administrative, informational, and other activities undertaken by companies and organizations in order to comply with export control rules.

The *Export Control Regulation* for the controlled items in the Kyrgyz Republic, passed by the Decree of the Government of the Kyrgyz Republic No. 257 on October 27, 2010, provides that in order to establish an inspection mechanism in the companies (organizations) to ensure the legality of foreign trade transactions and to facilitate the implementation of procedures related to obtaining a license, the business entities shall develop the *Internal Compliance Programs*.

What are the benefits and prospects for the development of *Internal Compliance Programs* in the companies?

Companies that have implemented the *Internal Compliance Programs* will be able to reduce time for implementation of international contracts due to better scrutiny of the contracts at the preliminary stage and due to obtaining of additional information and methodological support from the governmental bodies.

Introduction of the *Internal Compliance Program* (ICP) allows businesses to more effectively protect their interests during implementation of international contracts.

Export control professionals in the companies will be able to conduct an examination and make recommendations on the texts of foreign trade contracts with regards to compliance with all the rules and regulations of the national export control system, which will first reduce and, in time, avoid financial losses arising from incorrect processing of the contracts.

Requirements to development of the ICP:

- when dealing with the controlled items, companies shall comply with the requirements of export control regimes.
- appoint persons responsible for compliance with the company's export control rules and regulations.
- train responsible persons and ordinary personnel (*incl. about liability for violations of legislation in the field of export control*)
- issuing orders, standards, instructions in order to comply with export control requirements
- provide the staff of companies (organizations) with the necessary regulatory and reference documentation containing requirements, rules and procedures in the field of export control.
- pass the Guidance or Regulation on the activities of the Export Control Service.
- conduct foreign trade accounting and record-keeping of the companies (para 12.3 of the

Regulation provides that the foreign trade operator shall, within 5 years after completion of foreign trade of the controlled items, keep the documents with information about the export control items (contract documents, invoices, bills of lading, shipping documents, customs declarations, etc.; current operational documents; file of contractors and their representatives).

- cooperate with the authorized state bodies responsible for various aspects of export control.
- Upon the requests of the authorized bodies or any other relevant governmental bodies with the documents and information required for the purposes of export control.

Licenses shall be granted to the organizations with established *Internal Compliance Programs* within 10 working days from the date of registration of the relevant documents.

2.6. Customs regulation of foreign economic operations involving export, import, re-export and transit of controlled items. International cooperation in the sphere of export control

In accordance with the Law of the Kyrgyz Republic On Export Control, one of the methods for export control implementation is customs control.

Customs control is a set of activities performed by the customs authorities and aimed at inspecting and (or) ensuring compliance with international treaties and acts in the field of customs regulation and with the laws of the Member States on customs regulation.

Customs control in the Kyrgyz Republic is implemented in accordance with the EAEU Customs Code and the Law of the Kyrgyz Republic On Customs Regulation.

The above mentioned control and customs operations related to production of controlled goods are carried out by the State Customs Service of the Government of the Kyrgyz Republic in accordance with the Regulations of the State Customs Service of the Government of the Kyrgyz Republic, approved by the Decree of the Kyrgyz Republic Government dated December 18, 2009 No. 767.

In accordance with the Law of the Kyrgyz Republic On Customs Regulation, customs regulation is legal regulation of relations related to establishment of the procedure and terms for transporting the goods across the customs border of the Eurasian Economic Union in the Kyrgyz Republic, their accommodation and use in the customs territory of the Eurasian Economic Union in the Kyrgyz Republic or beyond, the procedure for customs operations related to arrival of goods into the customs territory, their departure from the customs territory, temporary storage of goods, their customs declaration and release, other customs operations, procedure for paying customs duties, special, anti-dumping, countervailing duties and customs control, as well as the regulation of legal relations between customs authorities and persons exercising the rights of possession, use and (or) disposal of goods in the customs territory or beyond.

Goods shall be moved across the customs border and (or) placed under customs procedures in compliance with prohibitions and restrictions, taking into account provisions of the Article 7 of the Code and Article 8 of the Law.

Customs control is carried out in relation to customs control objects defined by the Article 311 of the Code, using customs control forms and (or) measures to ensure customs control.

Procedure for conducting customs control on the basis of customs control forms and (or) measures ensuring customs control is determined by the Code; to the extent not regulated by the Code, or in cases provided for by it, it shall be done in accordance with the legislation of the Kyrgyz Republic in the field of customs.

When conducting customs control, the customs authorities shall be based on the principle of selectivity and shall be limited only to those forms of customs control, as well as to the measures ensuring customs control that are sufficient to ensure compliance with international treaties and acts in the field of customs regulation and with the legislation of the Kyrgyz Republic in the field of customs.

When choosing the forms of implementing the customs control and (or) measures to ensure customs control, the customs authorities use technical means of customs control, an advanced analysis of information in order to prevent, during customs control, the damage to declarants, carriers and other persons associated with storage of goods, downtime of vehicles, with longer time for the release of goods, unless it is caused by extraordinary circumstances related to the

identification of signs of serious violations in the field of customs, and the need to take comprehensive measures to detect and prevent such violations.

When choosing the objects of customs control, the forms of customs control and (or) measures ensuring the implementation of customs control, a risk management system shall apply.

Customs control shall be carried out by customs officials authorized to conduct customs control in accordance with their official (functional) duties.

Customs control shall be carried out during the period when the goods are under customs control, determined in accordance with the Article 14 of the Code.

In order to improve customs regulation and public discussion of draft international treaties and acts in the field of customs regulation, customs authorities maintain official relations of an advisory nature and cooperate with foreign economic operators, authorized economic operators, persons engaged in customs activities, and their associations.

Advisory bodies could be established, and documents governing the procedure for such cooperation could be adopted for the purpose of establishing and maintaining the official relations of an advisory nature and cooperation in order to raise the efficiency of customs control between customs authorities and foreign economic operators, authorized economic operators, persons engaged in customs activities, and customs authorities related associations.

In accordance with the Part 2 of the EAEU TC Article 7, compliance with non-tariff regulation measures, including those introduced unilaterally, and with technical regulation measures shall be confirmed in cases and in the manner established by the Commission or the by the legislation of the Member States in accordance with the Treaty on the Union, while compliance with export control measures, including measures regarding military items shall be confirmed in cases and in the manner established in accordance with the legislation of the Member States, by submitting documents and (or) information confirming observance of such measures.

Compliance with this norm applies to the goods placed under customs procedures determined by the EAEU Customs Code.

In accordance with the Law of the Kyrgyz Republic On Export Control, foreign trade operations that involve import, export and re-export of controlled items shall be a subject to mandatory licensing.

In this regard, customs authorities carry out export control on the basis of the presented transport documents, as well as licenses (for import, export and re-export of controlled items) of the authorized body, the Ministry of Economy of the Kyrgyz Republic.

It should be noted that in the export control system, customs operations and customs control are considered as the last frontier for the suppression of illegal export or import of controlled items and technologies.

In the Eurasian Economic Union (hereinafter referred to as the Union), a single customs regulation is implemented, which includes establishment of the procedures and terms for crossing the customs border of the Union by the goods, for their accommodation and use on the customs territory of the Union or outside its borders, the procedure for customs operations related to arrival of goods to the customs territory of the Union, their departure from the customs territory of the Union, temporary storage of goods, their customs declaration and release, other customs operations, procedure for paying the conjugated payments, special, antidumping, countervailing duties and customs control and regulation of authoritative relations between customs authorities

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and persons implementing the rights of ownership, use and (or) disposal of goods in the customs territory of the Union or beyond.

Customs regulation in the Union shall be carried out in accordance with international treaties governing the customs relations, including the Customs Code of the Eurasian Economic Union (hereinafter, the Code), and acts constituting the law of the Union (hereinafter, international treaties and acts in the field of customs regulation), as well as in accordance with Treaty on the Eurasian Economic Union dated May 29, 2014.

The customs territory of the Union shall mean the territories of the Member States, as well as artificial islands, structures, installations and other objects located outside the territories of the Member States for which the Member States have exclusive jurisdiction.

In accordance with the Article 9 of the Code, goods transported across the customs border of the Union shall be subjected to customs control in accordance with the Code.

Transportation of goods across the customs border of the Union shall be carried out in the locations where the goods cross the customs border of the Union (hereinafter referred to as Border Crossing Points).

First of all, it should be noted that when the goods cross the customs border, the advanced information about the goods planned for border crossing shall be provided in accordance with the Article 11 of the Code. Foreign economic operators (hereinafter referred to as foreign trade operators) shall forward such information to the customs authority at least 2 hours before the planned transportation of goods.

Composition of the advanced information, the procedure and deadlines for submission of the advanced information, the persons that are obliged or entitled to submit the advanced information to the customs authorities are determined by the Eurasian Economic Commission, depending on the type of vehicles used for transporting (transportation) the goods and on the purpose of using such advanced information by the customs authority.

For reference:

1) Decision of the Customs Union Commission dated 09.12.2011 No. 899 On the introduction of mandatory notification about the goods imported into the customs territory of the Customs Union by Road;

2) Decision of the Board of the Eurasian Economic Commission dated September 17, 2013 N 196 On the introduction of mandatory advanced notification about the goods imported into the common customs territory of the Customs Union by rail;

3) Decision of the Board of the Eurasian Economic Commission dated 01.12.2015 N 158 On the introduction of mandatory advanced notification about the goods imported into the common customs territory of the customs union by air.

Advanced information for importing the goods into the customs territory of the Eurasian Economic Union through the Border Crossing Points of the Kyrgyz Republic could be submitted on the official website of the SCS of the KRG: www.customs.kg

Upon the arrival of goods at the Border Crossing Point, the persons that transport the goods shall notify the customs authority about the arrival of goods into the customs territory of the Union by submitting the documents and information provided for in the Article 89 of the Code.

Based on the results of notification of arrival, the carrier or other persons referred to in the Article 83 of the Code, shall, within 3 working hours of the customs authority from the moment of

notification of arrival, complete one of the customs operations related to:

- 1) placing the goods in temporary storage;
- 2) transporting (transportation) the goods from arrival locations to the locations of temporary storage;
- 3) customs declaration of goods;
- 4) placing the goods under the customs procedure of a free customs zone in the territory of a FEZ Port or a FEZ Logistic Center;
- 5) transporting the goods from the customs territory of the Union.

Temporary storage of goods shall be implemented in accordance with the Chapter 16 of the Code.

Given that facilities for temporary storage and customs declaration are not available at the Road Border Crossing Points of the Kyrgyz Republic, the vehicles with goods shall be transported to customs clearance locations by placing them under the *customs transit procedure*.

For reference:

Terms and procedure for placing the goods under the customs transit procedure are determined by the Chapter 22 of the Code.

Upon arrival of goods at the location of customs clearance and completion of the customs transit procedure, the goods shall be placed in a temporary storage warehouse for customs operations related to their release:

- *customs declaration of goods by placing the goods under the customs procedure;*
- *or temporary storage of goods in accordance with the Chapter 16 of the Code that cannot exceed more than 4 months from the date of putting the goods in storage.*

Customs declaration means the following:

Customs declaration - informing the customs authority through the customs declaration about the goods, about the selected customs procedure and (or) other information required for the release of goods.

Customs declaration shall be implemented in accordance with the Chapter 17 of the Code by filing a customs declaration.

Customs declaration means the following:

Customs declaration is a customs document containing information about goods and other information required for the release of goods.

At the same time, the documents provided for in the Article 108 of the Code shall be submitted to the customs authority along with the customs declaration.

Depending on the purpose of accommodating and using the goods in the customs territory of the Union, exporting them from the customs territory of the Union and (or) accommodating and using them outside the customs territory of the Union, the goods shall be placed under the customs procedures provided for in the Article 127 of the Code.

The Declarant (person owning or disposing the goods) has the right to choose the customs procedure provided for by the Code by declaring it during the customs declaration of goods.

Content of customs procedures and provisions governing the application of customs proce-

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dures, including the terms for placing goods under customs procedures, the terms and procedures for using goods in accordance with customs procedures after they have been placed under the customs procedures, the procedure for completion, termination, suspension and resumption of customs procedures, as well as the circumstances of the occurrence and termination of the obligation to pay customs duties, taxes, special, anti-dumping, countervailing duties, the period and (or) peculiarities of calculating and paying them in respect of goods to be placed (placed) under the customs procedure, or goods produced (formed), made (produced) in the framework of the application of customs procedures shall be defined by the relevant chapters of the Section IV of the Code.

When the Declarant submits the customs declaration, the customs control shall be implemented in accordance with Section VI of the Code.

Based on the results of customs control and customs operations related to release, the customs authorities shall release goods in accordance with the Chapter 18 of the Code.

For the purposes of this Guidebook, the following basic concepts are used:

foreign economic activities - foreign trade, investment, brokerage and other activities, including industrial cooperation, in the field of international exchange of inputs and materials, equipment and technologies, scientific and technical information, works and services, results of intellectual activity, including exclusive rights (intellectual property);

export and import - export and import of controlled items from and to the territory of the Kyrgyz Republic. Technology transfer with the help of technical means and information-and-communication technologies from and to the territory of the Kyrgyz Republic is also equivalent to export (import);

re-export - export of controlled items manufactured outside the country, previously imported into the territory of the Kyrgyz Republic and not subjected to processing;

transit – transportation of controlled items through the territory of the Kyrgyz Republic, the transportation (transportation) of which has begun and should end outside the territory of the Kyrgyz Republic (with the exception of international transit flights of aircraft without landing on the territory of the Kyrgyz Republic);

customs procedure - a set of rules that determine, for the purposes of customs regulation, the terms and procedures for the use of goods in the customs territory of the Union or beyond;

customs operations - activities performed by persons and customs authorities in accordance with international treaties and acts in the field of customs regulation and (or) the legislation of the Member States on customs regulation;

Unified Commodity Nomenclature for Foreign Economic Activities of the Eurasian Economic Union (TNVED) is a system of description and coding of goods, which is used to classify goods in order to apply customs tariff regulation, export customs duties, prohibitions and restrictions, measures to protect the domestic market, and customs statistics.

International basis for the Commodity Nomenclature for Foreign Economic Activities is the Harmonized Commodity Description and Coding System of the World Customs Organization and the Unified Commodity Nomenclature for Foreign Economic Activities of the Commonwealth of Independent States.

1 EAEU Customs Code http://www.consultant.ru/document/cons_doc_LAW_215315/
2 Law of the Kyrgyz Republic On Customs Regulation <http://cbd.minjust.gov.kg/act/view/ru-ru/111908?cl=ru-ru>
3 Regulation of the KRG SCS <http://cbd.minjust.gov.kg/act/view/ru-ru/90414/90?mode=tekst>

International cooperation in the sphere of export control

EXBS Program of the US Department of State in the Kyrgyz Republic

On August 15, 2008, the *Memorandum of Understanding* was signed between the Government of the Kyrgyz Republic and the Government of the United States of America regarding the prevention of illegal trafficking in nuclear and other radioactive materials.

The goal of the *Export Control and Border Security Program* (EXBS) of the US Department of State in the Kyrgyz Republic is assistance in establishing an effective export control system, and licensing; development of internal control system; training of specialists in advanced weapons technologies and dual-use materials; detection and suppression of smuggling of weapons of mass destruction at the border; training in modern methods of investigation and prevention of crimes with WMD; and development of a system for suppressing of intangible transfers.

In the framework of this Memorandum, in 2010-2014, the US Department of Energy Program 'Second Line of Defense' has installed the Radiation Portal Monitors (hereinafter, RPMs) at the Border Crossing Points.

As part of the accession of the Kyrgyz Republic to the Eurasian Economic Union, the function of radiation monitoring at Border Crossing Points on the Kyrgyz-Kazakh state border was delegated to the State Border Service of the Kyrgyz Republic.

In 2018, the following activities were carried out within the framework of the **US Department of Energy Nuclear Smuggling Detection and Deterrence Program** for customs officers of the Kyrgyz Republic and other government agencies of the Kyrgyz Republic involved in radiation monitoring at the Border Crossing Points of the Kyrgyz state border:

1. Workshop on implementation of radiation monitoring as part of the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program** for the staff of the State Border Service of the Kyrgyz Republic and of the State Inspectorate for Environmental and Technical Safety of the KRG: 19 people were trained on April 10-11, 2018; 30 people were trained on April 12-13, 2018.

2. On April 30-May 4, 2018, the 15 staff of the State Inspectorate for Environmental and Technical Safety of the KRG were trained within the basic course for operators and an advanced course for instructors in radiation control as part of the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program**;

3 On July 9-13, 2018, 10 people from the governmental agencies and departments (GAEP and HK KR, SIETB at RCC, KR, KR MoH) involved in radiation control at the state border of the Kyrgyz Republic were trained at the workshop Development of Standard Operational Response Procedures as part of the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program**.

4. Workshop on raising awareness in the field of physical safety and protection against radioactive sources for the staff of the KR SAEPF, KR MHC, KR MES, and KR SBCS was carried out on August 14-17, 2018. 10 people were trained;

5. Interregional Workshop supported by the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program** was carried out from September 11 to September 14, 2018. People from the Republic Tajikistan, Islamic Republic of Iraq were trained; 10 people in total;

6 In-depth course for customs officers of the Kyrgyz Republic (for the instructors) on the implementation of radiation control on the basis of the Operational Customs was carried out in the period from April 23 to April 27, 2018. In total, 9 people were trained;

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7 Basic course for operators on the implementation of radiation control at the South-Western Customs took place on April 25-27, 2018. In total, 19 people were trained;

8. Field training at the Torugart Border Crossing Point of the Naryn Customs took place on April 8-9, 2018. In total, 8 people were trained.

In 2018, eight events were implemented under this Program, the total number of trained staff from other departments was 94 people; the total number of trained customs officers of the Kyrgyz Republic was 36 people.

It should be noted that the following events are planned in 2019:

- Practical field trainings under the Radiation Control Program 'Central Alarm System' for customs officers of the Kyrgyz Republic from southern region and from Naryn Customs, with financial support of the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program**:

- in the 3rd quarter, to carry out the regional event 'Staff Field Practical Training' for the staff of the other ministries and departments of the Kyrgyz Republic involved in radiation control at the Border Crossing Points of the Kyrgyz Republic state border, with involvement of international experts of the US Department of Energy **Nuclear Smuggling Detection and Deterrence Program**.

Furthermore, in pursuance of the Order of the Government of the Kyrgyz Republic dated March 23, 2015, #113-r, a **Memorandum was signed between the SCS and the Drug Enforcement Administration of the US Department of Justice (hereinafter - the DEA)**.

The main goals are: exchange of information related to drug trafficking; provision of mutual assistance in taking the proper measures to detect, suppress and prevent the activities of criminal organizations, groups and persons involved in drug trafficking; and exchange of practical experience, conferences, trainings and workshops.

UNODC-WCO Global Container Control Program (GCCP) - Segment of Central Asia and Azerbaijan

#	Item	
1	Project	United Nations Office on Drugs and Crime Regional Office for Central Asia under the UNODC and World Customs Organization Global Container Control Program (GCCP) - Segment of Central Asia and Azerbaijan
2	Applicant/Implementing Agency	State Customs Service of the Government of the Kyrgyz Republic
3	Donor/ international organization	United Nations Office on Drugs and Crime in the Kyrgyz Republic
4	Project implementation location	Central Asia and Azerbaijan (Kyrgyzstan, Tajikistan, Uzbekistan, Kazakhstan, and Turkmenistan)
5	Total project costs/costs by component and by cost category	-
6	Agreement Signing Date	December 2015
7	Project implementation period	December 2015 – end of 2018. Extended until the end of 2022.
8	Goal and objectives of the project	- Strengthening the security of international container trade to avoid using containers for drug trafficking, transnational organized crime and other manifestations of illegal activity. - capacity building of customs officers, through training, with the assistance of technical experts of the WCO, UNODC and others.
9	Normative legal acts, including strategies and programs, in accordance with which the project is supposed to be implemented	UNODC Note, agreed with the Ministry of Foreign Affairs of the Kyrgyz Republic on December 2015.

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10	Project components	<ul style="list-style-type: none"> - Setting up the two Port Control Groups (PCGs) from among the customs officers; - Equipping locations of the PCGs; - Training of the PCGs; - Mentorship program and continuing education; - Prompt exchange of information between the PCGs of the participating countries.
11	Proposed activities	<ul style="list-style-type: none"> - Assessment of the PCGs technical needs and locations; - Arrange the training workshops (theoretical, practical, advanced level and mentoring programs); - ensure access of the PCGs to the ContainerCOMM system; - arrange the study tours for PCGs to the points of customs clearance and border crossing points that have relevant experience in container profiling and inspecting.
12	Target groups, including key beneficiaries	State Customs Service of the Government of the Kyrgyz Republic
13	Outcome Indicators	<ul style="list-style-type: none"> - PCGs will be trained in risk assessment, risk analysis and other up-to-date proactive techniques for identifying and combating illegal activities; - Promotion and improvement of the exchange of information between those countries where GICs are available; - targeted measures carried out by the BCP staff using advanced technologies, such as risk analysis, have been developed through interagency cooperation; - implementation and use of tools and mechanisms for collecting, exchanging and analyzing information within the framework of the Customs Law Enforcement Network <i>ContainerCOMM</i> and of the container tracking system.
14	Co-financing/contribution by Kyrgyz party	-
16	Current project status/ implementation progress	Implementation stage

The «Regional Meeting on Export Control for Licensing and Customs Authorities of Central Asian Countries» was held in October, from the 22nd through the 25th, of 2019 in the Aral village of the Kyrgyz Republic. The meeting was organized by the Ministry of Economy of the Kyrgyz Republic and the OSCE Program Office in Bishkek.

The aim of the regional meeting was to exchange national experience and effective methods in the field of export control with regard to the implementation of the licensing system and border (customs control). At the meeting, progress was made in identifying further measures and contributing to the further expansion of capacity to improve export control measures in the region.

2.7. Ensuring radiation and nuclear safety in the Kyrgyz Republic

Radiation safety of personnel, of people and of the environment is considered to be ensured provided that the basic principles of radiation safety (justification, optimization, regulation) and the requirements of radiation protection established by the laws of the Kyrgyz Republic, applicable radiation safety standards and sanitary rules are observed.

The legislation of the Kyrgyz Republic in the field of radiation safety consists of the following laws of the Kyrgyz Republic: *On Radiation Safety of the Population of the Kyrgyz Republic*, dated June 17, 1999 No. 58; *Technical Regulation On Radiation Safety*, dated November 29, 2011 No. 224; and other regulatory legal acts (Resolution KRG dated June 6, 2003 No.329 *On Sanitary and Epidemiological Control to Ensure Sanitary and Epidemiological Well-Being of the Population by Bodies and Institutions of the Sanitary and Epidemiological Service Of the Kyrgyz Republic*, KRG Resolution dated October 26, 2011 No. 674 *On Approval of the Regulation on Radiation Monitoring at the Border Crossing Points on the State Border of the Kyrgyz Republic*; KRG Resolution No 225, dated May 16, 2011 *On Approval of the Regulatory Legal Acts of the Kyrgyz Republic in the Field of Public Health*).

The *Law on Radiation Safety of the Population of the Kyrgyz Republic* regulates public relations in the field of ensuring radiation safety of the population, in order to protect their health against the harmful effects of ionizing radiation, and defines the basic principles for ensuring the radiation safety.

The *Technical Regulation on Radiation Safety* is applied to protect lives and health of people and environment against the harmful effects of ionizing radiation; it sets the requirements for ensuring radiation safety in order to create proper environment for the justified, useful and safe use of ionizing radiation sources.

The above *Technical Regulation* applies to the carried out on the territory of the Kyrgyz Republic processes of design, construction and decommissioning of radiation facilities, extraction, production, storage, operation, transportation, processing, and disposal of radioactive agents and other sources of ionizing radiation, installation, repair and commissioning of devices, installations and equipment operations based on the use of ionizing radiation and facilities that generate ionizing radiation.

International treaties that entered into force in the prescribed by law manner, to which the Kyrgyz Republic is a party, as well as generally recognized principles and norms of international law in the field of radiation safety, are an integral part of the legal system of the Kyrgyz Republic.

The Law of the Kyrgyz Republic *On Radiation Safety of the Population of the Kyrgyz Republic* provides for the powers of state bodies in the field of radiation safety, as well as sets the general requirements for assessing the status of radiation safety and ensuring radiation safety when handling sources of ionizing radiation.

For planning and implementing the activities, as well as in order to fulfill obligations under international treaties on radiation safety, the authorized state bodies would develop national and regional programs.

In accordance with the above mentioned Law:

1. Competences of the authorized state body responsible for emergency situations in the field of radiation safety include the following:

- 1) development and implementation of country programs in the field of radiation safety;
- 2) expert assessment of radiation safety at potential radioactive contamination facilities;
- 3) arrangements and implementation of operational activities in the event of a threat of radiation accidents;
- 4) implementation of measures to eliminate the consequences of radiation accidents in the relevant territories;
- 5) informing the public about the radiation situation in the relevant territory;
- 6) development of rehabilitation programs to bring tailings and dumps under the authority of the authorized state body responsible for emergency situations, in accordance with international radiation safety criteria;
- 7) implementation of international cooperation in the field of radiation safety and observance of the international treaties obligations.

2. Competences of the authorized state body responsible for health care in the field of radiation safety include the following:

- 1) participation in the development and implementation of country programs in the field of radiation safety;
- 2) development of regulatory legal acts regarding hygienic standards, rules of handling the sources of ionizing radiation;
- 3) coordination of measures to eliminate the consequences of radiation accidents in the relevant territories;
- 4) informing the public about the state of health caused by the radiation situation in the relevant territory;
- 5) monitoring the radiation situation in the relevant territories and reporting the radiation doses obtained by people;
- 6) monitoring the status of tailings and dumps in the Kyrgyz Republic.

3. Competences of the authorized state body responsible for environmental issues in the field of radiation safety include the following:

- 1) participation in the development and implementation of country programs in the field of radiation safety;
- 2) monitoring of radioactive pollution of the environment;
- 3) participation in the decision making on accommodating on a certain territory the organizations and institutions, including the defense related ones, that produce and use, process and utilize the sources of ionizing radiation;
- 4) informing the public about the radiation situation in the relevant territory.

4. Competences of the authorized state body responsible for geology and mineral resources in the field of radiation safety include the following:

- 1) assistance in the implementation of proposals for radiation safety;
- 2) examination of projects for mining operations in terms of industrial and environmental safety;
- 3) participation in the decision making on accommodating on a certain territory the mining

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organizations that process and utilize the sources of ionizing radiation.

5. Competences of the authorized state body responsible for environmental issues in the field of radiation safety include the following:

- 1) controlling the provision of assistance to people exposed to radiation due to a radiation accident;
- 2) controlling the implementation of measures on the territory of the Kyrgyz Republic to ensure radiation safety;
- 3) controlling the compliance with requirements of regulatory legal documents in order to ensure the radiation safety;
- 4) controlling the implementation of the developed measures to ensure the radiation safety of tailings;
- 5) controlling the status of tailings and dumps located on the territory of the Kyrgyz Republic;
- 6) participation in the decision making on accommodating on a certain territory the organizations and institutions, including the defense related ones, that produce and use, process and utilize the sources of ionizing radiation;
- 7) implementation of international cooperation related to arranging and conducting the control and supervision in the field of radiation safety jointly with the authorized state bodies;
- 8) control over the import of radioactive materials into the relevant territory, their export outside the relevant territory, and their transit.

6. Competences of local authorities in the field of radiation safety include the following:

- 1) carrying out operational measures in the event of a threat of radiation accidents and the elimination of their consequences;
- 2) implementation of governmental policy in the field of economic incentives for individuals and legal entities to ensure radiation safety;
- 3) arranging in the jurisdictional territories the measures to ensure radiation safety.

7. Competences of local authorities in the field of customs include conducting radiation monitoring at the Border Crossing Points of the state border of the Kyrgyz Republic in accordance with the procedure determined by the Government of the Kyrgyz Republic

Thus, the several competent authorities are responsible for the safety; the relevant legislation clearly defines the responsibilities and functions of each authority, while the Government shall ensure the coordination and communication between them.

These powers are continued and specified in other regulations governing the activities of a particular industry. Thus, for example, in accordance with the Decree of the Government of the Kyrgyz Republic dated October 26, 2011, No 674 *On Approval of the Regulation on Radiation Monitoring at the Border Crossing Points of the State Border of the Kyrgyz Republic*, radiation control shall be carried out by customs authorities at the Border Crossing Points of the state border of the Kyrgyz Republic, determined by the decision of the Government of the Kyrgyz Republic and equipped with stationary equipment represented by the portal radiation monitors.

When people, goods and vehicles move through the Border Crossing Points that are not equipped with the above mentioned equipment, radiation control shall be carried out by the state authorized body responsible for health care in order to ensure radiation safety in accordance with the tasks assigned to it. Once the Border Crossing Points on the state border have been equipped with portal monitors, the authority to implement the radiation control shall be transferred by the authorized body responsible for health care in the field of radiation safety to the customs authorities in accordance with the decision of the Government of the Kyrgyz Republic.

Furthermore, in accordance with the Decree of the KRG passed on June 6, 2003, No 329 *On the Approval of the Regulation on the Procedure for Conducting Sanitary and Epidemiological Control over the Sources of Physical Factors in the Kyrgyz Republic*, the sanitary-and-epidemiological control of the sources of physical factors shall be carried out by the body or by the institution of the State Sanitary-and-Epidemiological Service of the Kyrgyz Republic accredited in accordance with the legislation of the Kyrgyz Republic.

The KRG Decree No.136 dated 02.20.12. established the State Inspectorate for Environmental and Technical Safety under the Government of the Kyrgyz Republic, which monitors and controls the fire and radiation safety (*except for radiation safety in the health care sector*), industrial safety, as well as controls and oversees the environmental and forestry protection.

In accordance with the above regulatory legal acts, the citizens of the Kyrgyz Republic, foreign citizens and stateless persons residing in the territory of the Kyrgyz Republic are required to comply with radiation safety requirements and comply with the requirements of the authorized state bodies in the field of radiation safety 2.a(i), 2.a(iii), 2.a(iv), 2.a(v), 2.a(vi)(a), 2.a(vii), 2.a(x), 2.b(i).

Persons that have failed to comply or violate the requirements for ensuring radiation safety shall bear administrative, criminal and material liabilities in the manner established by the legislation of the Kyrgyz Republic.

2.8 Ensuring biological and chemical safety in the Kyrgyz Republic

2.8.1 Ensuring biological safety in the KR

Biological safety assurance is a comprehensive measure aimed at reducing the risk of exposure of humans to the agents of biological nature, compliance with legal norms, with sanitary-hygienic and sanitary-epidemiological rules, technological and organizational-and-technical requirements, as well as implementation of appropriate set of legal, sanitary and hygienic, sanitary-and-epidemiological, organizational and technical measures aimed at prevention, mitigation and elimination of infectious diseases in humans, farm animals and plants.

Responsible institutions are: all research institutes of the National Academy of Sciences (Institute of Chemistry, Institute of Biotechnology, Institute of Biology, etc.), research institutes of the Ministry of Health of the Kyrgyz Republic (Institute of Molecular Biology, etc.), research institutes of the Department of Science of the Ministry of Education and Science of the Kyrgyz Republic (KNIIV and others), the relevant laboratories of the universities, regardless of affiliation, the relevant subordinate departments and laboratories of the Centers for Veterinary Diagnostics and Examination in the southern and northern regions of the KRG State Inspectorate for Veterinary and Phytosanitary Safety, relevant units and laboratories of the Department of State Sanitary and Epidemiological Surveillance and Republican Center for Quarantine and Highly Contaminating Infections of the Ministry of Health Care of the Kyrgyz Republic, along with the biofactory laboratory of the CJSC *Altyn- Tamyр*.

Relevant Orders of the Ministry of Health Care of the Kyrgyz Republic, of the Ministry of Agriculture, Processing Industry and Land Reclamation of the Kyrgyz Republic, of the KRG State Inspectorate for Veterinary and Phytosanitary Safety contain instructions, provisions, indications and recommendations, specific issues for the prevention and control of especially dangerous infections of humans, animals and plants.

Biohazard/safety issues are relevant for many areas of the national economy:

- safety of medicines (chemical and biological pollution, falsification);
- food safety (PBA, GMOs);
- safety of microbiological laboratories and production facilities;
- environmental safety (changes in biological diversity, violation of ecological balance, emergence of new reservoirs of infections);
- epidemic safety;
- military security; and
- counteraction to biological terrorism.

Biological safety is a system of biomedical, organizational and engineering technical measures and means aimed at protecting the working personnel, the public and the environment against the effects of pathogenic biological agents.

Biohazard is a hazard to health or life of a human/animal associated with exposure to agents of biological nature.

Biological protection is protection against losses of microbiological pathogens, their theft, misuse or deliberate misuse.

Biological agent is any microorganism, including genetically modified organisms, cell cultures

and endoparasites that can cause any infection, allergic or toxic reaction in humans, animals or plants.

Biosafety objectives:

- protection of population and environment;
- personnel protection; and
- quality (protection) of products.

Risk assessment is the cornerstone of biosafety and biohazard doctrines.

Risk assessment is the basis of biosafety practices. Therefore, biosafety is the degree of protection of an object against the effects of biorisk.

Key components of risk assessment:

- specific characteristics of the organisms in respect to which the experiments are supposed to be carried out;
- specific characteristics of experimental animals that can be used;
- equipment and procedures used; and
- insulating equipment and tools.

Stages of ensuring biosafety based on biorisk assessment:

- identification of biorisks;
- assessment of biorisks; and
- biorisk management.

At present, in the Republic, the following is required for more global understanding:

- develop a general strategy to counter biosafety threats and risks;
- develop a common concept of biosafety as a critical element in the process of strengthening the confidence-building measures;
- harmonization of national biosafety legislation, including licensing, export control and criminal law;
- develop measures to improve the physical protection of biological facilities, including for the organizations that have museum cultures of hazardous biopathogens;
- develop global monitoring systems for newly emerging known and new (previously unknown or unusual) infectious diseases;
- attract investment and expand the number of joint projects to develop and improve measures to counter existing and future bio-threats, the emergence of which is inevitable in connection with the further globalization of the world economy and development of biotechnology and genetic engineering; and
- expand contacts between research institutions of various countries in order to develop a strategy for international cooperation in the field of biosafety, to build confidence and ensure transparency.

In light of the above, in the Republic some of the existing problems should be solved that need to be eliminated, including possible intra-laboratory infection and contamination:

- there is a need to arrange laboratories of the third and fourth level of biosafety;
- procure required diagnostic kits, test systems, reagents, materials, uniform, including for emer-

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gency cases (outbreaks of especially dangerous diseases: bird or swine flu, Ebola fever, etc.);

- procure modern laboratory equipment for making tests at a higher scientific level, ensure its validation, maintenance and calibration; and
- training of veterinary and medical specialists, laboratory workers, and capacity building.

At present, in Kyrgyzstan, mainly 2 BSL-level Laboratories are available; and only in 2013 with the support of the German government, the BSL-3 level Laboratory for the diagnosis of tuberculosis was launched.

With support of the World Bank and Canadian government, at the Kyrgyz Veterinary Research Institute and at the National Center for Veterinary Diagnostic, the laboratories were rehabilitated, including installation of ventilation and HEPA filters, due to which the laboratories have obtained the BSL-2 status.

The laboratories have several levels of safety: the first level is at the entrance to the building; the second is at the entrance to the laboratory, some laboratories have limited access to some rooms, which is insufficient according to the biosafety rules adopted in the leading laboratories of the world.

The laboratories have the proper laboratory equipment for conducting research at the molecular biological level, for making diagnostics using various methods and biological protective equipment.

In order to ensure timely diagnosis of infectious diseases and inhibit the spread of resistant microorganisms, the *Map for Beginning Bacteriologists on the Basics of Clinical Bacteriology* was developed and replicated with the support of *Infectious Control in Hospitals of the Kyrgyz Republic* Project (Swiss Red Cross).

The Laboratory Coordination Board of the Ministry of Health Care of the Kyrgyz Republic, with support of the 'Good Laboratories - Good Quality' Project (WHO Country Office), developed and replicated the 'Guidelines for transportation of biological materials and samples for laboratory testing in healthcare organizations of the Kyrgyz Republic' and 'Guidelines on implementation of the management system and preparation of accreditation/licensing of medical laboratories'.

In order to harmonize the regulatory framework in accordance with the requirements of biosafety and biosecurity, the KRG, in its plans, has included development of a Bill 'Biosafety in the Kyrgyz Republic'.

The inter-departmental working group was set up (MOH Order No.617 dated 22.05.19). At the first meeting, the structure and timing for development of the Bill were discussed. It was decided to improve the Articles 1-4 of the Bill. On July 2, 2019, the 2nd meeting was held, and amendments and addenda to the Articles were discussed.

Law 'On Health Care of the Kyrgyz Republic' (No. 248, dated July 24, 2009) <http://cbd.minjust.gov.kg/act/view/ru-ru/202630> rus, <http://cbd.minjust.gov.kg/act/view/ky-kq/202630> kyr.

Law on Veterinary Medicine (No. 175, dated 30.12.2014) <http://cbd.minjust.gov.kg/act/view/ru-ru/205396> rus, <http://cbd.minjust.gov.kg/act/view/ky-kq/205396> kyr.

Law 'On Plant Quarantine' (No. 2, dated January 12, 2015) <http://cbd.minjust.gov.kg/act/view/ru-ru/205424> rus, <http://cbd.minjust.gov.kg/act/view/en-us/205424/10?cl=ky-kq&mode=tekst> kyr.

Law 'On the Sanitary and Epidemiological Safety of the Population' (No. 60, dated July 26, 2001 (as amended by the Law of the Kyrgyz Republic No. 151, dated July 15, 2003 and No. 126, dated April 17, 2009) <http://cbd.minjust.gov.kg/act/view/ru-ru/467?cl=ru-ru>

Law 'On the Accession of the Kyrgyz Republic to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction', signed on 04.10.1972 in Moscow, London, Washington (No. 144, dated 08.17.2004) <http://cbd.minjust.gov.kg/act/view/ru-ru/17425?cl=ru-ru> rus, <http://cbd.minjust.gov.kg/act/view/ru-ru/17425/10?cl=ky-kq&mode=tekst> kyr.

Comprehensive Plan of Anti-Epidemic Measures for the Sanitary Protection of the Territory of the Kyrgyz Republic against the Import and Spread of Quarantine Infections, 2009-2013. <http://cbd.minjust.gov.kg/act/view/ru-ru/11660> rus, <http://cbd.minjust.gov.kg/act/view/ru-ru/11660/10?cl=ky-kq&mode=tekst> kyr.

Regulation on the procedure for sanitary and epidemiological surveillance (control) of persons, vehicles, goods and cargo transported across the state border of the Kyrgyz Republic <http://cbd.minjust.gov.kg/act/view/ru-ru/97031> rus, <http://cbd.minjust.gov.kg/act/view/ru-ru/97031/10?cl=ky-kq&mode=tekst> kyr.

2.8.2. Ensuring chemical safety in the KR

With the development of chemical industry and new technologies, and at the same time, extremist threats, the country's chemical safety issue has become very topical. Chemicals are used in almost all areas of modernity, and are widely used. Therefore, for the further development of the sector, safety of the technological process should be ensured timely, as well as government intervention and regulation and development of relevant legislation.

Chemical safety is a set of measures when, by observing legal norms and sanitary-hygienic rules, by meeting technological and engineering requirements, as well as by conducting appropriate organizational and special measures, the conditions for chemical infection or damage to people, to farm animals and plants, and environmental pollution with hazardous chemicals in the event of a chemical accident are excluded.

Ensuring chemical safety is a set of organizational, technical and special measures aimed at eliminating or minimizing the risk of harmful effects of chemical contamination on the human body, on farm animals and plants, and environmental pollution by hazardous chemicals as a result of a chemical accident. Carrying out such measures implies the complete exclusion or maximum reduction of the impact of chemicals on the environment and humans.

In the Kyrgyz Republic, chemical safety issues are based on various legislative acts adopted by the Government of the Kyrgyz Republic.

In order to ensure the sound management of chemicals, the protection of public health and the environment against harmful effects of chemical substances and mixtures, suppression of illicit trade, and taking into account the provisions of international treaties in the field of handling chemical products, a party to which the Kyrgyz Republic is, on February 9, 2015, the 'Regulation on the System of Classification of Hazardous Chemical Substances/Mixtures and Requirements to the Elements of Hazard Communication: Labeling and Safety Passport' was passed by the Resolution #43 of the Government of the Kyrgyz Republic.

This very 'Regulation on the System of Classification of Hazardous Chemical Substances/Mixtures and Requirements to the Elements of Hazard Communication: Labeling and Safety Passport' establishes a unified classification system for chemicals/mixtures and the requirements for hazard communication elements: labeling and Safety Passport.

The requirements of this Regulation are mandatory for all legal entities and individuals engaged in production (manufacturing) and sale of chemicals/mixtures, in the provision of services in the field of retail trade of chemical items in the Kyrgyz Republic, as well as for the officials authorized to implement the state supervision of compliance with the requirements of the Regulation.

'Regulation on the Procedure for Conducting Sanitary and Epidemiological Control of the Sources of Physical Factors in the Kyrgyz Republic' was also passed by the Decree of the Government of the Kyrgyz Republic on June 6, 2003 No. 329.

Sanitary and epidemiological control over the sources of physical factors shall be carried out by a body or by an

institution of the State Sanitary and Epidemiological Service of the Kyrgyz Republic, accredited in the manner prescribed by the legislation of the Kyrgyz Republic, and shall be an essential part of ensuring safety and harmlessness of working environment with sources of physical factors in order to prevent their harmful effects on human organism.

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Physical factors are the factors that can reduce working capacity, the appearance of various diseases, various types of general, local or long-term adverse effects on human body (noise, vibration, electromagnetic, laser and other types of radiation, microclimate, and a number of other factors).

The above Regulation regulates the general requirements for arranging and conducting the state sanitary and epidemiological control over the safety and harmlessness of synthetic materials, fabrics, household appliances, building materials that develop the electrostatic field, as well as over the operated equipment, machines (gaming machines, personal electric computers, etc.) and their components, locations for installation of radio transceiver facilities (hereinafter - PRTO) in the territory of the Kyrgyz Republic.

Currently, in order to fulfill the requirements of the 'Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction' dated January 13, 1993, a draft 'Regulation on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction' dated January 13, 1993 was developed. After coordination with the state authorities, this draft will be forwarded to the Government Office of the Kyrgyz Republic for approval.

Furthermore, the Laboratory Coordinating Board of the Ministry of Health Care of the Kyrgyz Republic, with support of the project '*Good laboratories - Good Quality*' (WHO Country Office), developed and replicated the 'Guidelines for the transportation of biological materials and samples for laboratory testing in healthcare organizations of the Kyrgyz Republic' and the 'Guidelines for organization of work on implementation of the management system and preparation for accreditation/licensing of medical laboratories'.

Liability:

1. Criminal Code of the Kyrgyz Republic, dated 02.02.2017. No.19 Art. 284. Violation of rules for treatment of environmentally hazardous substances and waste:

-Transportation, burial or disposal of radioactive, bacteriological, chemical substances and waste with intentional or reckless violation of the established rules, causing significant harm by negligence, as well as the burial or disposal of radioactive, bacteriological, chemical substances and waste in the zone of environmental disaster or in the zone of emergency environmental situations shall be punished by deprivation of the right to occupy certain positions or engage in certain Category IV activities, or by Category IV correctional works, or by Category V fine, or by Category I imprisonment.

2. The same acts that have caused grave harm by negligence, -

shall be punished by the Category VI fine or by the Category II imprisonment with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to two years:

- Article 140. Violation of environmental safety requirements in operations with pesticides and agrochemicals;

- Article 151. Violation of the requirements of technical regulations, sanitary rules, hygiene standards and other regulatory legal acts when handling chemicals and materials.

3. Code of the Kyrgyz Republic on Violations dated 13.04.2017. #58:

- paragraph 2 of the Article 130. Violation of the rules of transportation of hazardous goods;

- Article 140. Violation of environmental safety requirements in operations with pesticides and agrochemicals;

- Article 151. Violation of the requirements of technical regulations, sanitary rules, hygiene standards and other regulatory legal acts when handling chemicals and materials.

- Art.284. Violation of the rules for treatment of environmentally hazardous substances and wastes.

-Transportation, burial or disposal of radioactive, bacteriological, chemical substances and waste with intentional or reckless violation of the established rules, causing significant harm by negligence, as well as the burial or disposal of radioactive, bacteriological, chemical substances and waste in the zone of environmental disaster or in the zone of emergency environmental situations shall be punished by deprivation of the right to occupy certain positions or engage in certain Category IV activities or by Category IV correctional works or by Category V fine, or by Category I imprisonment.

4. The same acts that have caused grave harm by negligence,

- shall be punished by the Category VI fine or by the Category II imprisonment with the deprivation of the right to occupy certain positions or engage in certain activities for up to two years.

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1. Law of the Kyrgyz Republic 'On Public Health' <http://cbd.minjust.gov.kg/act/view/ru-ru/202630?cl=ru-ru>
 2. Law of the Kyrgyz Republic 'On Health Care of the citizens of the Kyrgyz Republic' <http://cbd.minjust.gov.kg/act/view/ru-ru/1602>
 3. Law of the Kyrgyz Republic 'Technical Regulation On Radiation Safety' [.http://cbd.minjust.gov.kg/act/view/ru-ru/203468](http://cbd.minjust.gov.kg/act/view/ru-ru/203468)
 4. Law of the Kyrgyz Republic 'On the Protection of Atmospheric Air' dated 12.06.1999. No. 51 (Article 28. Production, Use, Disposal and Stockpiling of Potentially Toxic Chemicals); <http://cbd.minjust.gov.kg/act/view/ru-ru/216>
 5. Decree of the KRG dated February 9, 2015, # 43 'Regulation on the System of Classification of Hazardous Chemical Substances/ Mixtures and Requirements to the Elements of Hazard Communication: Labeling and Safety Passport'; <http://cbd.minjust.gov.kg/act/view/ru-ru/97309>
 6. Decree of the KRG dated June 6, 2003, #. 329 'Regulation on the Procedure for Conducting Sanitary and Epidemiological Control of the Sources of Physical Factors in the Kyrgyz Republic'. <http://cbd.minjust.gov.kg/act/view/ru-ru/54468>
 7. Order of the Ministry of Health of the Kyrgyz Republic # 713 dated 14.08.2017. <http://cbd.minjust.gov.kg/act/view/ru-ru/97031>

2.9. Liabilities for violation of the export control legislation of the Kyrgyz Republic Information on the implementation of the United Nations Security Council Resolution 1540

Classification of violations of export control legislation is provided by the Article 14 of Chapter 4 of the Law of the Kyrgyz Republic *On Export Control* titled *Liability for Violation of the Export Control related legislation of the Kyrgyz Republic*:

Article 14. Violation of the export control related legislation of the Kyrgyz Republic.

Violation of the export control related legislation of the Kyrgyz Republic is:

- implementation of unauthorized foreign trade transactions on export, import, re-export of controlled items, as well as their transit through the territory of the Kyrgyz Republic and provision of services without a permit;
- providing state bodies with forged documents or documents containing inaccurate information about the implementation of foreign trade operations with controlled items;
- failure to implement or improper implementation of the instructions of the authorized bodies;
- impeding the officials of the authorized bodies to perform their functions in the field of export control;
- unjustified refusal to provide information requested by the authorized bodies for export control purposes, deliberate distortion or hiding the information;
- violation of the established procedure for recording the foreign trade transactions with controlled items;
- engaging in activities incompatible with the requirements of the enacted international treaties, to which the Kyrgyz Republic is a party.

According to the Article 15 of this Law, the foreign trade operators violating the Law of the Kyrgyz Republic *On Export Control* shall be liable in accordance with the legislation of the Kyrgyz Republic

The Table below shows the liabilities for violation of the Export Control legislation for each category of the above mentioned violations

Liability for violation of the Kyrgyz Republic Export Control law

<p>Liability for violation of the legislation provided by the law of the Kyrgyz Republic <i>On Export Control</i></p>	<p>Liability established by the <i>Criminal Code</i> of the Kyrgyz Republic and by the <i>Code on Violations</i> of the Kyrgyz Republic</p>
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<p>Performing the unauthorized foreign trade transactions for export, import, re-export of controlled items, as well as their transit through the territory of the Kyrgyz Republic without a permit;</p>	<p>Article 223. Economic smuggling (Criminal Code)</p> <p>1. Smuggling, that is, transporting across the customs border of the Eurasian Economic Union the goods or other items on a large scale, committed outside of or hiding from customs control or fraudulent use of documents or means of customs identification or involving the non-declaration or inaccurate declaration, shall be punished with correctional works of Category IV or with Category V fine, or with Category I imprisonment with deprivation of the right to hold certain posts or engage in certain activities for up to two years, and with a Category I fine.</p> <p>2. The same act committed:</p> <ol style="list-style-type: none"> 1) on a large scale; 2) by an official abusing his/her official position; 3) with the use of violence, not threatening life and health, towards the customs control official; 4) by a group of people or by a group of people on previous concert, - shall be punished by a Category VI fine or by Category II imprisonment with deprivation of the right to occupy certain positions or engage in certain activities for up to two years and with a Category II fine. <p>Note. The acts provided for by this very Article shall be deemed committed on a large scale if the value of goods transferred exceeds, by five thousand fold, the estimated indicator established by the legislation of the Kyrgyz Republic at the time of the crime; on especially large scale – by ten thousand fold.</p> <p>A person shall be exempted from criminal liability for the act provided for in this Article if the crime was committed for the first time and the person has voluntarily paid the customs payments due, including fines and penalties, with customs clearance of goods and other items that have been smuggled.</p> <p>Article 270. Smuggling of items in respect to which special rules have been established for transporting through the customs border of the Kyrgyz Republic (Criminal Code)</p> <p>1. Transporting through the customs border of the Kyrgyz Republic of narcotic drugs, psychotropic substances, their analogues and precursors; potent agents, poisonous, toxic, radioactive or explosive substances; weapons, explosive devices, firearms or ammunition; nuclear, chemical, biological and other types of weapons of mass destruction; materials, technologies, scientific and technical information and equipment that can be used for developing of weapons of mass destruction, and for which special rules have been established for transporting through the customs border of the Kyrgyz Republic; strategically important commodities and cultural property in respect of which special rules have been established for transporting through the customs border of the Kyrgyz Republic, if this act has been committed outside of or hiding from customs control or with fraudulent use of documents or means of customs identification or is associated with non-declaration or inaccurate declaration, - shall be punished by a Category VI fine or by Category II imprisonment.</p> <p>2. The act provided for in the Part 1 of this Article, committed:</p> <ol style="list-style-type: none"> 1) by an official abusing his/her official position; 2) with the use of violence, not threatening life and health, towards the customs control official; 3) by a group of people or by a group of people on previous concert, - shall be punished by a Category III imprisonment with deprivation of the right to occupy certain positions or engage in certain activities for up to three years.
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<p>Submission to the public authorities of forged documents or documents containing inaccurate information about foreign trade operations with controlled items;</p>	
<p>Failure to implement or improper implementation of the instructions of the authorized bodies</p>	<p>Article 293. Violation of the order of implementing the decisions, injunctions or requests of an authorized body (Code of the Kyrgyz Republic on Violations) Failure to implement or improper implementation of legal decisions, injunctions or requests of an authorized body - shall entail the Category II fine.</p>
<p>Impeding the officials of the authorized bodies to perform their functions in the field of export control</p>	<p>Article 262. Impeding the customs officials of the Kyrgyz Republic in conducting a customs inspection (search) (Code of the Kyrgyz Republic on Violations) Impeding the customs officials of the Kyrgyz Republic in conducting a customs inspection (search) - shall entail a Warning or a Category I fine.</p> <p>Article 293. Violation of the order of implementing the decisions, injunctions or requests of an authorized body (Code of the Kyrgyz Republic on Violations) Failure to implement or improper implementation of legal decisions, injunctions or requests of an authorized body - shall entail the Category I fine.</p> <p>Article 295. Impeding an authorized body (Code of the Kyrgyz Republic on Violations) Impeding the fulfillment of the powers of an authorized body when it carries out inspections – shall entail the Category II fine.</p>
<p>Unjustified refusal to provide information requested by competent authorities for the purposes of export control, its deliberate distortion or hiding</p>	<p>Article 294. Violation of the order for providing information, data, reports to an authorized body (Code of the Kyrgyz Republic on Violations) Failure to submit, untimely submission or submission of unreliable information, data, reports to an authorized body - shall entail the Category II fine.</p>

<p>Violation of the established order of accounting the foreign trade transactions with controlled items</p>	<p>Article 250. Violation of the order for conducting customs operations (Code of the Kyrgyz Republic on Violations) Violation of the order for carrying out customs operations related to the placement of goods under the customs procedure, that is, failure to observe the established requirements for commencement and completion of customs operations related to the placement of goods under the customs procedure, to observe the venue, time and performance procedure, - shall entail a Warning or a Category I fine.</p> <p>Article 258. Non-observance of the procedure for restricting transportation of goods across the customs border (Code of the Kyrgyz Republic on Violations) Transporting across the customs border of the Eurasian Economic Union of goods or vehicles in respect of which economic regulation measures or other restrictions are applied, in case of violation of the established procedure for applying these measures (restrictions), except as otherwise provided for in other Articles of this Chapter, - shall entail the Category I fine.</p> <p>Article 259. Illegal transportation of goods or vehicles (Code of the Kyrgyz Republic on Violations) 1. Transporting goods or vehicles across the customs border of the Eurasian Economic Union: a) outside the customs control, that is, outside the areas determined by the customs authorities or outside the established time for customs clearance; б) hiding from customs control, that is, with the use of concealments or other methods that impede the detection of goods, or by making one product look like another; в) with submission to the customs authority, as documents required for customs purposes, the forged documents, invalid documents, documents obtained illegally, documents containing false information, or documents relating to other goods or vehicles, as well as using the fake identification tools or authentic means of identification relating to other goods or vehicles; г) connected with non-declaration or false declaration of goods and vehicles transported across the customs border, that is, failure to provide a reliable information in the prescribed form or submission of false information about goods or vehicles, about their customs procedures, or other information required for customs purposes, - shall entail the Category IV fine. 2. The same acts committed in relation to goods or vehicles produced or acquired at the territory of the Kyrgyz Republic for the purpose of exporting them from the customs territory of the Eurasian Economic Union in the Kyrgyz Republic, if export duties or prohibition are not provided for them, - shall entail the Category III fine.</p>
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Involvement in activities incompatible with the requirements of the enacted international treaties to which the Kyrgyz Republic is a party	<p>Article 211. Illegal entrepreneurial or banking activities (Criminal Code of the Kyrgyz Republic)</p> <p>1. Carrying out business or banking activities or banking operations without registration or without a special license and (or) permission in cases when such license and (or) permission are required, or with violation of licensing terms, if this act involves large-scale revenues, - shall be punished by the Category I public works or by the Category I fine.</p> <p>2. The same act associated with a large scale revenues, - shall be punished by Category II public works or by deprivation of the right to hold certain posts or to engage in Category I certain activities or in Category I correctional work, or by the Category II fine.</p> <p>Article 205. Doing business without a license (Code of the Kyrgyz Republic on Violations)</p> <p>Doing business without a license (permit), the obligation to obtain which is provided for by law, - shall entail the Category IV fine.</p>
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For reference.

Currently, in accordance with paragraph 1 of the Action Plan of the Kyrgyz Republic on Implementation of United Nations Security Council Resolution 1540 for 2017-2019, passed by Decree of the Government of the Kyrgyz Republic No. 443 in July 24, 2017, a bill is being drafted providing for an amendment to the Criminal Code of the Kyrgyz Republic and to the Code of the Kyrgyz Republic on Violations in order to bring the legislation of the Kyrgyz Republic in compliance with the requirements of international treaties in the field of non-proliferation of weapons of mass destruction, to which the Kyrgyz Republic is a party.

2.10. Information on the implementation of the United Nations Security Council Resolution 1540

The Kyrgyz Republic, lacking nuclear, chemical, biological weapons and their means of delivery, in accordance with the United Nations Resolution, implements measures aimed at strengthening the national export control system and strengthening the system of supervision and control over the movement of materials and equipment conducive to development and manufacturing of WMD.

In order to achieve effective cooperation of all state bodies involved in the implementation of UNSCR 1540, and to ensure the implementation of the Resolution, the *Kyrgyz Republic Action Plan for Implementation of the UNSCR 1540* was developed and passed by the Decree No. 144 of the Government of the Kyrgyz Republic on March 22, 2013. To date, this Plan has been updated and passed by the Decree No. 443 of the Government of the Kyrgyz Republic on July 24, 2017 *On Approval of the Action Plan of the Kyrgyz Republic for Implementation of the United Nations Security Council Resolution 1540 for 2017-2019*.

Specific measures and practical activities for implementation of the Articles 2,3,4,5,6,7 and 8 of the Resolution were included in this Action Plan, and the responsible state bodies for the implementation have been identified.

According to this Plan, in order to prevent the proliferation of nuclear, chemical or biological weapons and their delivery vehicles, including through the establishment of appropriate control over the materials related to them, draft regulatory acts will be developed to bring national legislation into line with the provisions of the *Convention on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction* and *On Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on Their Destruction*.

Furthermore, it is planned to develop and approve an internal export control program and develop a draft government decision for establishing the Identification Center. It is planned to develop draft regulatory legal acts in order to establish criminal and administrative liability for violations of legislation in the field of export control.

Furthermore, this Plan provides for the development and implementation of practical activities to equip the Border Crossing Points and strengthen and modernize the physical protection of the state border, as well as a number of measures to record and control radioactive sources of radiation, to train border and customs officials and to provide regular reports on the UNSCR 1540.

Currently, in order to ensure that Kyrgyzstan observes international obligations, its public authorities are implementing the above measures.

According to the results of six months and a year, the Ministry of Economy of the Kyrgyz Republic would submit the summarized information to the Office of the Government of the Kyrgyz Republic about the progress in implementation of the Action Plan.

In order to implement the **Articles 2, 6 and 8** of the UN Security Council **Resolution 1540**, for the purpose of harmonization of the legislation of the Kyrgyz Republic with regard to the establishment of criminal or administrative responsibility for violation of export control legislation of the Kyrgyz Republic with the requirements of international treaties on non-proliferation of weapons of mass destruction, to which the Kyrgyz Republic is a participant, the Ministry conducted a comparative analysis of the 1997 Criminal Code of the Kyrgyz Republic and the 2017 Criminal

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Code of the Kyrgyz Republic, as well as the 1998 Code of the Kyrgyz Republic on Administrative Liability and the Code of the Kyrgyz Republic on Misconduct No. 18 dated February 1, 2017 and the Code of the Kyrgyz Republic on Violations No. 58 dated April 13, 2017. The results of the analysis were presented at the Round Table Meeting on July 3, 2018, with participation of representatives of public authorities of the Kyrgyz Republic, international and national experts. The results of the analysis were discussed by the above-mentioned experts. The comments and suggestions were given; they are presented in the Recommendations.

Furthermore, in 2013, on the initiative of the KR State Security Committee, amendments were made to the Articles 226 (terrorism) and 232 (hijacking of air or water vehicles or railway rolling stock) of the Criminal Code of the Kyrgyz Republic, where criminal activity with the use of firearms, ammunition, explosive devices, and explosive, poisonous, radioactive substances or nuclear, chemical, biological and other types of WMD have been included as one of the qualifying characteristics, and provide for the toughening of punishing sanctions.

For the implementation of the above mentioned Articles of the UNSCR 1540, the Ministry of Economy has developed a Draft Law of the Kyrgyz Republic *On Accession of the Kyrgyz Republic to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, signed on June 17, 1925 in Geneva. This law was adopted.

Thus, the Kyrgyz Republic, through the Law of the Kyrgyz Republic No. 36 dated March 20, 2019, has acceded to the *Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, signed on June 17, 1925 in the city of Geneva.

Furthermore, in the implementation of the above-mentioned Article of the Resolution, the following was developed and adopted:

- Bill of the Government of the Kyrgyz Republic *On amendments and addenda to some legislative acts of the Kyrgyz Republic (to the laws of the Kyrgyz Republic **On Export Control** and **On Licensing System in the Kyrgyz Republic**)*. This law has already been adopted (No. 51, April 24, 2019).

- Draft Decree of the Government of the Kyrgyz Republic *On Amending the Decree of the Government of the Kyrgyz Republic **On Further Measures to Improve the National Export Control System in the Kyrgyz Republic** No. 257, dated October 27, 2010, which was passed by the Decree of the KRG on November 17, 2017 No. 748.*

- Draft Regulation on the implementation of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction* dated January 13, 1993. Currently, the Regulatory Impact Analysis is being developed for the draft. After the draft has been coordinated with the relevant public authorities, the Ministry will submit it to the Government Office for consideration in the prescribed manner.

In pursuance of the **Article 3 of UN Security Council Resolution 1540**, the Kyrgyz Republic takes effective measures to establish control for preventing the proliferation of WMD.

Ministry of Emergencies of the Kyrgyz Republic regularly holds measures to isolate and dispose the tailings (places of storing) of the sources of ionizing radiation, and radioactive materials from the environment.

Ministry of Health Care, in order to ensure control and supervision over the registration of import, accommodation, operation, transportation and disposal of radioactive sources has car-

ried out the stocktaking of ionizing radiation sources and has developed the *National Register of Ionizing Radiation Sources*, which is hosted by the Department of Disease Prevention and State Sanitary-and-Epidemiological Surveillance of the MOH.

Furthermore, practical activities are being taken in order to equip the Border Crossing Points and to strengthen and modernize the physical protection of the national border. The staff of the border control and customs agencies of the Kyrgyz Republic is constantly being trained; the Border Crossing Points are being modernized to meet today's realities.

The State Border Control Service of the Kyrgyz Republic has evaluated some of the Kyrgyz-Uzbek, Kyrgyz-Tajik and Kyrgyz-Kazakh sections of the national border in order to identify the areas requiring technical modernization. Civil engineering works were carried out to equip the Kyrgyz-Uzbek, Kyrgyz-Kazakh and Kyrgyz-Tajik sections of the national border of the Kyrgyz Republic (installation of engineering barriers, metal observation towers, and fosses were made).

As part of the reconstruction of the *Manas Airport*, the SCS, jointly with the *VMF Group*, carried out the transfer of the BCPs in the arrival and departure halls.

On April 19, 2019, with the financial support of the *Second Line of Defense Program*, the *VMF Group LLC* (BCP maintenance contractor in the Kyrgyz Republic) disassembled the BCP at Kara-Balta Station and delivered it for temporary storage to the Central Joint Base of the State Border Control Service of the Kyrgyz Republic. This equipment was previously accounted on the balance sheet of the SCS under BCP, and therefore it was transferred to the State Border Control Service of the Kyrgyz Republic.

Furthermore, the Ministry of Health Care conducted a stock-taking of radioactive sources on the territory of the Kyrgyz Republic, which began in 2007. According to the database of ionizing radiation sources, 305 sealed radioactive sources were registered in 24 organizations; each source was assigned a hazard category in accordance with the IAEA classification.

During the inspection, the storage conditions of the ionizing radiation sources were checked according to the physical safety requirements of the national norms and rules of the Kyrgyz Republic and of the IAEA; the activity of each source was measured with the identification of isotopic composition. Each source has been assigned an identification number.

In order to ensure compliance with the requirements of the **Article 6 of the Resolution 1540**, the National Control List of Controlled Items of the Kyrgyz Republic was developed and adopted (Decree of the Government of the Kyrgyz Republic No. 197 dated 04.02.2014).

This list has been developed taking into account all the addenda and changes to the key control lists of international non-proliferation regimes.

Furthermore, jointly with international experts, the regulatory legal acts in the field of export control were analyzed to identify gaps in the legislative framework and to bring them into line with international standards.

In pursuance of the Article 7 of the Resolution, the work is constantly being done to attract expert and technical assistance for implementation of the measures from the Kyrgyz Republic Action Plan to implement the UNSCR 1540 (*a meeting was arranged with OSCE, OPCW, IAEA, and BWC on the issue of attracting donor assistance for providing an expert and technical assistance for the implementation of measures from the Action Plan*).

Kyrgyzstan is provided with ongoing assistance by the above-mentioned international organizations, including the UN Security Council Committee 1540.

II. EXPORT CONTROL SYSTEM IN THE KYRGYZ REPUBLIC

The above-mentioned organizations provide assistance in ensuring border security and strengthening the relevant units of the Kyrgyz Republic with material and technical facilities. Many working meetings and Round Table meetings were arranged with the participation of the experts from the state bodies of the Kyrgyz Republic along with the regional trainings that were held to train the staff of expert organizations dealing with licensing, as well as the staff of customs and border control services.

Furthermore, the Ministry and SEPA annually submit:

- report on export and import to the Technical Secretariat of the OPCW (form RCA 1.0 b RCA 2.0), as well as information on the National Chemical Weapon Protection Programs in accordance with the Article X of the CWC;

- report on confidence-building measures to the Secretariat of the *Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, signed on April 10, 1972, in the cities of Moscow, London, and Washington;

- export and import report to the IAEA (on the Article 33 of the Agreement between the Kyrgyz Republic and the IAEA on the safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons);

- a quarterly report on the Articles 2 and 3 of the Additional Protocol to the Agreement between the Kyrgyz Republic and the IAEA on the safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons;

- annual report on the Articles 2.a(i), 2.a(iii), 2.a(iv), 2.a(v), 2.a(vi)(a), 2.a(vii), 2.a(x), 2.b(i) of the Additional Protocol to the Agreement between the Kyrgyz Republic and the IAEA on the safeguards in connection with the *Treaty on the Non-Proliferation of Nuclear Weapons*.

III. KR NATIONAL EXPORT CONTROL LEGISLATION THE LAW OF THE KYRGYZ REPUBLIC

Bishkek, as of January 23, 2003 #30

3.1. Law of the Kyrgyz Republic 'On Export Control'

This Law establishes principles of public policy implementation, legal framework for activity of public administration bodies of the Kyrgyz Republic and traders in the sphere of export control, as well as defines their rights, duties and responsibilities in this sphere.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Chapter 1 General provisions

Article 1. Key definitions

For the purpose of this Law, the following key definitions are used:

foreign trade activity – foreign commerce, investment and other activity, including industrial cooperation in the sphere of exchange of commodities and materials, equipment and technologies, scientific and technical information, works and services, results of intellectual activity, to include intellectual property rights;

controlled products – the types of commodities and materials, equipment and technologies, scientific and technical information, works and services, dual-use items and results of intellectual activity, included into the National control list of the Kyrgyz Republic, which may be used upon manufacturing weapon of mass destruction and weapon delivery vehicles along with other types of armament and military equipment;

dual-use items – products or goods that are intended for peaceful use, but that may be used upon creation of nuclear, chemical or bacteriological (biological) weapon of mass destruction and weapon delivery vehicles along with other types of armament and military equipment;

export and import – exportation and importation of controlled products from (to) the territory of the Kyrgyz Republic;

reexport – exportation of controlled products produced beyond the country and exported to the territory of the Kyrgyz Republic;

transit – transportation of controlled products through the territory of the Kyrgyz Republic under customs control;

nuclear and special non-nuclear materials – materials defined as such in accordance with international norms and rules on non-proliferation of nuclear weapon;

export control – a set of measures that enable implementation of procedures for foreign trade activity in relation to controlled products provided for by this Law and other normative and legal acts issued by the Government of the Kyrgyz Republic;

foreign trade operators – legal entities and natural persons of the Kyrgyz Republic registered in accordance with established procedure, as well as foreign legal entities and natural persons, who legal capacity is defined by the law of foreign country and who perform foreign trade activity in accordance with the legislation of the Kyrgyz Republic;

internal export control program – measures of organizational, administrative, informational

III. KR NATIONAL EXPORT CONTROL LEGISLATION THE LAW OF THE KYRGYZ REPUBLIC

and other character implemented by the enterprises and organizations to observe export control rules;

weapon of mass destruction - nuclear, chemical and bacteriological (biological) weapon;

weapon delivery vehicles - missiles, pilot and pilotless aircrafts, air defense missile systems and artillery systems capable to deliver weapon of mass destruction;

authorized body – public administration body of the Kyrgyz Republic that has relevant authorities in the sphere of export control;

state expert examination – a set of measures on verification and analysis of documentation and information related to foreign trade transactions with controlled products with the purpose to establish its compliance with the international obligations of the Kyrgyz Republic, its public interests and environmental safety requirements.

brokerage - provision of services for sales transactions, supply of controlled items, as well as negotiating, preparing contracts or arranging the transfer of controlled items, including financial and transportation services;

services - activities aimed at meeting the needs of third parties, including brokerage, technical assistance and transportation of controlled items;

identification - establishment of origin (conformity) of goods, information, works, services, results of intellectual activity related to controlled items;

technical assistance - provision of technical assistance related to controlled items and technologies;

technology - scientific and technical information and other results of intellectual activity (copy rights), expressed in the form of models, prototypes, drawings, diagrams, projects, instructions, software items, or in intangible form: training, technical support (service) necessary for development, manufacturing or use of goods;

materials related to nuclear, chemical and biological weapons and their means of delivery - materials, equipment and technologies that are subject to the relevant multilateral (international) treaties and agreements (in the field of non-proliferation of weapons of mass destruction) or included in national control lists that may be used for the design, development, manufacturing or use of nuclear, chemical and biological weapons and their delivery vehicles.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 2. The scope of this Law

This Law regulates relations between public administration bodies of the Kyrgyz Republic and the participants of foreign trade activity while implementing export control.

The force of this Law covers foreign trade activity in relation to controlled products on the entire territory of the Kyrgyz Republic.

Export control for armament and military equipment, as well as for scientific and technical information, works and services, results of intellectual activity, including intellectual property rights, which are the products intended for military use should be implemented in accordance with the legislation and other normative and legal acts of the Government of the Kyrgyz Republic in the sphere of military-technical cooperation.

This very Law also applies in cases where actions (agreements) performed (concluded) by government bodies and organizations, legal entities and individuals outside the Kyrgyz Republic

could contribute to the proliferation of weapons of mass destruction, their means of delivery, technologies for developing the weapons of mass destruction and means of delivery or may damage the national security of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 3. Legislation of the Kyrgyz Republic in the sphere of export control

Legislation in the sphere of export control is based on the Constitution of the Kyrgyz Republic and consists of this Law, other laws of the Kyrgyz Republic and normative and legal acts of the Government of the Kyrgyz Republic adopted in accordance thereof.

Matters of export control should be in exclusive jurisdiction of the Kyrgyz Republic.

Article 4. Purposes of export control

The main purposes of export control are:

Protection of interests of the Kyrgyz Republic;

Implementation of the requirements of international agreements signed by the Kyrgyz Republic in the sphere of non-proliferation of weapon of mass destruction and weapon delivery vehicles, as well as in the sphere of export, import, reexport and transit of controlled products;

Creation of conditions to integrate economy of the Kyrgyz Republic into global economy.

Article 5. Principles of governmental policy of the Kyrgyz Republic in the sphere of export control

Governmental policy in the sphere of export control is a part of domestic and foreign policy of the Kyrgyz Republic and is implemented exclusively to provide security of the state, along with its political, economic and military interests.

Governmental policy of the Kyrgyz Republic in the sphere of export control is formed in accordance with the following main principles:

Legality, openness and accessibility of the information on export control, as well as the information on procedures, rules, objectives, tasks and principles of export control system functioning and responsibility for the violation of normative and legal acts of the Kyrgyz Republic on export control;

Priority of national interests and security of the Kyrgyz Republic upon implementation of export control;

Good conscience while observing the international obligations of the Kyrgyz Republic in the sphere of non-proliferation of weapon of mass destruction and weapon delivery vehicles, as well as in the sphere of export, import, reexport and transit of controlled products;

Implementation of state control over transportation of controlled products on the territory and across the state border of the Kyrgyz Republic;

Interaction with the international organizations and foreign countries in the sphere of export control with the objective to enhance international security and stability, and to prevent proliferation of weapon of mass destruction and weapon delivery vehicles.

harmonization of procedures and methods for export control with universally recognized international standards and practices;

implementation of export controls only to the extent necessary to achieve its objectives.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 6. National control list of the Kyrgyz Republic

National control list of the Kyrgyz Republic for controlled products should be defined by the Government of the Kyrgyz Republic

Updating the National Control List of Controlled Items of the Kyrgyz Republic shall be carried out at least once in two years from the moment of its last update, and in accordance with amendments in the control lists of international export control regimes.

Controlled products included into the National control list of the Kyrgyz Republic should be a subject of export control and identification regardless of ownership forms, origin and time of production. Identification should be a responsibility of foreign trade operators.

Foreign trade operators are entitled to entrust the identification of controlled items of an organization that has been granted, in the manner established by the Government of the Kyrgyz Republic, a special permit to carry out activities related to identification of controlled items on the basis of relevant agreement. In this case, the responsibility for the correctness and validity of the results of identification of controlled items lies with the expert organization.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

See:

Decree of the Government of the Kyrgyz Republic dated April 2, 2014 N 197 «On approval of the National Control List of Controlled Items of the Kyrgyz Republic»

Article 7. Methods of export control implementation

Export control in the Kyrgyz Republic should be implemented by means of legal regulation of foreign trade activity that includes:

establishment of conformity of particular types of commodities and materials, equipment and technologies, scientific and technical information, works and services, dual-use items and results of intellectual activity, that are objects of foreign trade with the products included into the National control list of the Kyrgyz Republic;

permissive procedures for implementation of foreign trade operations with controlled products;

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

currency control over the implementation of foreign trade operations with controlled products, including over timeliness and completeness of currency proceeds transfer to authorized banks' accounts;

application of state compulsion measures (sanctions) towards those individuals that violated procedures for foreign trade operations with controlled products provided for by this Law, other laws and normative and legal acts of the Kyrgyz Republic, or those who attempted to commit these actions;

creation of in-house export control programs in the enterprises and organizations that perform scientific and industrial activity to provide defense and security of the Kyrgyz Republic.

exchange of information and other interaction with authorized export control bodies of foreign states and international organizations;

update the Kyrgyz Republic National Control List of Controlled Items and Goods (works, services), on the basis of generally recognized norms of international law and practice;

provision of state guarantees, including in the form of end-user certificates, regarding the use of controlled items imported into the Kyrgyz Republic;

comprehensive control.

(As amended by the Laws of the Kyrgyz Republic dated March 29, 2019 N 40, April 24, 2019 N 51)

See also:

Regulation on the procedure for export control of controlled items in the Kyrgyz Republic (approved by the Decree of the Government of the Kyrgyz Republic dated October 27, 2010 N 257)

Chapter 2 Legal framework for export control arrangement

Article 8. Powers of the Government of the Kyrgyz Republic and public administration bodies in the sphere of export control

The Government of the Kyrgyz Republic should:

Organize implementation of public policy in the sphere of export control, including in relation to international export control regimes;

Determine procedures and recording of foreign trade activity in relation to controlled products in accordance with this Law and other normative and legal acts of the Government of the Kyrgyz Republic;

Make decisions within its competence on negotiations and signing international and inter-governmental agreements in the sphere of export control and implement control over the implementation thereof;

Determine and govern the activity of authorized bodies of the Kyrgyz Republic responsible for export control and approved transit;

Approves the National Control List of the Kyrgyz Republic and the List of countries to which the export of these items is prohibited or restricted, and also sets quantitative restrictions on the export, import and re-export of controlled items;

Establishes procedure for identification of controlled items; Establishes an interdepartmental commission for export control, approves the regulations on it and its composition;

Establishes procedure for organizing governmental control over the fulfillment of obligations on the use of imported (exported) specific goods (works, services) for the stated purposes;

Within its competence, exercises other powers in the field of export control.

Public administration bodies should:

Provide enforcement of this Law, other laws and normative and legal acts of the Government of the Kyrgyz Republic and the international obligations in the sphere of export control;

Develop and submit National control list of the Kyrgyz Republic along with proposals on its adjustment and quantitative limitation of export, import and reexport of controlled products and the list of countries, where export of this products is prohibited or restricted for consideration of the Government of the Kyrgyz Republic;

Prepare conclusions, implement inspections and issue permits for transit of controlled products, as well as perform examination of controlled products when those are shipped beyond the territory of the Kyrgyz Republic;

See also:

III. KR NATIONAL EXPORT CONTROL LEGISLATION THE LAW OF THE KYRGYZ REPUBLIC

Procedures of issuing permits for transit of products subject to export control across the territory of the Kyrgyz Republic (approved by the regulation of the Government KR as of May 4, 2004 #330)

Suppress illegal transportation of controlled products over the territory and across the state border of the Kyrgyz Republic;

Request the information from foreign trade operators on the use of controlled products obtained from previous transactions in accordance with the obligations assumed;

Implement interaction with the international organizations, public agencies and non-governmental organizations of foreign countries, as well as facilitate contacts and information sharing between public associations of the Kyrgyz Republic and foreign non-governmental organizations in the sphere of export control;

Undertake supervision and verification of foreign trade operators within its powers and in accordance with the legislation of the Kyrgyz Republic;

Implement other powers within its competence in the sphere of export control.

(As amended by the Laws of the Kyrgyz Republic dated April 28, 2019 #73, October 5, 2011, #161, April 24, 2019 N 51)

Article 9. Responsibilities of foreign trade operators on provision of the information and the responsibilities of authorized bodies in relation to the information provided

Foreign trade operators should:

Maintain records of foreign trade transactions made with controlled products and submit the documents, explanations and other information upon request of authorized bodies to enable them to perform functions and address tasks provided for by this Law and other normative and legal acts of the Government of the Kyrgyz Republic in the sphere of export control;

Be accountable for reliability of the information submitted to authorized bodies for the purpose of export control.

Authorized bodies should use the information provided by foreign trade operators exclusively for the purpose of export control.

The information constituting State secret, commercial secret, or other information protected by the legislation of the Kyrgyz Republic, as well as confidential information should not be made public and should not be used by officials of authorized bodies for personal purposes, passed to third parties, excepting cases provided for by the legislation of the Kyrgyz Republic.

Comprehensive control:

foreign trade operators shall be prohibited from entering into foreign economic transactions with goods, technologies, software, results of intellectual activity, works, services or participating in them in any other way if they know that these items and results of intellectual activity, works, services will be used by a foreign state or by a foreign legal entities and individuals for the purposes of development, manufacturing or use of weapons of mass destruction and means of their delivery, either for the preparation and (or) commission of terrorist acts;

foreign trade operators shall be required to obtain, in the prescribed manner, a license and (or) permit of the authorized body to carry out foreign economic transactions with goods, technologies, software, intellectual property, works, services that are not subject to Article 6 of this Law, in the following cases:

- foreign trade operators shall be informed by the authorized body or other state body of the Kyrgyz Republic that these items and the results of intellectual activity can be used for development of weapons of mass destruction and (or) their delivery vehicles;

- foreign trade operators shall be aware that these items and the results of intellectual activity can be used for development of weapons of mass destruction and (or) their delivery vehicles.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 10. Requirements for foreign trade transactions with controlled products

Foreign trade transactions that imply transfer of controlled products to foreigners should be made upon the availability of end user certificate and written obligation of the foreigner stating that the above products would not be used for manufacturing of weapon of mass destruction and weapon delivery vehicles.

Traders should be prohibited to conclude foreign trade transactions with controlled products provided that they have sound knowledge that this product would be used by foreign country or by a foreigner for the purpose of manufacturing weapon of mass destruction and weapon delivery vehicles.

In order to protect national interests and implement international obligations, bans and restrictions might be introduced in the Kyrgyz Republic for foreign trade activity in relation to controlled products up to placing embargo towards foreign countries in the case of violation of the obligations given to the Kyrgyz Republic, as well as in accordance with the decisions of the international organizations, where the Kyrgyz Republic is a party.

Bans and restrictions for foreign trade activity with controlled products established in relation to certain states coming from the interests of security should be introduced by the laws of the Kyrgyz Republic.

Bans and restrictions for foreign trade activity with controlled products established in accordance with the international obligations of the Kyrgyz Republic should be introduced by the Decrees of the President of the Kyrgyz Republic.

Bans and restrictions for foreign trade activity with controlled products established towards certain foreign citizens occupied with the type of activity that is not in line with the principles of non-proliferation of weapons of mass destruction and weapon delivery vehicles should be introduced by the regulations of the Government of the Kyrgyz Republic.

Transfer of controlled items between entities within the republic is allowed with the appropriate permits issued by the authorized body.

Procedure and terms for issuing permits for the transfer of controlled items between entities within the republic shall be determined in accordance with the Procedure for exercising export control of controlled items in the Kyrgyz Republic, approved by the Government of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 11. Licensing of foreign trade operations with controlled products

Foreign trade operations that imply import, export and re-export of controlled products should be a subject of mandatory licensing.

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

Article 12. State expert examination of foreign trade transactions

Foreign trade transactions that imply import, export and re-export of controlled products should be a subject of mandatory state expert examination that should be performed by the state authorized bodies.

Procedures and conditions of the state expert examination should be defined in accordance with the legislation and normative and legal acts of the Government of the Kyrgyz Republic.

Chapter 3 International cooperation in the sphere of export control

Article 13. Objectives and forms of the international cooperation in the sphere of export control

International cooperation of the Kyrgyz Republic in the sphere of export control should be implemented with the following objectives:

Coordinate efforts and interaction with foreign countries to prevent proliferation of weapon of mass destruction, weapon delivery vehicles and technologies of its creation;

Facilitate establishment of stable and secure system of international relations;

Create favorable conditions to integrate economy of the Kyrgyz Republic into global economy on equal and mutually beneficial basis;

Intensify participation of the Kyrgyz Republic in the international exchange of all types of controlled products and to broaden opportunities for access of traders to global market;

Improve the international and domestic mechanisms of

export control, identify facts of violations of normative and legal acts of the Kyrgyz Republic in the sphere of export control, as well as the enterprises, organizations and traders who committed these violations.

International cooperation of the Kyrgyz Republic in the sphere of export control should be implemented by means of its participation in the international export control regimes and international forums, as well as in the negotiations, consultations with foreign countries, mutual information exchange and in the implementation of joint programs and other measures in the sphere of export control on bilateral and multilateral basis.

Participation of the Kyrgyz Republic in the international sanctions related to export control towards one country or several countries should be defined by the legislation of the Kyrgyz Republic based on the international law. In some instances, the Kyrgyz Republic may apply such sanctions unilaterally.

Since the moment of international sanctions announcement the Kyrgyz Republic should not compensate damage to the traders.

Chapter 4 Responsibility for the violation of the legislation

of the Kyrgyz Republic in the sphere of export control

Article 14. Violation of the legislation of the Kyrgyz Republic in the sphere of export control

The following should be considered as the violations of the legislation of the Kyrgyz Republic in the sphere of export control:

Performing of unapproved foreign trade transactions on import, export, reexport of controlled products, as well as its transit through the territory of the Kyrgyz Republic without due permit;

Producing false documents that contain not authentic information for performing foreign trade operations with controlled products to public administration bodies;

Failure to perform or undue performance of instructions of authorized bodies;

Creating obstacles for performing functions of authorized bodies' officials implementing their powers in the sphere of export control;

Unjustified refusal to provide the information requested

by authorized bodies for the purpose of export control implementation, its intended distortion or hiding;

Violation of established procedures for recording of foreign trade transactions with controlled products.

Engaging in activities incompatible with the requirements of international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

(As amended by the Laws of the Kyrgyz Republic dated October 5, 2011 N 161, April 24, 2019 N 51)

Article 15. Responsibility for the violation of the legislation of the Kyrgyz Republic in the sphere of export control

Traders guilty of the violation of the

Law of the Kyrgyz Republic "On export control" should be brought to account in accordance with the legislation of the Kyrgyz Republic.

Article 15-1. Appeal of decisions, actions (inaction) of state bodies and organizations exercising powers in the field of export control, and of their officials

Foreign trade operators have the right to appeal the decisions, actions (inaction) of state bodies and organizations exercising powers in the field of export control, and of their officials exercising the powers in the field of export control, that violate their rights and legitimate interests in the manner prescribed by the legislation of the Kyrgyz Republic on the basics of administrative activities and administrative procedures.

(As amended by the Law of the Kyrgyz Republic dated April 24, 2019 N 51)

Article 16. On effectiveness of this Law

This Law should take effect after 30 days from the date of its publication.

The government of the Kyrgyz Republic during two months' time should:

Submit proposals to the Parliament of the Kyrgyz Republic on bringing the legislative acts of the Kyrgyz Republic in line with this Law;

Bring its normative and legal acts in line with this Law.

President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Assembly

of the Parliament of the Kyrgyz Republic December 27, 2002

DECREE OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Bishkek, October 27, 2010 N 257

'Regulation on the Procedure for Export Control of Controlled Items in the Kyrgyz Republic'

*(As amended by the decrees of the Government of the Kyrgyz Republic dated January
10, 2014 No. 15, November 17, 2017 No. 748)*

In accordance with the Law of the Kyrgyz Republic 'On Export Control', in order to bring regulatory legal acts in line with international requirements and set up more effective system of export control, the Government of the Kyrgyz Republic decides:

(As amended by the Decree of the Government of the Kyrgyz Republic dated November 17, 2017 No. 748)

1. To approve the attached Regulation on the Procedure for Export Control of Controlled Items in the Kyrgyz Republic.

2. To introduce the following amendments and addenda to the Decree of the Government of the Kyrgyz Republic 'On measures for introducing the national export control system in the Kyrgyz Republic' dated May 4, 2004 N 330:

- recognize the third paragraph indention of the paragraph 1 as having lost the effect;
- In the 'Procedure for issuing a permit for the transit of the subjected to export control items through the territory of the Kyrgyz Republic', passed by the above mentioned Decree:
 - paragraph 1.3 shall be supplemented with the second paragraph indention as follows:

'transit is a customs regime when foreign goods shall be transported through the customs territory of the Kyrgyz Republic under customs control, between the location of their arrival in the customs territory of the Kyrgyz Republic and the location of their departure from this territory, without paying customs duties and taxes, and also without applying to them the non-tariff regulatory measures in accordance with the legislation of the Kyrgyz Republic on state regulation of foreign trade';

- paragraph 1.4 shall be amended as follows:

«1.4. The right to issue a permit for the transit of controlled items rests with the Ministry of Economic Regulation of the Kyrgyz Republic.

Inspection of controlled items, in case of transshipment during transportation through the territory of the Kyrgyz Republic, shall be carried out in accordance with the legislation of the Kyrgyz Republic and, if necessary, with the participation of competent state bodies and representatives of expert agencies. Based on the inspection, a joint 'Act of the transshipment of controlled items' shall be developed.

Issuance of a transit permit for a specific type of goods shall be carried out after prior approval of the transit by the Ministry of Transport and Communications of the Kyrgyz Republic and, if necessary, by the other relevant state authorities, depending on the type of controlled item;

- to the paragraph 1.8 after the words 'information on the nature of the cargo', add the words 'safety during transportation',

- Section I to be supplemented with the paragraphs 1.10 and 1.11 in the following wording:

«1.10. In the event of unauthorized transit of controlled items, foreign trade operators shall be liable in accordance with the legislation of the Kyrgyz Republic.

1.11. Foreign trade operators, after obtaining the permit for the transit of controlled items that are classified as hazardous by the legislation of the Kyrgyz Republic, shall transport the controlled items strictly in accordance with the established requirements of the Kyrgyz Republic in the field of safety of hazardous goods transportation»;

- in relation to the paragraph 2.2:

in the fourth and sixth paragraph indentions, the numbers «1.9» and «1.8» shall be replaced by the numbers «1.8» and «1.7», respectively;

The eleventh paragraph shall be amended as follows:

«- if necessary, documents confirming the coordination of time period and routes of transportation through the border crossing points of the Kyrgyz Republic, of the type of transport, with the Ministry of Internal Affairs of the Kyrgyz Republic, with the State National Security Service of the Kyrgyz Republic and with the Ministry of Emergency Situations of the Kyrgyz Republic, during the implementation of the declared transit traffic.»;

amend a paragraph as follows:

«After issuing a permit, agreeing on the dates and routes for transit, the Ministry of Economic Regulation of the Kyrgyz Republic shall immediately notify all relevant ministries and departments of the Kyrgyz Republic, including the State National Security Service of the Kyrgyz Republic.»;

- in the second paragraph indention of the paragraph 2.3, the words in 'subparagraphs 'a' and 'b' shall be replaced by the words 'in the second and third paragraphs'.

3. Control over the implementation of this Decree shall be assigned to the Ministry of Economy of the Kyrgyz Republic.

(As amended by the Resolution of the Government of the Kyrgyz Republic dated January 10, 2014 N 15)

4. This very Decree shall enter into force 30 days after the date of its official publication.

Published in the Erkin Too newspaper of November 2, 2010 N 102

President of the Kyrgyz Republic

R. Otunbaeva

Passed by the Order of the Government of the Kyrgyz Republic
on October 27, 2010 N 257

REGULATION **on the procedure of export control of controlled items** **in the Kyrgyz Republic**

(As amended by the decrees of the Government of the Kyrgyz Republic on January 10, 2014
No. 15, and November 17, 2017 No. 748)

1. General Provisions

1.1. This very Regulation, developed in accordance with the laws of the Kyrgyz Republic 'On export control' and 'On the licensing system in the Kyrgyz Republic', defines the general control procedure, the uniform terms and requirements for registration and issuance of licenses for export, import and re-export of the items, included in the National Control List (hereinafter referred to as controlled items), and regulates relations between the governmental bodies and business entities.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

1.2. Requirements of this Regulation are binding on all foreign trade operators (hereinafter - FTOs), including brokerage and activities related to transportation of controlled items, as well as on public authorities dealing with controlled items, with the exception of cases provided by law and international treaties of the Kyrgyz Republic.

(As amended by the KR Government Decree dated January 10, 2014, N 15)

1.3. Export and import of controlled items containing information constituting a state secret shall be carried out in accordance with the legislation of the Kyrgyz Republic on state secrets and this very Regulation.

1.4. Provision of information on completed or ongoing export control procedures to the third parties, not specified in this Regulation, shall be regulated by the current legislation of the Kyrgyz Republic in the field of state secrets and trade secrets.

1.5. Controlled items during transportation across the territory and across the state border of the Kyrgyz Republic shall be a subject to state control in accordance with the procedure established by the legislation of the Kyrgyz Republic on export control.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

1.6. Coordinating body of the Kyrgyz Republic in the field of export control is the Commission on Military-Technical Cooperation and Export Control (hereinafter - the Commission on MTC and EC).

1.7. The following concepts are used in this Regulation:

import - the import of controlled goods, works, services, results of intellectual activity, including exclusive rights to them, into the territory of the Kyrgyz Republic from abroad without an obligation to re-export;

export – the export of controlled goods, works, services, results of intellectual activity, including exclusive rights to them, from the territory of the Kyrgyz Republic abroad, without an obligation to re-import. The fact of export is recorded at the moment of crossing the state border of the Kyrgyz Republic, granting rights to the results of intellectual activity. Some commercial operations are equated to export without exporting from the territory of the Kyrgyz Republic abroad, in particular when a foreign citizen purchases goods from a citizen of the Kyrgyz Republic and transfers them to another citizen of the Kyrgyz Republic for processing and subsequent export of the processed

goods abroad. Export also equates the transfer of technology outside the Kyrgyz Republic with the help of technical facilities using information and communication technologies;

re-export - export of controlled items manufactured outside the Kyrgyz Republic and previously imported into the territory of the Kyrgyz Republic;

end-user - legal entities and individuals of the Kyrgyz Republic and of the foreign states that are parties to the sale contract (contract) or other form of transfer of controlled items that use it both on the territory of the Kyrgyz Republic and beyond;

end-user warranty obligation – the assurance of the end-user about the import of controlled items into the Kyrgyz Republic, about the use of controlled items for the stated purposes, about the prevention of transferring them to another business entity on the territory of the Kyrgyz Republic and/or re-export to third countries without permission of the Ministry of Economy of the Kyrgyz Republic, established in the prescribed manner;

declared purpose - the purpose of the use of controlled items indicated by the foreign trade operator or by the end user in the documents submitted for export (re-export) and import of controlled items;

end-user certificate - the document issued by the Ministry of Economy of the Kyrgyz Republic, which confirms the obligation of the Kyrgyz importer of the controlled items that the imported controlled items will be used exclusively for the stated purposes, and will also not be re-exported to the third countries without permission of the Ministry of Economy of the Kyrgyz Republic;

delivery confirmation certificate – the document confirming the delivery of controlled items to the territory of the Kyrgyz Republic issued by the customs clearance authority;

- **transfer of controlled items** – the transfer of controlled items by the end user to another end user, while controlled items remain in the same customs area;

- **brokerage** - provision of services for transactions of sale and purchase, for supply of controlled items, as well as for negotiations, preparation of contracts or arranging the transfer of controlled items, including financial and transportation services;

- **transportation** - provision of services for transportation of controlled items throughout the Kyrgyz Republic and beyond;

internal company export control program - measures of an organizational, administrative, informational and other nature implemented by enterprises and organizations in order to comply with export control rules;

services - activities aimed at meeting the needs of others, including brokerage, technical assistance and transportation;

technical assistance - provision of technical support related to controlled items and technologies;

technology - scientific and technical information and other results of intellectual activity (rights to them), expressed in the form of models, prototypes, drawings, diagrams, designs, instructions, software applications or in intangible form - trainings, technical support (service) - and which are required for development or use of items.

(As amended by the KR Government Decrees dated January 10, 2014, N 15, November 17, 2017, N° 748)

2. General requirements to foreign economic operations with controlled items included in the National Control List of the Kyrgyz Republic

2.1. In accordance with the Law of the Kyrgyz Republic 'On Export Control', foreign economic operations involving the import, export and re-export of controlled items shall be a subject to mandatory licensing in the prescribed manner.

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2.2. Re-export of imported controlled items from the Kyrgyz Republic shall be carried out in accordance with the procedure established for export of controlled items, with permission of the authorized body of the country of origin.

2.3. Ministry of Economy of the Kyrgyz Republic is the authorized state body of the Kyrgyz Republic to issue licenses for the export, import and re-export of controlled items.

2.4. State bodies-experts on certain types of controlled items are:

- **Ministry of Health Care** of the Kyrgyz Republic, Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for human, animal and plant pathogens, genetically modified microorganisms, toxins, equipment and technologies;

- **Ministry of Health Care** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic; National Academy of Sciences of the Kyrgyz Republic - for chemicals, equipment and technologies that can be used for chemical weapons development;

- **State Committee for Defense Affairs** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for nuclear materials, equipment, special non-nuclear materials and relevant technologies;

- **State Committee for Defense Affairs** of the Kyrgyz Republic, State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic, National Academy of Sciences of the Kyrgyz Republic - for dual-use equipment and materials and relevant technologies used for nuclear purposes;

- **State Committee on Defense Affairs**, National Academy of Sciences of the Kyrgyz Republic for equipment, materials and technologies that can be used for missiles development;

- **State Committee for Defense Affairs of the Kyrgyz Republic, State Committee for Industry, Energy and Subsoil** of the Kyrgyz Republic (for explosives) - for dual-use items and technologies that can be used for development of weapons and military equipment.

(As amended by the KR Government Decrees dated January 10, 2014, N 15, November 17, 2017, № 748)

2.5. Application for a license for import (export) of controlled items shall be filed by foreign trade operators in the prescribed form (Annex 1).

Responsibility for the accuracy of information presented in the application lies with the applicant.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.6. Customs clearance of exports, imports and re-exports shall be carried out on the basis of a license (Annex 2) issued by the Ministry of Economy of the Kyrgyz Republic.

(As amended by the KR Government Decree dated January 10, 2014, N 15)

2.7. To obtain a license, the applicant shall submit to the Ministry of Economy of the Kyrgyz Republic the following documents:

- original contract for the export-import operation of goods (works and services) with amendments and/or addenda to the contract, their copies and translation, certified by the signature of the applicant (head of the legal entity) and sealed;

- copy of the sale contract, certified in the prescribed manner, if the foreign trade operator is not a producer of goods (work and services);

- copy of a document confirming state registration with the bodies of the Ministry of Justice of

the Kyrgyz Republic (for legal entities), with state statistics bodies (for individuals), in the relevant country (for foreign individuals and legal entities that are not registered as legal entities or individual entrepreneurs in the Kyrgyz Republic);

- document confirming the registration of the applicant with the tax authorities at the place of state registration of the applicant (a copy of the TIN or a certificate from the tax authorities indicating the TIN);

- certificate of origin of goods in the CT-1 form and its copy (when exporting and re-exporting controlled items) or a document confirming the origin of goods, and its copy (when importing controlled items);

- document confirming that the license fee was paid;

- copy of the license to carry out certain types of licensed activities, in the event that this is provided for by the legislation of the Kyrgyz Republic;

- original end user certificate (for export and re-export of controlled items) issued by the authorized state export control body of the destination country and containing the recipient's obligations to use controlled items imported from the Kyrgyz Republic exclusively for the stated purposes, as well as to prevent its re-export to the third countries without permission of the authorized body of the country of origin of controlled items;

- document containing complete information about the technical characteristics of controlled items.

(As amended by the KR Government Decrees dated January 10, 2014, N 15, November 17, 2017, N^o 748)

2.8. (Repealed in accordance with the Decree of the Government of the Kyrgyz Republic dated January 10, 2014, N 15)

2.9. Copies of the documents submitted shall be certified by the stamp of the exporter (importer) of the controlled item. Documents in a foreign language shall be submitted by the exporter or importer with the attachment of certified in the established order translations into Russian.

2.10. Grounds for refusal to issue a license might be the following:

- existence of a court decision against the applicant prohibiting from exporting, importing goods (works and services), for the implementation of which it has been licensed;

- failure to submit specified in para 2.7. documents in accordance with this very Regulation or improper processing of these documents;

- failure to pay a license fee;

- the applicant reports inaccurate data on the ongoing export-import operation of goods (works and services);

- existence of circumstances that contradict the international obligations of the Kyrgyz Republic on non-proliferation of weapons of mass destruction, their means of delivery in the field of export control, as well as sanctions adopted by the UN Security Council;

- existence of circumstances contrary to the interests of foreign policy, national defense and security of the Kyrgyz Republic;

- lack of Opinion of a specialized expert organization on the possibility and expediency of export or import of goods (work and services);

- established state monopoly on export or import of goods (works and services);

- undertaken export-import operation of goods (works and services), which jeopardizes international security, regional stability or contributes to terrorist acts;

- undertaken export-import operation of goods (works and services), which contributes to in-

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creased tension or armed conflict in the country of destination;

- undertaken export-import operation of goods (works and services), which is characterized by a high risk of redirecting controlled items to an unauthorized end user or end use;
- controlled items subject to a transaction are seized or are under arrest;
- the applicant has been hold liable for the last 5 years for violation of the legislation in the field of export control, as well as of the legislation in the field of national security;
- criminal prosecution initiated against the applicant in connection with the violation of the legislation in the field of export control, as well as of the legislation in the field of national security.

(As amended by the KR Government Decrees dated January 10, 2014, N 15, November 17, 2017, № 748)

2.10.-1. In accordance with the Law of the Kyrgyz Republic 'On Export Control', foreign economic transactions involving export, import and re-export of controlled items shall be subject to state examination, which is carried out by authorized state bodies specified in the para 2.3 and 2.4. of these Regulation.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-2. The authorized state bodies shall carry out a set of measures to verify, analyze documents and information related to foreign economic transactions with controlled items in order to determine its compliance with the international obligations of the Kyrgyz Republic, its state interests and environmental safety requirements.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-3. The following is checked by the state examination:

- availability of documents presented by the applicant in accordance with the export control legislation;
- compliance of the data declared for obtaining a license with the submitted documents;
- reliability of the submitted documents;
- origin of the declared goods;
- confirmation of ownership of the exported goods;
- availability, in accordance with the legislation in the field of licensing and permitting activities, of all permits issued by the authorized state bodies for the right to carry out activities with the declared items (depending on the type of imported/exported items).

If necessary, independent experts, specialists of sectoral state bodies of the Kyrgyz Republic shall be involved in the state examination of the submitted documents.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-4. Ministry of Economy of the Kyrgyz Republic and state expert bodies carry out state examination of foreign economic transactions in accordance with the requirements of the paragraph 2.10.-3 of this very Regulation within the framework of their authority.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-5. Based on the results of the state examination of documents, the state expert bodies would send their Opinion to the Ministry of Economy of the Kyrgyz Republic on the possibility of exporting, importing and re-exporting the goods (work and services).

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-6. When deciding on the possibility of issuing a license for export or import of the controlled items, the Ministry of Economy of the Kyrgyz Republic is guided by the findings of the state examination of documents and opinions of state expert bodies.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-7. Ministry of Economy of the Kyrgyz Republic decides to issue or refuse a license no later than 30 working days from the date of registration of the relevant documents.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-8. State expert bodies shall issue an opinion no later than 10 business days from the date of receipt of the application.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-9. A license is issued for a period not exceeding one calendar year. The validity period of an one-time license is limited by the validity period of the foreign trade contract (agreement) or the validity period of the document, which is the basis for issuance of the license.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-10. Upon written request of the applicant, the license might be extended for the period required to complete the fulfillment by the applicant of the obligations under the foreign economic transaction, but not more than for one calendar year.

The license might be extended no more than once. The license renewal procedure shall be carried out during its validity period.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-11. Application for license renewal shall be submitted by the applicant to the Ministry of Economy of the Kyrgyz Republic in any form with the following documents attached:

- copy of the foreign trade contract (agreement) or a copy of another document confirming the intentions of the parties;
- copies of waybills, shipping documents and customs declarations;
- information on the extension of the period of validity of foreign trade operations with goods (if necessary).

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-12. If the basic terms and circumstances of the foreign trade contract (agreement) change, the issued license shall be a subject to re-registration through the state body that has issued the license.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.10.-13. The re-registration and renewal of license shall be carried out by the state body that issued the license within 15 working days from the date of application.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

2.11. Controlled items imported into the territory of the Kyrgyz Republic may be re-exported to third countries only on the basis of a written permission of the authorized state body of the country of origin of the controlled items.

2.12. Foreign trade operations, after obtaining a license for the export, import and re-export of controlled items that have been classified as hazardous goods by the legislation of the Kyrgyz Republic, shall carry out the transportation of these controlled items strictly in accordance with the established requirements of the Kyrgyz Republic in the field of safe transportation of hazardous goods.

2.13. In order to create an inspection mechanism at enterprises (organizations) to ensure the legitimacy of foreign trade transactions and facilitate the implementation of procedures related to obtaining a license, business entities shall develop the internal export control programs.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

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2.14. Organizations that have developed the internal export control programs can obtain a license within 10 business days from the date of registration of the relevant documents.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

3. Requirements for foreign economic operations with controlled items included in the list of pathogens of humans, animals and plants, genetically modified microorganisms, toxins, equipment and technologies subject to export control

Transfer of controlled items of the above category shall be carried out in accordance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

4. Requirements for foreign economic operations with controlled items included in the list of chemicals, equipment and technologies subject to export control that can be used for development of chemical weapons

Transfer of controlled items of the above category shall be carried out in accordance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

5. Requirements for foreign economic operations with controlled items included in the list of nuclear materials, equipment, special non-nuclear materials and related technologies subject to export control

Transfer of controlled items to non-nuclear-weapon states shall be a subject to assurances from their authorized state bodies that the items received, as well as nuclear and special non-nuclear materials, installations and equipment produced on its basis or as a result of its use:

- will not be used for the production of nuclear weapons and other nuclear explosive devices or for any military purpose;
- will be provided with physical protection measures at levels not lower than the levels recommended by the IAEA;
- will be re-exported or transferred from the jurisdiction of the recipient state to other states only on the above mentioned terms.

The authorized body of the recipient non-nuclear-weapon state shall provide assurances that without the written permission of the authorized body of the supplier state the following will not be carried out:

- any further transfer of facilities for chemical processing of irradiated fuel, isotope enrichment of uranium and production of heavy water, their main components and items produced on their basis, as well as uranium with an enrichment of 20 percent or more, plutonium and heavy water;
- use or design for the transferred facilities or technologies for production of uranium with the enrichment of more than 20 percent and the isotope enrichment of uranium, as well as any other facilities based on that technology.

Transfer to nuclear-weapon states of facilities and technologies for chemical processing of irradiated fuel, isotope enrichment of uranium, for the production of heavy water, their main components, uranium with an enrichment of 20 percent or more, plutonium and heavy water can only be carried out upon reception of the assurances of the authorized bodies of the recipient state that the obtained exported items and items produced on their basis:

- will not be used for the production of nuclear weapons and other nuclear explosive devices or for any military purpose;
- will be provided with physical protection measures at levels not lower than the levels recommended by the IAEA;
- will be re-exported or transferred from the jurisdiction of the recipient state to any other state

only with the prior written permission of the authorized body of the supplier state.

6. Requirements for foreign economic operations with controlled items included in the list of dual-use equipment and materials subject to export control and related technologies used for nuclear purposes

When transferring controlled items to non-nuclear-weapon states, an end-user obligation shall be submitted that the obtained items or their reproduced copies thereof will not be used in activities in the field of the nuclear fuel cycle that are not subject to IAEA safeguards.

Activities related to development of nuclear explosive devices are understood as scientific research, development, design, manufacture, testing, operation or maintenance of any nuclear explosive devices, subsystems of such devices or their components.

Activities in the field of the nuclear fuel cycle that are not covered by the IAEA safeguards include research, development, design, manufacture, testing, operation or maintenance of any reactor, critical assembly, conversion plant, nuclear fuel manufacturing or processing facilities, facilities for separation of isotopes of source or special fissile materials, or separate facilities for their storage, in relation to which there is no obligation to accept IAEA safeguards, if this obligation is not respected.

When transferring the controlled items to states that are not members of the Group of Nuclear Suppliers, the end-user obligations shall be confirmed by a document issued by an authorized body of the state of that supplier.

7. Requirements for foreign economic operations with controlled items included in the list of equipment, materials and technologies subject to export control that can be used for development of missile weapons

7.1. Export, re-export of equipment, materials, technologies and components used in development of rocket technology to the countries that do not have missile weapons can be carried out only if these countries are members of the international missile technology control regime (hereinafter - MTCR), and written assurances of the authorized state bodies of these countries that the exported items:

- will not be used for development of delivery vehicles capable of delivering a payload of at least 500 kg to a range of 300 km or more, or its components;
- will be controlled in accordance with the guidelines of the MTCR during the entire period of their actual use by the recipient country;
- will be provided with necessary and sufficient physical protection measures to exclude their loss, theft, etc.;
- will be exported and re-exported from the recipient country only on the terms of this paragraph and on the basis of the written permission of the Kyrgyz party.

8. Requirements for foreign economic operations with controlled items included in the list of dual-use items and technologies subject to export control that can be used for development of weapons and military equipment

When considering transfer of controlled items, factors related to their final use should be taken into account to ensure that such transfers do not contribute to the development or enhancement of the military capacities of the recipient states, leading to undermining the regional and international security and stability.

9. Procedure for issuing the end-user certificate and processing of delivery confirmation certificate

9.1. The end-user certificate of controlled items is issued by the Ministry of Economy of the Kyrgyz Republic in the prescribed form (Annex 3) in two copies, one copy is issued to the importer

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for submission to the state authorities of the exporting country, the second is stored in the Ministry of Economy of the Kyrgyz Republic.

9.2. Ministry of Economy of the Kyrgyz Republic issues the end-user certificate after prior approval of the warranty obligations of the foreign trade operators with the State Committee for National Security of the Kyrgyz Republic and other relevant state bodies of the Kyrgyz Republic:

- Ministry of Health of the Kyrgyz Republic, the Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic, the State Inspectorate for Veterinary and Phytosanitary Safety of the Government of the Kyrgyz Republic - for the import of pathogens of humans, animals and plants, genetically modified forms of microorganisms, toxins, equipment and technology;

- State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic - for the import of chemicals, equipment and technologies that can be used for development of chemical weapons, nuclear materials, equipment, special non-nuclear materials and related technologies;

- State Defense Committee of the Kyrgyz Republic - for the import of dual-use equipment and materials and related technologies used for nuclear purposes; equipment, materials and technologies that can be used for development of missile weapons; dual-use goods and technologies that can be used for development of weapons and military equipment.

(As amended by the KR Government Decree dated January 10, 2014, N 15)

9.3. For obtaining the end-user certificate, a foreign trade operator shall submit the following documents to the Ministry of Economy of the Kyrgyz Republic:

- application for an end user certificate;
- warranty obligation of the importer - end user (Annex 4);
- copy of the contract with the exporter and/or with the end user and the original for their identification;
- information containing the data about technical characteristics of controlled items.

9.4. End-user certificate is issued for one foreign economic operation regardless of the quantity and nomenclature of controlled items.

9.5. Decision to issue or refuse to issue an end-user certificate shall be made by the Ministry of Economy of the Kyrgyz Republic within 10 days from the date of receipt of an opinion from the relevant state executive authorities of the Kyrgyz Republic.

9.6. In the event that, after receiving the end-user certificate, changes and/or amendments have been made to the contract, the importer is obliged to immediately inform the Ministry of Economy of the Kyrgyz Republic about them.

9.7. Should the terms of the contract reflected in the end-user certificate change, the certificate will be canceled and/or will become a subject to renewal.

9.8. In the event that the end-user certificate has been lost or destroyed, its duplicate can be obtained by the importer after sending a request (explaining the circumstances of the loss or destruction of the certificate) confirming that if the original certificate would be found, the importer takes an obligation to return it or its duplicate to the Ministry of Economy Kyrgyz Republic.

9.9. If the condition for the delivery of goods to the Kyrgyz Republic is the provision by the Kyrgyz party to the other state of the guarantees or obligations regarding the use of imported goods for the stated purposes, such guarantees or obligations might be executed as an addendum to the end-user certificate or as a separate document.

9.10. Delivery confirmation certificate (Annex 5) is issued by the customs authorities of the Kyrgyz Republic when importing controlled items into the Kyrgyz Republic and shall be forwarded to the Ministry of Economy of the Kyrgyz Republic within 10 days after completion of the customs

control and clearance procedures.

10. Procedure for transferring the controlled items imported to the Kyrgyz Republic to other persons within the republic

10.1. Transfer of controlled items to other persons within the republic is allowed subject to the observance of the requirements of the legislation of the Kyrgyz Republic, with permission of the Ministry of Economy of the Kyrgyz Republic.

10.2. Should there be a need to transfer controlled items imported into the Kyrgyz Republic to another person operating on the territory of the Kyrgyz Republic, the end user shall send a request for permission to such transfer to the Ministry of Economy of the Kyrgyz Republic.

10.3. Request shall indicate:

- full name and detailed description of the item, its code according to the commodity nomenclature of foreign economic activity (hereinafter - CN FEA) and the checklist;
- amount of items to be transferred;
- name and address of the exporter who supplied the items to the Kyrgyz Republic;
- number and date of issue of the relevant end-user certificate;
- name and address of another person to whom the transfer of the item is planned;
- reasons for the need of the transfer;
- document confirming the consent of the relevant state body of the exporting country to the transfer of items;
- copy of the contract for the transfer of the items and the original for their identification.

10.4. Ministry of Economy of the Kyrgyz Republic within 10 working days from the date of receipt of the request shall take a decision on the issue or refusal to issue a permit for the transfer of items, and shall inform the applicant about it.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

10.5. In the event that a permit for the transfer of items has been issued, the parties to the relevant contract shall inform the Ministry of Economy of the Kyrgyz Republic of the transfer (receipt) of items within 10 business days from the date of actual transfer (receipt) of the item.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

10.6. Organization that transfers the controlled items within the country shall notify the recipient organization that the items are subject to state control and shall provide the organization with the relevant documents relating to the export control items.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

11. Procedure for internal control of the final use of controlled items

11.1. In order to ensure state control over the observance by the importers (end users) of warranty obligations, the Ministry of Economy of the Kyrgyz Republic carries out an audit with the assistance of experts from the competent authorities.

The end user shall submit all the necessary information and documents on the use of controlled items to the Ministry of Economy of the Kyrgyz Republic, and shall provide assistance in its work.

Findings of the inspection shall be processed by the relevant act.

In the event that violations of the use of controlled items have been detected, the Ministry of Economy of the Kyrgyz Republic sends the inspection materials to the competent authorities of the Kyrgyz Republic for action in accordance with the legislation of the Kyrgyz Republic.

11.2. Importer (end user) shall be liable in accordance with the legislation of the Kyrgyz Republic.

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lic for failure to fulfill and/or improper performance of the warranty obligations.

12. Procedure of arranging the accounting of and reporting about the controlled items

12.1. When exporting the controlled items from the Kyrgyz Republic, the foreign trade operators shall submit the following to the Ministry of Economy of the Kyrgyz Republic:

- copies of cargo customs declarations - within 3 days upon receipt or shipment of every batch of items;
- information on the delivery of items to the importer (end user).

12.2. Ministry of Economy of the Kyrgyz Republic maintains a data base on the export and import of controlled items based on the documents submitted to it in accordance with this Regulation.

12.3. Foreign trade operators are required to keep documentation with information about export of controlled items (contract documents, invoices, waybills, shipping documents, customs declarations, etc.; intelligence information, dossier on the company of counterparties and their representatives) for 5 years after the completion of foreign economic activity with controlled items).

(As amended by the KR Government Decree dated November 17, 2017, № 748)

12.4. Foreign trade operators are required to provide documents and information relevant for export control purposes to the Ministry of Economy of the Kyrgyz Republic or to the other authorized body upon receipt of a request from them.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

13. Obligations of government bodies and departments of the Kyrgyz Republic in the field of export control

13.1. To ensure the implementation of measures related to export control in respect of controlled items:

Ministry of Economy of the Kyrgyz Republic monitors and controls the execution of issued licenses and other documents related to transportation of controlled items across the state border of the Kyrgyz Republic.

Ministry of Foreign Affairs of the Kyrgyz Republic:

- sends a request through diplomatic channels for information on the use by foreign trade operators the controlled items for the stated purposes in accordance with the end-user certificate and verification of its authenticity;
- provides assistance to the authorized bodies of the Kyrgyz Republic in the issues of revealing the facts of violations by foreign legal entities and individuals of the legislation in the field of export control;
- assists the authorized bodies of the Kyrgyz Republic in supporting communications with the bodies of foreign states and international organizations on issues related to controlled items (if necessary);
- prepares proposals for the analysis of the safety of controlled items export deliveries to the Kyrgyz Republic, and regional stability in general (if necessary).

State Committee for National Security of the Kyrgyz Republic:

- carries out state regulation of the protection of national interests and state security in the process of foreign economic activity by entities of the economic and foreign economic activity of the Kyrgyz Republic and foreign legal entities and individuals;
- monitors compliance with the secrecy regime and compliance with information security requirements in the implementation of foreign economic activity;

- provides guidance and coordination of operational-search actions in the investigation of violations related to the provision of services and electronic transfers of controlled software and technologies in the implementation of foreign economic activity;
- makes proposals when analyzing aspects of proposed transactions related to national security;
- conducts examinations and risk assessments associated with the transfer of goods to unauthorized end users;
- takes part in inspections of how the organizations comply with export control rules (if necessary).

State Border Service of the Kyrgyz Republic ensures the suppression of the movement of individuals engaged in unauthorized transportation of controlled items or provision of controlled services across the State Border of the Kyrgyz Republic.

State Committee for Defense of the Kyrgyz Republic:

- makes proposals based on the analysis of the terms, circumstances and parties to the proposed transactions in the field of defense;
- assists in the classification of controlled items for use in conventional weapons or for military purposes;
- assists in the examination and risk assessment of the items used for military purposes and re-manufacturing, not included in the National Control List of the Kyrgyz Republic;
- takes part in inspections of how the organizations comply with export control rules (if necessary).

State Customs Service of the Government of the Kyrgyz Republic carries out customs control and customs operations related to the release of goods (controlled items) in accordance with the legislation in the field of customs.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

13.2. Ministries and departments of the Kyrgyz Republic, which are state bodies - experts in certain types of controlled items, in accordance with paragraph 2.4. of this Regulation, when preparing expert opinions on the advisability of exporting, importing and re-exporting controlled items, within the scope of their competence, identify the proposed goods for compliance with the items included in the National Control List.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

13.3. Export, import and re-export of controlled items shall be carried out under licenses issued by the Ministry of Economy of the Kyrgyz Republic (Annex 2), on the basis of applications from foreign trade operators and expert opinions of state bodies (regarding expediency and consent to carry out the above operations, provided that the applicant complies with and meets the requirements of these authorities, within their powers).

14. Amendment of the National Control List of the Kyrgyz Republic

(Chapter as amended by the KR Government Decree dated November 17, 2017, № 748)

14.1. National Control List of the Kyrgyz Republic is updated in accordance with the changes in the control lists of international export control regimes.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

14.2. Updating the National Control List of the Kyrgyz Republic shall be carried out as necessary, but at least once within two years from the date of its last update.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

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14.3. Ministry of Economy of the Kyrgyz Republic carries out ongoing work to collect information on changes in the control lists of international export control regimes, in accordance with which it develops and in the prescribed manner initiates a draft decision of the Government of the Kyrgyz Republic on updating the National Control List of the Kyrgyz Republic.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

15. Comprehensive control

(Chapter as amended by the KR Government Decree dated November 17, 2017, № 748)

15.1. Foreign trade operators are prohibited from concluding foreign economic transactions with goods, technologies, software, the results of intellectual creative activity, works, services, or participating in them in any other way if they know that these items and the results of intellectual creative activity, work, services, will be used by a foreign state or by foreign legal entities and individuals for the purpose of creating, manufacturing or using weapons of mass destruction and means of delivery or for preparing and (or) conducting the acts of terrorism.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

15.2. Foreign trade operators are required to obtain, in the prescribed manner, a license and/or permission from the Ministry of Economy of the Kyrgyz Republic to carry out foreign economic transactions with goods, technologies, software, the results of intellectual creative activity, work, services that are not subject to paragraph 1.1. and 1.7. of this Regulation, in the following cases:

- they were informed by the Ministry of Economy of the Kyrgyz Republic or by the other state body of the Kyrgyz Republic that these items and the results of intellectual creative activity can be used for the purposes specified in the paragraph 15.1. of this very Regulation;
- they have reason to believe that these items and the results of intellectual creative activity can be used for the purposes specified in the paragraph 15.1. of this very Regulation.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

16. Right of access to information

(Chapter amended by the KR Government Decree dated November 17, 2017, № 748)

State bodies exercising powers in the field of export control have the right to request and receive documents and information necessary for the purpose of export control.

(As amended by the KR Government Decree dated November 17, 2017, № 748)

Annex 1
Name of licensor

(name of legal entity)

APPLICATION

I kindly request you to issue a general license, one-time
(highlight)

For export/import

Information about the applicant:

Series of the State Registration Certificate of the Legal Entity

_____ N

issued by _____ (by whom, when)

Location _____

Tax Identification Number (TIN) _____

Form of incorporation: _____

OKPO code _____

Other information _____

(information required to consider the Application shall be indicated)

Identification data for an individual entrepreneur N _____

series _____ issued _____

(by whom, when)

Address, telephone number _____

Tax Identification Code (TIN) _____

Other information _____

(information required to consider the application shall be indicated)

Name of product _____

Code of product CN FTO _____

Control Lists Product Code _____

Amount _____

Total cost in thousands, payment currency (Som, US dollar, Euro)

Required time period for issuing a license _____

Customs post _____

Importer, the address _____

Name of the country of the importer, its digital code _____

Exporter, the address _____

Name of the country of the exporter, its digital code _____

Country of Destination _____

Country of Origin _____

Purpose of use _____

Manufacturer, the address _____

Contract (N and date of conclusion) _____

Warranty obligation of the importer (end user)

End user, the address _____

Attached to the Application: _____

_____, _____ 20____, _____

Annex 2
(As amended by the KR Government Decree dated January 10, 2014, N 15)

MINISTRY OF ECONOMY OF THE KYRGYZ REPUBLIC	
1. Applicant (name and address)	2. License N
	3. Type of license export/import general/one time
	4. Validity period of license before
	5. Buyer/seller (name and address)
5. Buyer/seller (name and address)	6. Contract (agreement) from N
	7. Country of Origin
	8. Buyer/Seller Country
9. End user (name and address)	10. Country of final use
	11. Country(s) of transit
12. Name and characteristic (description) of items	13. CN FTO code 1 4 . 15. Position Code of in the List the List
	16. Unit of measurement 17. Quantity
	18. Currency of payment 19. Cost
	20. End use of items
21. Grounds for issuing a license	
22. Additional information for control purposes	
23. Organization - expert Full name Position Signature and Seal Date	24. Authorized person that have issued a license Full name Position

**Annex 3
WARRANTY
of the Importer (end user)**

(As amended by the KR Government Decree dated January 10, 2014, N 15)

Certificate N				
1. Importer, the address, telephone		2. Country of importer		
3. Exporter, the address, telephone		4. Country of exporter		
5. End user, the address, telephone and area of activity		6. Information on the obtained licenses		
7. Location of installation and (or) use of items		8. End use		
9. Name and full characteristics of items		10. CN FTO code	11. Code of the item in Control Lists	12. Total cost (in thousands) in: Som p a y m e n t currency USA Dollar
13. Grounds for requesting a certificate		14. Unit of measurement		15. Quantity
16. The importer (end user) undertakes to import the items referred to in the Paragraph 9 into the Kyrgyz Republic, use them for the purposes described in the Paragraph 8, do not transfer them to another business entity in the Kyrgyz Republic and do not re-export them to third countries without permission of the Ministry economy of the Kyrgyz Republic				
17. To be agreed				
18. Importer Full name Position Signature _____ Seal Date _____		19. End user Full name Position Signature _____ Seal Date _____		

Annex 4

(As amended by the KR Government Decree dated January 10, 2014, N 15)

End User Certificate N		
1. Importer, the address, telephone	OKPO Code	2. Country of import OKPO Code
3. Exporter, the address, telephone	OKPO Code	4. Country of export OKPO Code
5. End user, the address, telephone and area of activity		
6. Name and full characteristics of items	7. CN FTO code 8. Code of the item in Control Lists	9. Total cost (in thousands) in: Som payment currency USA Dollar
10. Grounds for request	11. Unit of measurement	12. Quantity of a certificate
13. This is to confirm that the items referred to in the Paragraph 6 will be used only for the needs of the country and will not be re-exported without the permission of the authorized state body of the importing country.		
14. This very document shall be submitted to the authorized state body of the exporting country within six months from the date of its signing.		
15. Ministry of Economy of the Kyrgyz Republic		
Full name		
Position		
Signature		
Seal		
Date		

Annex 5 CERTIFICATE

of confirmation of delivery of controlled items to the Kyrgyz Republic

(As amended by the KR Government Decree dated January 10, 2014, N 15)

Сертификат N date		
1. Importer, the address, telephone		2. Country of importer
3. Exporter, the address, telephone		4. Country of exporter
5. End User Certificate N Date	6. Cargo customs declaration N Date	
7. Name and full characteristics of items	8. CN FTO code	11. Total cost (in thousands) in: Som payment currency USA Dollar 12. Quantity
9. Code of the item in Control Lists		
10. Unit of measurement		
13. This is to confirm that the items referred to in the Paragraph 7 have been imported into the Kyrgyz Republic		
14. State Customs Service under the Government of the Kyrgyz Republic		
Full name		
Position		
Signature _____		
Seal		
Date _____		

ATTENTION!

Amendments made by the Law of the Kyrgyz Republic dated April 24, 2019 No. 51, shall enter into force six months after the date of official publication of the very Law

LAW OF THE KYRGYZ REPUBLIC

Bishkek, October 19, 2013 N 195

3.3. On the Licensing System in the Kyrgyz Republic

(As amended by the Laws of the Kyrgyz Republic dated December 31, 2014 No. 179, April 8, 2015 No. 74, April 30, 2015 No. 91, May 21, 2015 No. 109, May 28, 2015 No. 122, June 28, 2016 No. 91, May 4 2017 N 75, May 10, 2017 N 79, May 23, 2017 N 84, August 2, 2017 N 167, March 14, 2018 N 29, April 24, 2019 N 51)

Chapter 1

General provisions

Article 1. Purpose of this Law

Licensing of certain types of activities, actions and operations shall be carried out in order to prevent harm to life, human health, environment, property, public safety and state security, as well as to the management of limited public resources.

Article 2. Scope of this Law

1. This very Law regulates the relations arising between executive authorities, individuals and legal entities in connection with the licensing of certain types of activities, actions, operations, including the use of limited public resources (hereinafter - activities).

2. This very Law establishes an exhaustive list of licenses and permits.

3. This very Law does not apply to:

1) civil law relations related to the issuance of licenses and permits in the framework of an agreement concluded between individuals and (or) legal entities;

2) state registration system;

3) system for assessing qualifications and professional skills;

4) conformity assessment in the area of technical regulation.

4. Procedure for licensing the types of activities specified in this very Law shall be carried out in accordance with this Law and other regulatory legal acts of the Kyrgyz Republic in the part that it does not contradict them.

Features of licensing the activities of banks, financial institutions and other entities regulated by the National Bank of the Kyrgyz Republic are established in accordance with the legislation of the Kyrgyz Republic on banks and banking activities, as well as in accordance with the legislation on payment and microfinance activities, on the exchange of credit information and the activities of credit unions.

Procedure for licensing the rights to use subsoil, including the procedure for issuing, renewing, suspending, terminating, transferring licenses, as well as licensing terms, licensing control, levying fees and charges, shall be regulated by the legislation of the Kyrgyz Republic in the field of subsoil use.

Features of the licensing of activities in the field of foreign trade are established in accordance with the legislation of the Kyrgyz Republic on the regulation of foreign trade and international treaties and acts constituting the law of the Eurasian Economic Union in the field of licensing.

Procedure for licensing the use of radio frequency spectrum, frequency assignment for the right to operate electronic equipment, including procedure for issuing, renewing, suspending, terminating, alienating licenses, as well as licensing requirements, license control, collection of license fees and charges, are regulated by the legislation of the Kyrgyz Republic in the field of telecommunications.

Features and procedures for issuing, extending, suspending, canceling, and terminating the work permits issued

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to foreign persons and stateless persons upon application by employers and for the employment of citizens of the Kyrgyz Republic abroad, as well as the terms for obtaining permit and exercising control over the collection of payments, are regulated by the law of the Kyrgyz Republic in the field of external labor migration.

5. With regard to import, export, transit of items included in the unified list of items subject to bans or restrictions to the import or export by the member states of the Eurasian Economic Union within the Eurasian Economic Community when trading with third countries, the non-tariff regulation measures and restrictions shall be applied in accordance with international treaties and acts constituting the law of the Eurasian Economic Union.

(As amended by the Laws of the Kyrgyz Republic dated December 31, 2014 N 179, April 30, 2015 N 91, June 28, 2016 N 91, May 4, 2017 N 75, March 14, 2018 N 29)

Article 3. Legislation of the Kyrgyz Republic on licensing

Licensing legislation is based on the Constitution of the Kyrgyz Republic and consists of this very Law and other regulatory legal acts regulating the scope of licensing.

Article 4. Basic Concepts Used in This Law

The following basic concepts apply in this Law:

applicant - an individual or legal entity that has applied to the licensing authority for a license and (or) permit in accordance with this Law;

licensing - a process related to the issuance, renewal, suspension, renewal and cancellation of licenses and (or) permits;

license - a document certifying the right to carry out activities in respect of which the state licensing has been introduced in accordance with this Law;

licensor - a body authorized by the Government of the Kyrgyz Republic to carry out licensing in accordance with this Law;

licensee - an individual or legal entity that has been granted a license and (or) permission;

licensing control - activities of authorized state bodies in the field of licensed activities to verify compliance with licensing requirements;

limited public resources - owned by the public resources, including objects of fauna and flora, radio frequency spectrum, that are limited or irreplaceable, that have specific characteristics and can be measured quantitatively and evaluated in monetary terms;

permit - a document issued by a state body (any other legal entity authorized by the Government of the Kyrgyz Republic) confirming the right to carry out certain actions in the process of activity;

register of licenses and permits - database containing information about licenses and permits by type of activity licensing of which is processed in hard copy and in electronic format;

risk - probability of an adverse event leading to harm to life, human health, environment, property, and a threat to public safety and state security;

self-regulating organization – not-for-profit organization established for the purpose of self-regulating the entrepreneurial activity, uniting business entities on the basis of the unity of the industry or market for manufactured goods (works, services) or uniting entities of one type of professional activity;

electronic license and (or) permit - license and (or) permit in the form of an electronic document, drawn up and issued using information technology, equivalent to a license and (or) permit issued in a hard copy.

Article 5. Principles of licensing

1. Principles for introducing licensing:

1) evidence of the introduction of licensing;

2) prohibition of issuing licenses and permits for certain types of actions or operations that are part of a single inextricable process for which a license or permit is issued.

2. Principles of licensing are as follows:

1) transparency, openness of licensing procedures;

2) equal grounds and terms for issuing licenses and (or) permits for all individuals and legal entities, regardless of ownership, including foreign individuals and legal entities;

3) licensing only those types of activities that are defined by this very Law;

4) prohibition to licensors to issue additional licenses and (or) permits related to activities subject to licensing in accordance with this very Law;

5) recognition of the integrity of the licensee, unless otherwise has been proved and justified by the documents;

6) avoiding the strengthening of monopolism in the market or restrictions on the freedom of entrepreneurial activity imposed by licensing;

7) recognition of the licenses and (or) permits obtained in other countries that are valid in the territory of the Kyrgyz Republic, on the terms that are consistent with international treaties or have been recognized unilaterally;

8) licensing of the type of activity falling within the scope of the provisions of the adopted technical regulation shall be canceled from the moment the technical regulation comes into force, with the exception of the case provided for in the Paragraph 1 of the Part 1 of the Article 6 of this very Law;

9) abolition of licensing when introducing mandatory civil liability insurance of a certain licensed type of activity;

10) periodic (every five years) assessment of licensing performance in accordance with the requirements of the legislation of the Kyrgyz Republic on the optimization of the regulatory framework;

11) implementation of licensing control exclusively at the expense of the national budget. Prohibition of licensing control (monitoring) by licensors at the expense of the licensee's funds and property;

12) inadmissibility of the requirement to obtain separate licenses for individuals working on the basis of labor contracts with the licensee, with the exception of activities for implementation of passenger transportation (except passenger taxis) and international freight transport by road.

Article 6 Criteria for determining the types of activities subject to licensing

1. Licensing shall be introduced:

1) if, on the basis of the risk assessment methodology approved by the Government of the Kyrgyz Republic, it has been proved that other methods of state regulation of the activity do not reduce the maximum permissible risk level of harm to life, human health, the environment, property, public safety and state security due to implementation of this activity;

2) for the rational management of limited public resources.

2. Justification for the need to introduce licensing regulation should be directly related to the criteria defined by this Article.

Article 7. Procedure for introduction of licensing

1. Introduction or exclusion of licensing of certain types of activities shall be possible only by making amendments and addenda to the list of types of activities provided for by this very Law in respect of which licensing has been introduced.

2. Introduction of licensing for certain types of activities shall be possible solely on the basis of the principles and criteria provided for in the Articles 5 and 6 of this very Law.

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3. Draft regulatory legal acts aimed at introducing licensing of certain types of activities, with the exception of activities related to the fulfillment of international obligations, shall be subject to mandatory regulatory impact analysis in accordance with the methodology approved by the Government of the Kyrgyz Republic.

Article 8. General License Requirements

1. The statement of licensing requirements should provide a uniform understanding of their content. All doubts about understanding the requirements shall be interpreted in favor of the licensee.

2. General requirements for compliance with the legislation of the Kyrgyz Republic in the relevant field of activity as a whole, except for export control requirements, cannot be attributed to license requirements.

3. Exhaustive list of licensing requirements for licensed activities is established by the Government of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated May 21, 2015 N 109)

Article 9. Types of Licenses and Permits

Licenses and permits differ in the following ways:

1) by period of validity:

a) unlimited - issued without limitation of validity;

b) temporary - issued for a specified period. Limitation of the validity period of a license is allowed only in respect of licenses for the use of limited public resources and for implementation of foreign trade activities, as well as in respect of the licenses provided for in paragraphs 33-35 of the Article 15 and the permits provided for in the paragraphs 2, 12-14, 26, 27-1, 29 and 31 of the Article 17 of this very Law;

2) by territorial scope:

a) the effect of which extends to the entire territory of the Kyrgyz Republic, as well as beyond its borders on the basis of international treaties;

b) the effect of which is limited to a certain territory of the Kyrgyz Republic and is introduced only in relation to licenses for the use of limited public resources, as well as in relation to licenses provided for in the paragraphs 12, 35 and 36 of the Article 17 of this very Law;

3) by alienation:

a) inalienable;

b) alienated (introduced solely in relation to licenses for the use of limited public resources);

4) in the form of:

a) license issued in a hard copy;

b) electronic license - a license issued in the form of an electronic document;

5) in terms of the scope of activities and the totality of rights (when exporting and importing goods):

a) general licenses;

b) one-time licenses;

c) exclusive licenses.

(As amended by the Laws of the Kyrgyz Republic dated December 31, 2014 N 179, May 21, 2015 N 109, May 4, 2017 N 75)

Article 10. Validity of a license and (or) permit

1. Transfer of licenses and (or) permits to another person for carrying out the activities shall be forbidden.

2. Activities in relation to which a license and (or) permit are available may be carried out throughout the entire territory of the Kyrgyz Republic, with the exception of cases provided for by this very Law.

3. In cases provided for by international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party, the validity of licenses and (or) permits issued in the territory of the Kyrgyz Republic extends to the territory of other states, and the validity of licenses and (or) permits issued in the territory of other states extends to the territory of the Kyrgyz Republic.

In accordance with this very Law, the Kyrgyz Republic may unilaterally recognize the validity of foreign licenses and (or) permits in the territory of the Kyrgyz Republic. The validity period of a temporary license may be extended upon its expiration at the request of the licensee.

Article 11. Content of the license and (or) permit

1. The following shall be indicated in the license and (or) permit:

- 1) name of the licensing authority;
- 2) full and (if any) abbreviated name, including the company name, and legal form of legal entity, the number of the certificate of state registration (re-registration) of the legal entity, of the branch (representative office);
- 3) family name, first name, patronymic of an individual, data of an identity document for individual entrepreneurs - registration number of the entry on state registration of an individual entrepreneur;
- 4) licensed type of activity;
- 5) validity period of the license and (or) permit (if established);
- 6) territory of the activity (if limited territorially);
- 7) date of issue and registration number of the license and (or) permit;
- 8) taxpayer identification number.

2. License and (or) permit shall be executed by the licensor in the form approved by the Government of the Kyrgyz Republic, in hard copy and in electronic format.

3. Application and the documents attached thereto, acts of the licensor on granting a license and (or) permission, on refusal to grant a license and (or) permission, on renewal, suspension, renewal or termination of a license and (or) permit and other documents compose the licensed dossier of the applicant or licensee and shall be a subject to storage by the licensor in the manner established by the Government of the Kyrgyz Republic.

Article 12. Register of licenses and permits

1. Licenses and permits are included in the registers of licenses and permits (hereinafter referred to as the Register). Procedure for developing and maintaining the registers is approved by the Government of the Kyrgyz Republic.

2. Registers are the only official source confirming the availability of the issued licenses and permits, and their legal status.

3. Licensors shall keep the registers of the types of activities licensed by them in both, hard copies and in electronic format.

4. The following information shall be indicated in the Register:

- 1) full and (if any) abbreviated name, including the company name, and legal form of the legal entity, legal address;
- 2) family name, first name, patronymic of an individual, the place of residence, data of an identity document for individual entrepreneurs - the registration number of the record of state registration of an individual entrepreneur;

- 3) licensed type of activity;
- 4) territory of the activity (if limited territorially);
- 5) validity period of the license and (or) permit;
- 6) taxpayer identification number;
- 7) date of issue and registration number of the license and (or) permit;
- 8) grounds and term of suspension and renewal of the license and (or) permit;
- 9) grounds and date of termination of the license and (or) permit.

5. The Register is subject to mandatory posting on the official websites of licensors and shall be open and accessible for the stakeholders that want to familiarize themselves with the information contained in it, with the exception of information the access to which is limited by the legislation of the Kyrgyz Republic.

Article 13. Openness of licensing information

The following should be placed on the official websites of licensors for open access:

- 1) texts of regulatory legal acts regulating licensing issues;
- 2) application forms for granting, renewal, and termination of licenses and permits;
- 3) comprehensive information about the list of documents attached to the License Application, about timing for processing of applications, about persons responsible for processing of the applications (family name, first name, middle name, work phone number, email address), about the working hours of the licensing authority and its territorial units;
- 4) registers of licenses and permits.

Article 14. Subjects of licensing in the field of licensing

1. Subjects in the field of licensing:

- 1) licensor:
 - a) body authorized by the Government of the Kyrgyz Republic to carry out licensing in accordance with this very Law;
 - b) self-regulating organizations (if authorized for licensing);
 - 2) licensee (individuals and legal entities, including foreign ones, regardless of ownership).
2. Licenses and (or) permits may be issued by central bodies or by territorial units of the licensor.

Self-regulating organizations are entitled to issue licenses and (or) permits only in the central governing body.

Chapter

2

Types of activity subject to licensing

Article 15. Types of activity subject to licensing

The following activities are subject to licensing:

- 1) generation, transmission, distribution, sale, export and import of electric energy (with the exception of generation of electric energy resulting from the use of renewable energy sources, as well as generation of electric energy from any energy sources for own use at a capacity of up to 1000 kW);
- 2) generation, transmission, distribution and sale of thermal energy (with the exception of generation of thermal energy resulting from the use of renewable energy sources, as well as generation of thermal energy from any energy sources for own use);
- 3) processing of oil and natural gas, with the exception of the production in industrial volumes of bioethanol from vegetation based materials and its sale;
- 4) production, transmission, distribution and sale of natural gas;

- 5) production and turnover of ethyl alcohol;
- 6) production and turnover (storage for the purposes of production or sale, wholesale and retail sale) of alcohol products;
- 7) medical activities carried out by private medical institutions and individual entrepreneurs (with exception of the activities of medical workers employed or contracted by private medical institutions or by individual entrepreneurs);
- 8) pharmaceutical activities;
- 9) manufacture and sale of vaccines and serums in specialized enterprises in the field of veterinary medicine;
- 10) work with microorganisms of the II group of pathogenicity;
- 11) activities in the field of electrical communications (with the exception of operators and services of internal or closed telecommunication networks);
- 12) postal services;
- 13) activities in the field of data transmission (with the exception of operators and services of internal or closed telecommunication networks);
- 14) *(expired in accordance with the Law of the Kyrgyz Republic dated May 4, 2017 N 75)*
- 15) urban development, design and survey work for the residential, public and industrial buildings and structures (objects of I, II, III categories);
- 16) construction and installation works, except for the construction of individual residential buildings (objects of I, II, III categories);
- 17) passenger transportation by road (except for passenger taxis);
- 18) international freight transport by road;
- 19) passenger and(or) freight transportation by air;
- 20) ground handling of aircrafts at airports (aerodromes) upon arrival and departure, with the exception of maintenance and (or) repair of aircrafts;
- 21) passenger and (or) freight transportation by water;
- 22) conducting banking operations in accordance with the Paragraph 2 of Part 4 of the Article 2 of this very Law;
- 23) activities of credit unions;
- 24) activities of microfinance companies;
- 25) activities of pawnshops;
- 26) conducting the cash-based exchange operations with foreign currency;
- 26-1) activities of credit bureaus;
- 27) provision of services for receiving and making payments and settlements for goods and services that are not the result of own activities, in favor of third parties through payment systems based on information technology and electronic means and methods of payments;
- 28) provision of services for receiving, processing and issuance of financial information (processing, clearing) on payments and settlements of third parties to the participants of the payment system, of this processing, clearing center;
- 29) *(expired in accordance with the Law of the Kyrgyz Republic dated April 8, 2015 N 74);*
- 30) activities related to arranging the professional lottery;
- 31) transportation (including transboundary) waste toxic substances production, including waste of radioactive substances production;
- 32) development, production and sale of military items (weapons, military equipment, military-technical property, documentation, results of intellectual activity, information in the mili-

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tary-technical field referred by the legislation of the Kyrgyz Republic to military items) and military services (work on repair, modernization, disposal of weapons, military equipment, as well as their transportation, delivery and storage);

- 33) production, use, destruction of industrial explosives;
- 34) sale of explosives and products (including pyrotechnic);
- 35) production, repair, trade in weapons and ammunition;
- 36) development, production, manufacture, processing, storage, distribution, sale, acquisition, use, trade and distribution of narcotic drugs, psychotropic substances and precursors;
- 37) law practice;
- 38) private notarial activity;
- 39) voluntary accumulative life insurance provided by an insurance organization;
- 40) voluntary personal insurance provided by an insurance organization;
- 41) voluntary property insurance provided by an insurance company;
- 42) voluntary liability insurance provided by an insurance organization;
- 43) compulsory types of insurance provided by the insurance organization;
- 44) incoming reinsurance for compulsory and voluntary types of insurance provided by the reinsurance organization;
- 45) activities of a non-governmental pension fund;
- 46) organizing the trade in securities market;
- 47) brokerage in securities market;
- 48) maintaining the register of holders of securities;
- 49) depository activity in the securities market;
- 50) dealer activity in the securities market;
- 51) activity of the investment fund;
- 52) trust management of investment assets;
- 53) audit activity;
- 54) activity of administrators engaged in bankruptcy proceedings;
- 55) design, installation, commissioning and repair of fire automatics; flame retardant treatment of wooden structures and of combustible theater display equipment;
- 56) educational activities (except for governmental and municipal educational organizations implementing programs of preschool, primary general, basic general and secondary general education, extracurricular education);
- 57) import, export of arms and military equipment, as well as of the other military products, the list of which has been adopted by the Government of the Kyrgyz Republic;
- 58) import, export, re-export of items included in the National Control List of Controlled Items of the Kyrgyz Republic, adopted by the Government of the Kyrgyz Republic;
- 59) activities of an insurance broker;
- 60) actuarial activities.

(As amended by the Laws of the Kyrgyz Republic dated December 31, 2014 No. 179, April 8, 2015 No. 74, May 28, 2015 No. 122, June 28, 2016 No. 91, May 4, 2017 No. 75, May 10, 2017 No. 79, May 23 2017 N 84, August 2, 2017 N 167)

Article 16. Types of activities for the use of limited public resources subject to licensing

The following activities are subject to licensing:

- 1) use of the radio frequency spectrum (with the exception of individuals and (or) legal entities using the radio

frequency spectrum for non-commercial purposes);

- 2) withdrawal of wood on the lands of the Forest Fund (logging ticket, a warrant for low level of wood release);
- 3) withdrawal of vegetation objects for commercial purposes (permit for vegetation withdrawal and a forest ticket);
- 4) disposal, storage, burial, destruction of waste of toxic materials and substances, including radioactive;
- 5) activities related to the right to use subsoil (the right to use subsoil for geological exploration, the right to use subsoil for development of mineral deposits, including withdrawal and use of groundwater, geological mapping and regional geological, geophysical and other scientific research, construction and operation of underground structures not related to the development of minerals, making mineralogical, paleontology collections for commercial purposes, making collection of stone material for decorative purposes and use as ornamental stones and building materials, as well as the right to use subsoil not related to geological exploration of subsoil and development of mineral deposits);
- 6) receipt, use, processing, formation, storage, destruction of substances capable of forming explosive mixtures (filling stations that fill cylinders with compressed and liquefied gases);
- 7) receipt, formation, storage, use, destruction of potent toxic substances.

(As amended by the Laws of the Kyrgyz Republic dated May 21, 2015 N 109, May 4, 2017 N 75)

Article 17. List of permits for types of actions in the process of activity

Types of actions requiring permission:

- 1) *(Repealed in accordance with the Law of the Kyrgyz Republic dated December 31, 2014 N 179);*
- 2) right to carry out blasting operations;
- 3) mining operations;
- 4) import and export of samples of ores and rocks, concentrates, production wastes and laboratory samples from the Kyrgyz Republic for analytical research;
- 5) purchase of slime gold and gold-containing concentrate;
- 6) import of quarantine items of plant origin to the Kyrgyz Republic;
- 7) *(Repealed in accordance with the Law of the Kyrgyz Republic dated December 31, 2014 N 179);*
- 8) work permits issued to foreign citizens and stateless persons at the request of employers, based on the general quota on the territory of the Kyrgyz Republic;
- 9) employment of citizens of the Kyrgyz Republic beyond its borders;
- 10) transit of weapons and military equipment through the territory of the Kyrgyz Republic;
- 11) import, export, transit through the territory of the Kyrgyz Republic of narcotic drugs, psychotropic substances and precursors;
- 12) acquisition, storage, transportation, carrying, collecting, exhibiting civilian and service weapons and their ammunition;
- 13) acquisition and sale of potent toxic substances;
- 14) acquisition, sale, storage, transportation, carrying, import, export of special funds approved by the Government of the Kyrgyz Republic;
- 15) conducting control fishing for scientific purposes;
- 16) *(Repealed in accordance with the Law of the Kyrgyz Republic dated December 31, 2014 N 179);*
- 17) *(Repealed in accordance with the Law of the Kyrgyz Republic dated December 31, 2014 N 179);*
- 18) waste disposal in the environment;
- 19) discharge of pollutants into the environment;
- 20) emissions of pollutants into atmosphere by stationary sources of pollution;

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21) entry into the territory of a foreign state and departure during international road freight transportation;

22) transit travel on the territory of a foreign state during international road freight transportation;

23) implementation of international road freight transportation;

24) transportation of goods to (from) third countries (third countries) within the implementation of international road freight transportation;

25) international passenger traffic (regular and irregular);

26) transportation of hazardous items;

27) right to store explosive materials for industrial use;

27-1) right to store pyrotechnic products;

28) import of pyrotechnic products into the territory of the Kyrgyz Republic;

29) right to acquire explosive materials;

30) admission to import into the territory of the Kyrgyz Republic of radio-electronic (REU) and high-frequency units (HFU), other technical equipment that produce radio frequency radiation or are a source of high-frequency electromagnetic waves;

31) frequency assignment for the right to operate electronic equipment;

32) import into the Kyrgyz Republic and export from the Kyrgyz Republic of goods (items) controlled by the state veterinary supervision;

33) transit through the territory of the Kyrgyz Republic and a request to provide transit countries with permit in respect of goods (items) subjected to state veterinary control;

34) right to identify controlled items, items transited through the territory of the Kyrgyz Republic, as well as transfer of goods inside the country in respect of the items included in the National Control List of Controlled Items of the Kyrgyz Republic passed by the Government of the Kyrgyz Republic;

35) development, production, sale, acquisition, storage, transportation of special technical equipment intended for the secret receipt of information;

36) *(Repealed in accordance with the Law of the Kyrgyz Republic dated December 31, 2014 N 179).*

37) placement of a television and radio channels in analog broadcasting and (or) in a digital broadcast package, regardless of the technologies used;

37) holding a state or stimulating lottery.

(As amended by the Laws of the Kyrgyz Republic dated December 31, 2014 N 179, May 21, 2015 N 109, May 4, 2017 N 75, May 10, 2017 N 79, April 24, 2019 N 51)

Chapter

3

Licensing Procedure

Article 18. Documents required to obtain a license and (or) permit

1. In order to obtain a license and (or) permit, the applicant shall submit or send the following to the relevant licensor through information technology:

1) application of the established form;

2) copy of an identity document - for individuals;

3) copy of state registration certificate - for a legal entity and an individual entrepreneur;

4) copy of the document confirming the payment of a license fee for consideration of the application and issuance of a license and (or) permit;

5) copies of documents stipulated by the Regulation on the licensing of certain types of activ-

ities passed by the Government of the Kyrgyz Republic.

2. When an applicant applies for a license and (or) permit through information technology, the applicant shall fill out an application of the established form on the licensor's website and at the same time attach the scanned original documents provided for in this Article in electronic format. In this case, the applicant receives confirmation of the acceptance of documents indicating the date of acceptance of the application and the list of submitted documents in electronic format.

3. Applicant may apply to the licensor for the issuance of an electronic license and (or) permit, indicating this in the application.

4. Licensor shall be prohibited to request the applicant to submit documents that are not provided for by this very Law and other regulatory legal acts of the Kyrgyz Republic, to the extent not contrary to this very Law.

Article 19. License Fees

1. When issuing, re-issuing a license and (or) permit and issuing a duplicate of a license and (or) permit, a one-time license fee shall be charged in accordance with the legislation on non-tax payments. In accordance with the legislation on non-tax payments, a license fee is charged for the procedure of recognizing a license by mutual recognition and unilaterally issued by a licensor of a foreign state on the territory of the Kyrgyz Republic.

2. Collection of other fees from applicants and licensees not provided for by this very Law is prohibited.

3. All types of license fees are forwarded directly to the republican budget.

Article 20. Terms for consideration of an application and issuance of a license and (or) permit

1. Licensor makes a decision on the issuance or refusal to issue a license and (or) permit not later than thirty calendar days from the date of submission of the application with all relevant documents, except for the cases of issuing licenses for the right to use the radio frequency spectrum, requiring international coordination with the border countries of the Kyrgyz Republic.

2. Decision to grant a license and (or) permit or to refuse to issue them shall be supported by relevant act of the licensor.

3. Licensing authority shall, within the time limits established for the issuance of license and (or) permit, notify the applicant about the decision to issue or about the refusal to issue the license and (or) permit.

Notice on the issue of or refusal to issue a license and (or) permit shall be sent (handed) to the applicant in writing.

4. Information on the issued licenses and (or) permits shall be entered by the licensor into the register on the basis of an appropriate decision to issue a license and (or) permit. License and (or) permit shall be deemed officially issued from the date the information about this has been entered in the register. Licensor shall enter into the register the information on issuance of the license and (or) permit on the day the license has been issued.

5. If the licensor did not notify the applicant in writing of the refusal to grant a license and (or) permit within the time period established by Part 1 of this Article, the license and (or) permit shall be deemed issued, with the exception of the licenses and permits provided for in the paragraph 36 of the Article 15 and paragraph 11 of the Article 17 of this very Law. Licensor no later than the next day from the expiration date for the issuance of a license and (or) permit shall enter information on granting the license and (or) permit to the registry and issue the requested license and (or) permit to the applicant.

6. Applicant, in case of non-receipt of a written refusal to issue a license and (or) permit or non-receipt of the license and (or) permit in a timely manner, within thirty calendar days from the date of the deadline when issuing of license expires, shall notifies the licensor in writing about commencement of implementation of the declared type of activity.

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(As amended by the Law of the Kyrgyz Republic dated December 31, 2014 N 179)

Article 21. Refusal to issue a license and (or) permit

1. Grounds for refusal to issue a license and (or) permit are:

- 1) existence of a prohibition provided by law for the implementation of a certain type of activity by a particular category of entities;
- 2) court decision prohibiting the applicant from engaging in this type of activity;
- 3) provision by the applicant of false or incomplete information;
- 4) if the documents provided by the applicant do not meet the requirements established by this very Law and other regulatory legal acts of the Kyrgyz Republic;
- 5) failure to pay a license fee for consideration and issuance of a license and (or) permit.

2. Licensor has the right to give a written refusal only once, stating full grounds for refusal.

3. In the event that the grounds for refusal specified in the paragraphs 3-5 of the Part 1 of this Article have been eliminated, the application shall be a subject to repeated consideration. At the same time, the period for consideration of the application and issuance of the license and (or) permit starts from the day the application for re-consideration has been submitted.

Refusal according to the previously considered documents of the applicant is not allowed.

4. Refusal to issue a license and (or) permit on other grounds not provided for by this Article shall be forbidden.

5. In case of refusal to issue a license and (or) permit, the licensor, within the time limits established for issuing the license and (or) permit, is obliged to notify, in writing, the applicant of the license and (or) permit about the decision indicating the reasons for refusal.

Article 22. Appeal of a refusal to grant a license and (or) permit and compensation for losses due to an unjustified refusal

1. Applicant has the right to appeal the refusal of the licensor to issue a license and (or) permit in the manner established by the legislation of the Kyrgyz Republic.

2. Compensation for losses caused by an unjustified refusal to issue a license or a violation of the rights of a licensee shall be provided in the manner prescribed by civil law.

Article 23. Renewal of the license and (or) permit

1. The grounds for renewal of a license and (or) permit are:

- 1) reorganization of a legal entity;
- 2) change in the name of the legal entity;
- 3) change of a family name, first name, patronymic of an individual;
- 4) alienation of a license;
- 5) extension of the license and (or) permit.

2. Should there occur the grounds for renewal of the license and (or) permit, the licensee is obliged to file an application.

3. Application for renewal of a license and (or) permit indicating the grounds for renewal and new information along with the documents confirming the relevant changes, shall be submitted by the licensee to the licensor no later than fifteen working days from the day the grounds for renewal has arisen.

4. Renewal of the license and (or) permit shall be done within five working days from the day the licensor has received the relevant application. When re-issuing a license and (or) permit, the licensor makes the appropriate amendments to the registry.

5. If the license is temporary, the validity period of the renewed license may not exceed the validity period specified in the previous license.

Article 24. Change in the data specified in the documents attached to the application for the issuance of a license and (or) permit

1. Licensee is obliged to notify the licensor of all changes to the data specified in the documents attached to the application for the issuance of a license and (or) permit, which are not grounds for renewal of the license and (or) permit provided for in the Article 23 of this very Law.

2. The notice shall be submitted in writing, within ten business days after the occurrence of the changes, along with the original documents or their copies (with the presentation of the originals for verification) confirming the changes.

3. Licensor shall make the appropriate amendments to the registry within three business days from the date of receipt of the notification.

Article 25. Extension of the Temporary License

1. Validity period of a temporary license may be extended.

2. Grounds and procedure for the extension of temporary licenses are established by the Regulation on the licensing of certain types of activities, passed by the Government of the Kyrgyz Republic.

3. Licensee has the right to appeal the refusal to extend the license validity period in the manner established by the legislation of the Kyrgyz Republic.

Article 26. Issue of duplicate licenses and (or) permits

1. In case of loss, damage to the license and (or) permit, the licensee has the right to obtain a duplicate of the license and (or) permit on the basis of a written application submitted to the licensor. In case of damage to the license and (or) permit, the damaged license and (or) permit form shall be attached to the application.

2. Lost, damaged license forms and (or) permits are considered invalid from the day the licensee has submitted the application.

3. Licensor within three working days from the date of submission of the application shall issue a duplicate of the license and (or) permit with the inscription 'Duplicate' in the upper right corner.

4. Licensee has the right to appeal the decision of the licensor to refuse to issue a duplicate of the license and (or) permit in the manner prescribed by the legislation of the Kyrgyz Republic.

Article 27. Recognition of licenses issued by authorized bodies of foreign states

1. Recognition in the Kyrgyz Republic of licenses issued by authorized bodies of foreign states is carried out in the manner of mutual recognition of licenses, in the process of automatic recognition of licenses on the basis of international agreements, as well as unilaterally.

2. In accordance with international treaties that have entered into force, to which the Kyrgyz Republic is a party, licenses for certain types of activities issued by authorized bodies of foreign states shall be recognized as valid on the territory of the Kyrgyz Republic without additional licensing procedures and without issuing a national license by entering information about this by the licensor into the register (with the exception of cases provided for by legislation in the banking sector).

3. Licenses issued in a foreign state are recognized unilaterally provided that these licenses are included in the list of licenses recognized unilaterally in the territory of the Kyrgyz Republic passed by the Government of the Kyrgyz Republic.

Only those licenses issued by licensors of foreign states whose licensing requirements are identical or exceed the requirements established by the legislation of the Kyrgyz Republic shall be included in the list of licenses recognized unilaterally in the territory of the Kyrgyz Republic. The list of licenses recognized in the territory of the Kyrgyz Republic unilaterally should contain the names of the licenses and the country that issued these licenses.

Recognition of a license issued by a licensor of a foreign state shall be carried out unilaterally

in accordance with the procedure provided for in this Article.

4. License recognition procedure is based on the procedure for verifying the authenticity of the presented licenses and documents and for including information on the recognition of a license in the register.

5. In the Kyrgyz Republic, in order to include information on recognition of the validity of a license issued by an authorized body of a foreign state in the register, the licensee shall apply for recognition of the license to the relevant licensor with the following documents:

- 1) original and a copy of the license issued by an authorized person of a foreign state;
- 2) documents confirming the legality of the entity (state registration in the country of origin).

The above mentioned documents shall be certified in accordance with the requirements of consular legalization of foreign official documents with translation into the state and official languages or an apostille shall be attached.

6. Licensor shall examine the submitted documents within three business days and shall enter into the register the information on the recognition of validity of the specified license in the territory of the Kyrgyz Republic.

7. In the event that a license issued by an authorized body of a foreign state is limited in duration, the validity of a recognized license in the Kyrgyz Republic shall accordingly be a subject to limitation of the duration of a license issued by a foreign state.

8. In case of violation by the licensee, the license of which is recognized in the established manner, of the licensing requirements established by the legislation of the Kyrgyz Republic for implementation of the relevant type of activity subject to licensing regulation, the licensor might take a decision to suspend the effect of the specified license in the territory of the Kyrgyz Republic in accordance with this very Law; or recognition of the license might be canceled in a judicial proceeding on the basis of the appeal of the licensor in the event that the reasons due to which the licensor has suspended the license were not eliminated.

9. Licensee has the right to appeal the decision of the licensor on the suspension of the recognized license in court.

Chapter Licensing Control

4

Article 28. Licensing Control

1. Licensing control shall be carried out by the relevant licensor in order to verify that the licensee complies with the licensing requirements established by this very Law and regulatory legal acts regulating certain types of activities. Procedure for licensing control is passed by the Government of the Kyrgyz Republic.

2. Licensing control is carried out in the form of a license audit of the licensee's compliance with licensing requirements.

3. Licensing inspections are carried out in accordance with a plan approved by the licensor.

4. The subject of a license audit shall be a verification that the licensee fulfills the license requirements, and verification that the licensee has eliminated any violations found during previous audits.

5. In the event that the licensing requirements are not fulfilled, the licensor might apply the following measures to the licensee:

- 1) warning;
- 2) fine;
- 3) suspension of the license and (or) permit;
- 4) filing a statement of claim with the judicial authorities to consider the issue of canceling a license and (or) permit.

6. For a single violation of the licensing requirements, the licensor has the right to apply a measure of influence in the form of issuing a warning.

7. For a double violation of the licensing requirements, the licensor has the right to apply a measure of influence in the form of a fine.

Procedure for applying the penalties in the form of a fine is determined by the Government of the Kyrgyz Republic.

Funds from the fine shall be directly transferred to the national budget.

Article 29. Suspension of a license and (or) permit

1. For a three-time violation of licensing requirements, the licensor has the right to suspend the license and (or) the permit for a period of up to three months of the entity that has previously been given a warning and a fine.

2. Licensee is obliged to notify the licensor in writing of the elimination of a violation of the license requirements that entailed the suspension of the license and (or) permit.

3. Validity of a license shall not be extended for the period of suspension of its validity.

4. In the event that the licensee fails to eliminate the violation of the license requirements within the established time period, which entailed the suspension of the license and (or) the permit, the license and (or) permit shall be canceled in accordance with the procedure provided for in the Article 31 of this very Law.

5. Licensee has the right to appeal in court the decision to suspend the license and (or) permit.

Article 30. Renewal of a license and (or) permit

1. Validity of the license and (or) permit will be renewed by the licensor from the day following the expiration of the time period for which the license and (or) permit were suspended, provided that the licensee has eliminated violations of the license requirements or, in case of early elimination of violations of license requirements by the licensee, before the expiration of the established period for which the validity of licenses and (or) permits was suspended.

2. In the event of early elimination of the revealed violations of the license requirements, the licensee shall notify the licensor of this in writing and initiate a license audit.

3. Licensor shall conduct verification of elimination of the revealed violations of the license within thirty days or no later than five working days from the date of receipt of the licensee's notice of early elimination of the violations and, after the verification, shall provide the licensee in writing with a decision to renew the license and (or) permit, or to refuse in its renewal with appropriate justification and enter the relevant information in the register.

4. License and (or) permit shall be deemed to have renewed their validity from the date of entry of information about this in the register.

5. Licensee has the right to appeal the decision of the licensor on the refusal to renew the license and (or) the permit in the manner prescribed by the legislation of the Kyrgyz Republic.

Chapter

5

Termination of a license and (or) permit

Article 31. Termination of a license and (or) permit

1. License and (or) permit shall be terminated in the following cases:

- 1) termination by an individual of activity as an individual entrepreneur;
- 2) liquidation of a legal entity;
- 3) expiration of the license and (or) permit;
- 4) activities, operations for the implementation of which a license and (or) permit were issued have been completed;
- 5) filing an application by the licensee (assignee of the licensee) in the event of his voluntary

termination of the licensed type of activity;

- 6) exclusion of a particular type of activity from the list of licensed types of activity;
- 7) entry into force of a court decision on the revocation of a license and (or) permit;
- 8) death of an individual.

2. Upon termination of the license and (or) permit, the licensor shall enter information on the termination of the license and (or) permit in the register. License and (or) permit shall be deemed to have expired from the date the information was entered into the registry.

License and (or) permit in hard copy, held by the licensee, shall be deemed invalid from the date of entry of information on the termination of the license and (or) permit in the register.

Article 32. Cancellation of a license and (or) permit

In the event that the reasons why the licensor has suspended the license are not resolved, the license and (or) permit are canceled by a court decision on the basis of consideration of the licensor's application.

Chapter

6

Final and transitional provisions

Article 33. Procedure for the entry into force of this very Law

1. This very Law shall enter into force 15 days after the date of its official publication.

Published in the Erkin Too newspaper on October 29, 2013 N 87

Paragraph 11 of the Part 2 of the Article 5 shall enter into force on January 1, 2015.

Subparagraph 'b' of paragraph 1 of part 1 of the Article 14 shall enter into force after adoption of a regulatory legal act on self-regulatory organizations.

2. From the date of entry into force of this very Law, the following shall be repealed:

- Law of the Kyrgyz Republic 'On Licensing' dated March 3, 1997 N 12 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1997, N 3, Article 126);

- Law of the Kyrgyz Republic 'On Amendments to the Law of the Kyrgyz Republic 'On Licensing' dated February 14, 1998 N 13 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1998, N 3, Art. 74);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated April 24, 1998 N 53 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1998, N 8, Article 249);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated July 7, 1998 N 87 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1998, N 12, Art. 496);

- Article 2 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated September 12, 1998 N 121 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1999, N 3, Article 83);

- Law of the Kyrgyz Republic 'On Interpretation of the Article 5 of the Law of the Kyrgyz Republic 'On Licensing' dated December 3, 1998 N 150 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 1999, N 3, Article 100);

- Article 7 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated November 27, 1999 N 131 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2000, N 4, Article 171);

- Law of the Kyrgyz Republic 'On Amendments and Addenda to the Law of the Kyrgyz Republic 'On Licensing' dated January 18, 2001 N 13 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2000, N 11, Art. 687);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated June 12, 2001 N 48 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2001, N 6,

Article 183);

- Article 3 of the Law of the Kyrgyz Republic 'On Amendments to Certain Legislative Acts of the Kyrgyz Republic' dated February 17, 2003 N 38 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, N 4, Article 189);

- Article 3 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated February 18, 2003 N 41 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, N 4, Article 182);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated March 10, 2003 N 59 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, N 5, Article 225);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated June 11, 2003 N 95 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, N 9, Art. 355);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated August 1, 2003 N 165 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, N 11, Article 506);

- Article 1 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated December 24, 2003 N 239 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2004, N 3, Article 134);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated August 13, 2004 N 129 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2005, N 1, Article 8);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated January 27, 2006 N 21 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2006, N 1, Article 23);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated April 28, 2007 N 45 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2007, N 4, Article 348);

- Law of the Kyrgyz Republic 'On Amendments to the Law of the Kyrgyz Republic 'On Licensing' dated April 19, 2008 N 62 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 4, Article 344);

- Article 2 of the Law of the Kyrgyz Republic 'On Amending Certain Legislative Acts of the Kyrgyz Republic' dated April 28, 2008 N 73 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 4, Article 355);

- Law of the Kyrgyz Republic 'On Amendments to the Law of the Kyrgyz Republic 'On Licensing' dated June 2, 2008 N 105 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 6/2, Article 569);

- Law of the Kyrgyz Republic 'On Amendments to the Law of the Kyrgyz Republic 'On Licensing' dated June 12, 2008 N 118 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 6/2, Article 582);

- Law of the Kyrgyz Republic 'On Amendments and Addenda to the Law of the Kyrgyz Republic 'On Licensing' dated June 23, 2008 N 126 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 6/2, Article 590);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated October 23, 2008 N 232 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 8, Article 924);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated

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November 20, 2008 N 241 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2008, N 9, Article 1014);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated July 31, 2009 N 258 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2009, N 7, Article 768);

- Law of the Kyrgyz Republic 'On Amendments and Addenda to the Law of the Kyrgyz Republic 'On Licensing' dated October 13, 2009 N 270 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2009, N 9, Article 857);

- Article 2 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated October 5, 2011 N 161 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2011, N 9, Article 1261);

- Law of the Kyrgyz Republic 'On Amending the Law of the Kyrgyz Republic 'On Licensing' dated December 21, 2011 N 242 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, N 11, Article 1682);

- Article 4 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated October 6, 2012 N 169 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, N 9, Article 2861);

- Article 19 of the Law of the Kyrgyz Republic 'On Amending Certain Legislative Acts of the Kyrgyz Republic' dated October 10, 2012 N 170 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, N 9, Article 2862);

- Article 4 of the Law of the Kyrgyz Republic 'On Amendments and Addenda to Certain Legislative Acts of the Kyrgyz Republic' dated October 11, 2012 N 171 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, N 9, Article 2863);

- Law of the Kyrgyz Republic 'On Amendments and Addenda to the Law of the Kyrgyz Republic 'On Licensing' dated November 14, 2012 N 182 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, N 10, Article 2981);

- Article 2 of the Law of the Kyrgyz Republic 'On Amendments to Certain Legislative Acts of the Kyrgyz Republic' dated July 24, 2013 N 156 (newspaper Erkin Too, August 2, 2013 N 65).

3. Government of the Kyrgyz Republic shall, within six months:

1) bring its regulatory legal acts in accordance with this very Law;

2) make proposals to the Jogorku Kenesh of the Kyrgyz Republic on bringing the laws in line with this very Law;

3) solve financial, organizational and other issues arising from this very Law.

4. With the introduction of this very Law on the territory of the Kyrgyz Republic, the licensing regulation of activities, actions, operations not provided for by this very Law shall be abolished.

5. Licenses issued prior to the entry into force of this very Law shall retain their legal force.

President of the Kyrgyz Republic

A. Atambaev

Adopted by the Jogorku Kenesh of the Kyrgyz Republic

October 3, 2013

THE LAW OF THE KYRGYZ REPUBLIC

Bishkek, as of July 2, 1997 #41

3.4. On state regulation of foreign trade activity in the Kyrgyz Republic

(In the wording of the KR Laws as of December 24th 2003 N 239, as of October 5th 2011 N 161, as of November 4th 2011 N 201, as of June 10th 2015 N 128, as of March 29th 2019 N 40)

This Law defines fundamentals for state regulation of foreign trade activity, procedures of its implementation by the citizens and entities of the Kyrgyz Republic and foreign citizens and entities, rights, duties and responsibilities of public administration bodies of the Kyrgyz Republic in the sphere of foreign trade activity.

Chapter I General provisions

Article 1. Objectives of this Law

The objectives of this Law are to protect economic sovereignty, to enable economic security of the Kyrgyz Republic, to encourage the development of foreign trade activity and to provide conditions for effective integration of economy of the Kyrgyz Republic.

Article 2. Definitions used in this Law

For the purpose of this Law, the following main definitions are used:

Foreign trade activity – business activity in the sphere of international exchange of commodities, services, information and results of intellectual activity, to include intellectual property right.

Foreign trade of goods - import and (or) export of goods

Goods – any movable property (including all types of energy) and air and watercrafts referred to immovable property that are subject of foreign trade activity. Vehicles used upon agreement on international freight should not be considered as goods.

Dual-use items – raw materials, materials, equipment and scientific – technical information, services that are intended for peaceful use, but that may be used upon creation armament and military equipment

Services – business activity aimed at satisfaction of demand of other persons, excluding activity that is performed based on labor legal relationship.

Exclusive rights for the results of intellectual activity (intellectual property rights) – exclusive rights for literature, art and scientific production, software for electronic computers and databases; allied rights; for inventions, industrial samples, utility models, as well as equated to the results of intellectual activity means of individualization of legal entity (firm names, trademarks, service marks) and other results of intellectual activity and means of individualization that are protected by the law.

Export – exportation of goods, services, results of intellectual activity, including intellectual property rights from customs territory of the Kyrgyz Republic abroad without obligations on re-exportation; the fact of export is recorded at the moment when the goods cross the customs border of the Kyrgyz Republic, when the rights on the results of intellectual activity or services are provided. Certain commercial operations without exportation from the customs territory of the Kyrgyz Republic abroad are equated to export of goods, in particular, upon purchase of goods by foreign operator from the citizen of the Kyrgyz Republic and transfer of these goods to another citizen of the Kyrgyz Republic for processing and further exportation of processed goods abroad.

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Import – importation of goods, works, services, results of intellectual activity, including intellectual property rights, to customs territory of the Kyrgyz Republic from abroad without obligations on re-exportation. The fact of import is recorded at the moment when the goods cross the customs border of the Kyrgyz Republic, when the rights on the results of intellectual activity or services are provided.

Monitoring export and (or) import of certain types of goods - is a temporary measure established in order to monitor the dynamics of export and (or) import of certain types of goods.

Kyrgyz foreign trade operators (citizens of the Kyrgyz Republic) – legal entities established in accordance with the legislation of the Kyrgyz Republic, with permanent place of stay on its territory, as well as natural persons that are citizens of the Kyrgyz Republic, having permanent of primary residence on the territory of the Kyrgyz Republic and registered as individual entrepreneurs.

Foreigners - foreign trade operators (foreign citizens) – legal entities established in one or another legal form, whose civil legal capacity is defined according to the law of foreign state, where those are established; foreign citizens, civil legal capacity and capability of whom is defined in accordance with the law of foreign state, which citizenship they belong, and persons without citizenship, civil legal capacity and capability of whom is defined in accordance with the law of foreign state, where these persons permanently stay.

Export control system – complex of measures on implementation of exportation procedures provided for by this Law, other laws and other normative and legal acts of the Kyrgyz Republic by executive power administration bodies in relation to armament and military equipment, as well as certain types commodities, materials, equipment, technologies and scientific – technical information that may be used upon creation of armament and military equipment (hereinafter referred to as dual-use items), prohibiting exportation of weapon of mass destruction and other types of weapon and technologies for its creation, as well as measures on identification, prevention and suppression of violations of these procedures.

Economic security – a state of economy that enables adequate level of social, political and defensive existence and progressive development of the Kyrgyz Republic, invulnerability of its economic interests towards potential external and internal threats and impacts.

(In the wording of the KR Laws as of June 10th 2015 N 128, as of March 29th 2019 N 40)

Article 3. Legislation of the Kyrgyz Republic on foreign trade activity

Foreign trade activity in the Kyrgyz Republic should be regulated by the Constitution of the Kyrgyz Republic, this Law, other laws and other legal acts of the Kyrgyz Republic, as well as by the international agreements of the Kyrgyz Republic.

Article 4. Principles of state regulation of foreign trade activity

The main principles of state regulation of foreign trade activity of the Kyrgyz Republic should be the following:

- 1) unity of foreign trade policy as an integral part of foreign policy of the Kyrgyz Republic;
- 2) unity of the system of state regulation of foreign trade activity and control over its implementation;
- 3) unity of export control policy implemented with the purpose of implementation of national tasks related to national security, political, economic and military interests, as well as implementation of international obligations of the Kyrgyz Republic on prevention of exportation of weapon of mass destruction and other types of weapon;
- 4) integrity of customs territory of the Kyrgyz Republic;

- 5) priority of economic measures of state regulation of foreign trade activity;
- 6) equality of foreign trade operators and non-discrimination of foreign trade operators;
- 7) protection of the rights and legitimate interests of foreign trade operators by the state;
- 8) exclusion on unjustified interference of the state and its agencies into foreign trade activity, causing damage to foreign trade operators and to economy of the Kyrgyz Republic as a whole.

(In the wording of the KR Law as of March 29th 2019 N 40)

Article 5. Foreign trade policy of the Kyrgyz Republic

Relation between the Kyrgyz Republic and foreign states in the sphere of foreign trade activity should be built on the basis of observance of the obligations that follow from the international agreements of the Kyrgyz Republic.

In order to provide integration of economy of the Kyrgyz Republic into global economy, the Kyrgyz Republic takes part in the international agreements on customs unions and free trade zones based on establishment of single customs territory without application of measures related to customs – tariff and non-tariff regulation of trade between member countries of these unions and member countries of activity, implemented in free trade zones. At that, single customs tariff should be established in all member countries in relation to trade with third countries, if not otherwise provided for interstate customs agreements, while national customs tariff should remain unchanged in the countries participating in foreign activity implemented in free trade zones.

(In the wording of the KR Law as of March 29th 2019 N 40)

Article 6. Powers of public administration bodies of the Kyrgyz Republic in relation to foreign trade activity

Public administration bodies of the Kyrgyz Republic should have the following jurisdiction:

- 1) formulation of the concept and development strategy for foreign trade and the main principles of foreign trade policy of the Kyrgyz Republic;
- 2) ensuring economic security, protection of economic sovereignty, economic interests of the Kyrgyz Republic;
- 3) state regulation of foreign trade activity, including financial, currency, credit, customs tariff and non-tariff regulation; export control; defining policy in the sphere of goods certification and its linking with import and export;
- 4) establishment of safety standards and criteria and (or) safety for human being upon importation of goods and rules of control over those on the entire territory of the Kyrgyz Republic;
- 5) definition of the procedures for export and import of armaments, military equipment and property intended for military - technical use, provision of assistance in creation of objects intended for military use abroad, transfer of technical documentation, arrangement of licensed production, modernization and repair of military equipment, as well as provision of other services in the sphere of military – technical cooperation;
- 6) definition of procedures for export and import of fissionable materials, poison, explosive, toxic, psychotropic substances, biologically active materials (donor's blood, internals and other materials), genetically active materials (fungi specimen, bacteria, virus, seminal and spermatic material of animal and human and other materials), threatened animals and plants, their part and derivatives, as well as procedures of their use;
- 7) definition of procedures for export and import of hazardous waste, as well as procedures of its use;

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8) definition of procedures for export of certain types of commodities, materials, equipment, technologies, scientific – technical information and provision of services applied upon creation of armament and military equipment, as well as those that are intended for peaceful use, but that could be used upon creation of nuclear, chemical and other types of weapon of mass destruction and various weapon delivery vehicles;

9) definition of procedures for export of certain types of strategically important commodities related to the implementation of international obligations of the Kyrgyz Republic, import of commodities for processing on the customs territory of the Kyrgyz Republic and export of products after such processing;

10) definition of procedures for export and import of precious metals, precious stones, items made of those, scrap of precious metals and precious stones, waste of their processing and chemicals that contain precious metals;

11) establishment of statistics reporting indicators for foreign trade activity mandatory in the entire territory of the Kyrgyz Republic;

12) provision of state loans and other economic assistance to foreign countries, their legal entities and international organizations; conclusion of international agreements on external borrowing of the Kyrgyz Republic and on state loans provided to the Kyrgyz Republic by foreign countries; establishment of limits for state loans of the Kyrgyz Republic, external borrowings of the Kyrgyz Republic;

13) formation and use of official gold and foreign currency reserve of the Kyrgyz Republic;

14) development of the balance of payments of the Kyrgyz Republic;

15) attraction of state, banking and commercial loans under the guarantees of the Government of the Kyrgyz Republic, control over its use;

16) establishment of the limit of external debt of the Kyrgyz Republic and debt management, arrangement of the work to enable acquittance of foreign states before the Kyrgyz Republic;

17) conclusion of the international agreements of the Kyrgyz Republic in the sphere of external economic links;

18) participation in the activity of international economic, research and technical organizations, implementation of the decisions made by these organizations;

19) establishment and functioning of trade representations of the Kyrgyz Republic abroad, as well as the representations of the Kyrgyz Republic within international economic, research and technical organizations;

20) possession, use and disposal of state property of the Kyrgyz Republic abroad.

Chapter II Foreign trade operators

Article 7. Citizens of the Kyrgyz Republic and foreign citizens as foreign trade operators

All citizens of the Kyrgyz Republic should be entitled to conduct foreign trade activity, excepting instances provided for by the legislation of the Kyrgyz Republic.

Foreign citizens should perform foreign trade activity in the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

Article 8. Participation of public administration bodies of the Kyrgyz Republic and local self-governance bodies in direct implementation of foreign trade activity

Public administration bodies of the Kyrgyz Republic and local self-governance bodies should

directly implement foreign trade activity only in the cases provided for by the laws, normative and legal acts of the Kyrgyz Republic.

Chapter III The main provisions on state regulation of

foreign trade activity

Article 9. Executive agencies of the Kyrgyz Republic, responsible for regulation of foreign trade activity

State foreign trade policy should be implemented by means of application of economic and administrative methods of regulation of foreign trade activity in accordance with this Law, other laws and other normative and legal acts of the Kyrgyz Republic.

The Government of the Kyrgyz Republic should:

- 1) enable implementation of single state foreign trade policy in the Kyrgyz Republic and measures on its implementation, make relevant decisions and enable their implementation;
- 2) annually develop foreign trade activity development program;
- 3) take measures to protect domestic market of the Kyrgyz Republic in accordance with this Law;
- 4) make decisions on the rates of customs tariff within the limits provided for by the legislation;
- 5) introduce quantitative limitations for export and import in accordance with the legislation;
- 6) within its competence make decisions on conducting negotiations and signing international agreements of the Kyrgyz Republic;
- 7) implement property management in the Kyrgyz Republic and abroad;
- 8) perform other powers entrusted by the Constitution of the Kyrgyz Republic and the legislation of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic, in the sphere of state regulation of foreign trade activity.

Development of proposals on state foreign trade policy of the Kyrgyz Republic, regulation of foreign trade activity of its operators, signing of the international agreements of the Kyrgyz Republic should be implemented by executive agency of the Kyrgyz Republic, which is directly entrusted by the Government of the Kyrgyz Republic with coordination and regulation of foreign trade activity.

Executive agency of the Kyrgyz Republic, mentioned in part three of this article should enable direct implementation of state foreign trade policy objectives related to protection of interests of the Kyrgyz Republic, as well as development and implementation of measures related to foreign trade activity regulation.

Executive agency of the Kyrgyz Republic, mentioned in part three of this article should be the only public administration body issuing licenses for the implementation of export and import operations, towards which quantitative limitations or permissive procedures are provided in accordance with the provisions of this Law.

(In the wording of the KR Laws as of June 10th 2015 N 128, as of March 29th 2019 N 40)

Article 10. Methods of state regulation of foreign trade activity

The state foreign trade policy should be implemented by means of customs – tariff regulation (application of import and export customs tariffs) and non-tariff regulation (in particular, by means of quotes and licensing) of foreign trade activity in accordance with this Law, other laws and other legal acts of the Kyrgyz Republic.

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Other methods of state regulation of foreign trade activity should be prohibited by means of interference and establishing of various limitations by public administration bodies of the Kyrgyz Republic.

Regulation of other types of foreign trade activity, in particular, international investment cooperation, industrial cooperation of currency and finance – crediting operations should be implemented by the relevant laws and other legal acts of the Kyrgyz Republic.

(In the wording of the KR Law as of March 29th, 2019 N 40)

Article 11. Customs – tariff regulation of foreign trade activity

With the purpose of regulation of import and export operation, including for protection of domestic market of the Kyrgyz Republic and encouragement of advanced structural changes in the economy of the Kyrgyz Republic, in accordance with the laws and international agreements of the Kyrgyz Republic import and export customs duties should be established.

Article 11-1. Licensing in the implementation of foreign trade

Licensing of the export and (or) import of goods should not have a more restrictive or distorting effect on the export or import of goods than the purposes for which restrictions were introduced.

The procedure and conditions for issuing licenses and permits for export and (or) import are regulated by laws and international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party. The basis for issuing licenses is the conclusion of a specialized expert organization on the possibility and feasibility of exporting and / or importing goods, based on economic interests, national and environmental safety of the Kyrgyz Republic.

Specialized expert organizations that coordinate the decision on issuing licenses for the export and (or) import of goods with respect to which quantitative restrictions are established or a licensing procedure has been introduced are determined by the Government of the Kyrgyz Republic. (As amended by the Law of the Kyrgyz Republic of June 10, 2015 N 128)

See:

Decree of the Government of the Kyrgyz Republic of March 24, 2016 N 142 «On approval of the List of expert organizations and licensors for licensing the export and import of specific goods included in the Unified list of goods to which non-tariff regulation measures are applied in trade with third countries, and making amendments and additions into some decisions of the Government of the Kyrgyz Republic

Article 12. Quantitative export and import limitations

The Government of the Kyrgyz Republic could introduce quantitative export and import limitations in the following exclusive instances:

- 1) enabling national security of the Kyrgyz Republic;
- 2) implementation of the international obligations of the Kyrgyz Republic taking into consideration domestic market state of affairs;
- 3) protection of domestic market of the Kyrgyz Republic in accordance with article 15 of this Law.

See:

Regulation of the Government KR as of April 7, 2009 N 221 “On establishing of a quote for white sugar import to the Kyrgyz Republic”.

Allocation of the quotes and issuing of licenses upon established quantitative limitations should be made in accordance with the legislation, as a rule, by means of tender or auction, or by means of actual export and/or import operations until total amount of a quote is reached, at that, executive agency mentioned in part three of article 9 of this Law should provide preferential right to producers' entities.

Upon conducting tender or auction, limitation of the number of participants of such tender or auction and their discrimination based on ownership form, place of registration, or market position should be prohibited.

Article 13. Export control

With the purpose to protect national interests of the Kyrgyz Republic upon implementation of foreign trade activity in relation to armament, military equipment and dual-use items, as well as to observe the international obligations of the Kyrgyz Republic on non-proliferation of weapons of mass destruction and other types of weapon, technologies of its creation, export control system is effective in the Kyrgyz Republic.

The list of armament, military equipment, certain types of commodities, materials, equipment and technologies, scientific – technical information and services subject to export control that are used or could be used upon creation of weapon of mass destruction, weapon delivery vehicles and other types of weapon should be determined by the lists approved by the Parliament of the Kyrgyz Republic solicited by the Government of the Kyrgyz Republic.

The Kyrgyz Republic should implement single export control policy that should be determined exclusively based on requirements of national security of the country and its political, economic and military interests.

Export of goods, works and services, as well as results of intellectual activity, including intellectual property rights, export of which should be controlled in accordance with part one of this article should be implemented according to the procedures established by the Government of the Kyrgyz Republic.

(Version of the Laws KR as of December 24, 2003 N 239, as of October 5, 2011 N161)

Article 14. State monopoly for export and/or import of certain goods

The laws of the Kyrgyz Republic should define the lists of certain goods, for export and/or import of which state monopoly is introduced.

State monopoly for export and/or import of certain goods should be implemented based on licensing of export and/or import activity licensing. Licenses for the implementation of this activity should be issued by executive agency mentioned in part three of article 9 of this Law only to state enterprises that should perform export and/or import operations in accordance with the legislation of the Kyrgyz Republic based on non-discrimination and bona fide commercial practice principles.

Export and/or import transactions for certain goods made with violation of state monopoly should be declared invalid.

Executive agency of the Kyrgyz Republic mentioned in part three of article 9 of this Law should be entitled to claim to apply consequences of invalid transaction in accordance with the procedures provided for by the Civil Code of the Kyrgyz Republic.

Article 15. Protective measures in relations to import of goods

In accordance with laws and international treaties that have entered into force in accordance with the law, to which the Kyrgyz Republic is a party, special protec-

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tive measures, anti-dumping measures and countervailing measures may be introduced when importing goods to protect the economic interests of domestic producers. *(As amended by the Law of the Kyrgyz Republic of June 10, 2015 N 128)*

Article 16. Bans and limitations for export and/or import coming from national interests

In accordance with the laws of the Kyrgyz Republic and international agreements, bans and limitations may be introduced in the republic for export and/or import of goods, works, services, as well as results of intellectual activity, including intellectual property rights coming from national interests, including:

- 1) observance of public morale and law and order;
- 2) protection of human life and health, protection of flora and fauna and the environment as a whole;
- 3) preservation of cultural heritage of peoples of the Kyrgyz Republic;
- 4) protection of cultural values from illegitimate export, import or assignation of property rights for those;
- 5) requirement to prevent depletion of irreplaceable natural resources provided that the relevant measures are introduced at the same time with the limitation of domestic production and consumption;
- 6) enabling national security of the Kyrgyz Republic;
- 7) protection of external financial status and support of the balance of payments of the Kyrgyz Republic;
- 8) implementation of the international obligations of the Kyrgyz Republic.

The Laws on bans and limitations for export and/or import of goods, adopted coming from national interests should be made effective not earlier that during ten days after their official publication.

(As amended by the Law of the Kyrgyz Republic of November 4, 2011 N 201)

Article 17. Technical, pharmacological, sanitary, veterinary, phytosanitary and environmental standards and requirements in relation to imported goods, quality control

Goods imported on the territory of the Kyrgyz Republic should meet technical, pharmacological, sanitary, veterinary, phytosanitary and environmental standards and requirements established in the Kyrgyz Republic.

The procedures for certification of imported goods should be regulated by the legislation of the Kyrgyz Republic and other normative and legal acts of the Kyrgyz Republic.

Import of environmentally hazardous products should be subject to special control defined by the laws and other legal acts of the Kyrgyz Republic.

Importation of goods to the territory of the Kyrgyz Republic should be prohibited, which:

- 1) do not meet standards and requirements indicated in part one of this article;
- 2) do not have certificate, labeling or certificate of conformity in the cases provided for by the laws and other legal acts of the Kyrgyz Republic;
- 3) prohibited for use as dangerous consumer goods;
- 4) have defects dangerous for consumers.

The above goods should be exported back or terminated based on the act compiled by the

independent experts of the Charmer of Commerce of the Kyrgyz Republic in accordance with the procedures defined by Customs Code of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic of March 29, 2019 N 40)

Article 17-1. Observation of the export and (or) import of certain types of goods
Observation of the export and (or) import of certain types of goods is carried out by issuing permits in accordance with international agreements that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

(As amended by the Law of the Kyrgyz Republic of June 10, 2015 N 128)

Article 18. Participation of the Kyrgyz Republic in the international economic sanctions

Participation of the Kyrgyz Republic in the international economic sanctions towards one state, or several states and making these sanctions effective should be implemented by the decrees of the President of the Kyrgyz Republic.

Citizens of the Kyrgyz Republic should be entitled to receive compensation judicially for the damage caused related to the participation of the Kyrgyz Republic in the international economic sanctions from republican budget.

Chapter IV Special treatment for certain types of foreign trade activity

Article 19. Free economic zones

Special treatment for economic activity, including foreign trade activity on the territory of free economic zones should be established by the Law in free economic zones, other laws and other legal acts of the Kyrgyz Republic.

Chapter V Facilitating the development of foreign trade

activity and its stimulation

Article 20. Foreign trade activity development programs

To stimulate growth of national economy, the Government of the Kyrgyz Republic and local self-governance bodies should encourage foreign trade activity development, including through the implementation of republican and regional foreign trade activity development programs.

The Government of the Kyrgyz Republic at the same time with the development of republican budget should annually elaborate republican foreign trade activity development program.

The above republican program should contain:

1) forecast of the balance of payments as a component of the balance of payment of the Kyrgyz Republic;

2) assessment of current state of affairs and trade – economic relations between the Kyrgyz Republic and foreign states;

3) plan of external borrowings of the Kyrgyz Republic with detailed description of foreign loans' targeted use;

4) plan of export credits allocated from the republican budget or under the guarantees of the Government of the Kyrgyz Republic;

5) plan of external debt service of the Kyrgyz Republic;

6) plan of revenue received from debt service of foreign states before the Kyrgyz Republic;

7) the list of state foreign trade regulation measures taken or planned to be taken during the year, rates of customs duties and limits of their possible changes, quantitative limitations for

export and import, as well as the list of measures related to protection of domestic market and currency regulation;

8) the list of measures to enable encouragement of industrial export for the relevant year;

9) the register of the cases of discrimination and violations of bilateral and multilateral obligations made towards Kyrgyz citizens in the markets of certain states, and the list of measures taken or planned to be taken to protect legitimate trade – economic interests of the Kyrgyz Republic.

Local self-governance bodies within their competence, together with executive agency mentioned in part three of article 9 of this Law should elaborate foreign trade activity development programs on the territories of their jurisdictions.

Article 21. Information provision of foreign trade activity

With the purpose to enable development and enhance effectiveness of foreign trade activity on the territory of the Kyrgyz Republic the system of foreign trade information is working that is funded from the republican budget and managed by executive agency of the Kyrgyz Republic mentioned in part three of article 9 of this Law.

Foreign trade information contains the following:

- 1) on republican and regional foreign trade activity development programs;
- 2) on Kyrgyz and foreign entities performing foreign trade activity in the market of the Kyrgyz Republic;
- 3) on Kyrgyz and foreign entities that received quotes and licenses;
- 4) on Kyrgyz and foreign legislations in the sphere of foreign trade activity;
- 5) on activity of trade representations of the Kyrgyz Republic abroad;
- 6) on activity of state specialized Kyrgyz export – import bank and other organizations providing services on crediting and insurance in the sphere of foreign trade activity;
- 7) on customs statistics in the Kyrgyz Republic;
- 8) on current situation on foreign markets for the main groups of goods;
- 9) on legal acts of the Kyrgyz Republic related to standardization and certification;
- 10) on violations in the sphere of foreign trade activity;
- 11) on the lists of goods prohibited for importation to the territory of the Kyrgyz Republic and exportation from its territory;
- 12) other information useful for the implementation of foreign trade activity.

Executive body of the Kyrgyz Republic mentioned in part three of article 9 of this Law should provide necessary information related to foreign trade within reasonable timeframe to Kyrgyz or foreign entity that performs foreign trade activity on paid basis.

Article 22. Measures promoting foreign trade activity development

The Government of the Kyrgyz Republic within its competence and in the person of its executive body should implement measures in accordance with the international obligations of the Kyrgyz Republic, including required funding, promoting foreign trade activity development, including:

- 1) elaboration of foreign trade activity development programs, provided for by the article 20 of this Law;
- 2) provision of credits to foreign trade operators;

- 3) enabling functioning of guarantees and insurance systems for export credits;
- 4) arrangement of trade fairs and exhibitions, specialized symposiums and conferences and participation in them;
- 5) running advertisement campaigns and campaigns intended for the development of goods and services' export;
- 6) creation of foreign trade information system and information consulting units, as well as implementation of other forms of encouragement and stimulation of foreign trade activity.

Article 23. Insurance of foreign trade activity

Services and insurance for foreign trade activity on the territory of the Kyrgyz Republic should be made in accordance with the Law on insurance activity in the Kyrgyz Republic.

The state may take part in the system of export credits insurance with the purpose of export stimulation.

Insurance from commercial risks in foreign trade activity should be made on voluntary basis upon insurance agreements with Kyrgyz and foreign insurers (legal entities).

Article 24. Foreign trade statistics

The Government of the Kyrgyz Republic, National statistics committee of the Kyrgyz Republic together with the National Bank of the Kyrgyz Republic should create the system of statistics reporting, collection and development of comparative internationally statistics data:

- 1) on foreign trade of the Kyrgyz Republic based on state statistics reporting and customs statistics of the Kyrgyz Republic, including balance of payments of the Kyrgyz Republic;
- 2) based on balance of payments of the Kyrgyz Republic, including statistics of import, export of goods, services, capital, securities, receiving and service of the loans.

The Government of the Kyrgyz Republic, National statistics committee of the Kyrgyz Republic together with the National Bank of the Kyrgyz Republic should enable monthly, quarterly and annual official publication of statistics data, indicated in item 1 of part one of this article.

Article 25. Association facilitating foreign trade activity development

Legal entities of the Kyrgyz Republic - foreign trade operators may on voluntary basis unite in associations or other unions based on industrial, territorial, or other principles.

Associations of legal entities of the Kyrgyz Republic - foreign trade operators should be established to enable protection of interests of the members of associations, representation of their common interests, enhancement effectiveness and regulating of export and import, avoidance of unfair competition, development and strengthening of foreign trade links with foreign entities and associations.

Use of associations for monopolization and division of domestic market, limitation of competition for those foreign trade operators that are not members of associations, any form of discrimination towards Kyrgyz and foreign entities depending on affiliation with the associations, as well as use of such associations for restriction of business practice on external market should be prohibited.

Establishment and activity of above-mentioned associations should be implemented in accordance with the procedures provided for by Civil Code of the Kyrgyz Republic.

Article 26. Representations of foreign legal entities in the Kyrgyz Republic

Foreign legal entities should be entitled to open their representations on the territory of the Kyr-

gyz Republic to conduct foreign trade activity on behalf of these foreign legal entities observing the laws and other legal acts of the Kyrgyz Republic.

Chapter VI Interstate relations in the sphere of foreign trade activity

Article 27. Enabling favorable conditions for access to external markets

The Government of the Kyrgyz Republic should undertake measures to create favorable conditions for access of Kyrgyz entities to the markets of other countries, in particular, with this purpose joining bilateral agreements, as well as taking part in establishment and operation of the international organizations and inter-governmental committees called to promote development of trade – economic links between the Kyrgyz Republic and foreign countries.

Article 28. Representations of the Kyrgyz Republic on trade – economic matters in foreign countries

The representations of the Kyrgyz Republic on trade – economic matters (hereinafter referred to as trade representations of the Kyrgyz Republic) in foreign countries should act based on the international agreements of the Kyrgyz Republic.

Trade representations of the Kyrgyz Republic should be governmental agencies that represent interests of the Kyrgyz Republic on foreign trade activity matters and providing their protection in their relevant countries.

Refusal to provide information and consulting services to Kyrgyz foreign trade operators by trade representations, in particular based on ownership form, place of registration, size of statutory capital should be prohibited.

Article 29. Representations of foreign countries on trade – economic matters in the Kyrgyz Republic

The representations of foreign countries on trade – economic matters should be established in the Kyrgyz Republic based on international agreements, concluded between the Kyrgyz Republic and the relevant foreign states.

Chapter VII Protection of economic interests of the Kyrgyz Republic, local

formations and entities and citizens of the Kyrgyz Republic in the sphere of foreign trade activity

Article 30. Response measures in the sphere of foreign trade activity on protection of economic interests of the Kyrgyz Republic, local formations and entities and citizens of the Kyrgyz Republic

In the case if foreign state undertakes measures that violate economic interests of the Kyrgyz Republic, local formations, legal entities or citizens of the Kyrgyz Republic, or political interests of the Kyrgyz Republic, as well as in the case of failure to perform international obligations before the Kyrgyz Republic in accordance with international agreements, the Government of the Kyrgyz Republic should be entitled to introduce response measures in the sphere of foreign trade activity within the limits required to effectively protect economic interests of the Kyrgyz Republic, local formations, legal entities and citizens of the Kyrgyz Republic.

Chapter VIII Control over the implementation of foreign trade activity,

responsibility for the violation of the legislation of the Kyrgyz Republic on foreign trade activity

Article 31. Control over the implementation of foreign trade activity

Control over the implementation of foreign trade activity should be implemented by the relevant public administration bodies of the Kyrgyz Republic within their competence with the purpose to enable observance of the provisions of this Law, other laws and other normative and legal acts of the Kyrgyz Republic on foreign trade activity, enabling protection of economic and political interests of the Kyrgyz Republic, as well as protection of political interests of local formations of the Kyrgyz Republic.

Article 32. Responsibility of the persons guilty of the violation of the legislation on foreign trade activity

Persons guilty of the violation of the legislation of the Kyrgyz Republic on foreign trade activity should be brought to civic - legal, administrative or criminal account in accordance with the legislation of the Kyrgyz Republic.

Article 33. On effectiveness of this Law

1. This Law should take effect after 10 days from the date of its publication.

Published in "Erkin – Too" newspaper as of July 9, 1997 N 52-53.

2. The Law of the Republic of Kyrgyzstan "On fundamentals of foreign trade activity in the Republic of Kyrgyzstan" should be considered expired. (News bulletin of Supreme Council of the Republic of Kyrgyzstan, 1991 N 8, pp.251).

3. The Government of the Kyrgyz Republic should bring its normative and legal acts in line with this Law.

President of the Kyrgyz Republic

A. Akaev

Adopted by the Legislative Assembly

of the Parliament of the Kyrgyz Republic

June 24, 1997

Bishkek, House of Government

As of August 14, 2003, UP N 265

THE DECREE OF THE PRESIDENT OF THE KYRGYZ REPUBLIC

3.5. On Measures for the Further Development of Military-and-Technical Cooperation of the Kyrgyz Republic with Foreign States and Implementation of the National Export Control System

With the purpose of further development of military – technical cooperation between the Kyrgyz Republic and foreign states and to introduce the national export control system for dual use items and products intended for military use, certain types of commodities, equipment and technologies, scientific – technical information and services (hereinafter referred to as controlled products) in accordance with the Law of the Kyrgyz Republic “On export control” to enact:

1. To transform Commission on military – technical cooperation established by the Decree of the President of the Kyrgyz Republic “On measures for regulation and development of military – technical cooperation between the Kyrgyz Republic and foreign states” as of January 23, 2000 N 17, to the Commission on military – technical cooperation and export control (hereinafter referred to as MTC&EC Commission).

2. To enact that:

Prime minister of the Kyrgyz Republic should be included into the membership of MTC&EC Commission ex officio as the Chairman of the Commission.

Membership of the Commission:

The secretary of Security Council of the Kyrgyz Republic

The minister of defense of the Kyrgyz Republic

The minister of foreign trade and industry of the Kyrgyz Republic

The minister of foreign affairs of the Kyrgyz Republic

The minister of interior of the Kyrgyz Republic

The minister of finance of the Kyrgyz Republic

The minister of ecology and emergency situations of the Kyrgyz Republic

The chairman of national security service of the Kyrgyz Republic

The chairman of border guard service of the Kyrgyz Republic

The director of customs service department of the Revenue Committee within the Ministry of finance of the Kyrgyz Republic;

- The Ministry of defense of the Kyrgyz Republic should be a working body of MTC&EC Commission.

3. The main areas of activity of MTC&EC Commission should be the following:

- Preparation of the proposals for further development of military – technical cooperation between the Kyrgyz Republic and foreign states, introduction of the national export control system

and improvement of normative and legal framework in these spheres;

- Coordination of activity of public administration bodies, foreign trade operators and subjects of military – technical cooperation in the matters of military – technical cooperation and export control;

- Development of single military – economic policy to enable governmental support to the subjects of military – technical cooperation dealing with production and sale of products intended for military use with the purpose to promote those to external market;

- Preparation of the proposals on expansion of production and sale of products and services intended for military use and creation of conditions for integration of domestic production of these products into the relevant sectors of global economy;

- Arrangement of joint activity of the subjects of military – technical cooperation between the Kyrgyz Republic and foreign states;

- Control over the implementation of the international agreements of the Kyrgyz Republic in the sphere of non-proliferation of weapon of mass destruction and weapon delivery vehicles, as well as normative and legal acts of the Kyrgyz Republic on export control and foreign trade activity in relation to controlled products;

- Addressing issues on export, import, re-export and transit of controlled products included into the National control list of the Kyrgyz Republic.

4. The Government of the Kyrgyz Republic during three months should:

- prepare and submit to the Parliament of the Kyrgyz Republic the bill of the Kyrgyz Republic, which provides harmonization of the Laws “On export control”, “On licensing” and “On state regulation of foreign trade activity in the Kyrgyz Republic”;

- bring its decisions in line with this Decree.

5. The Decree of the President of the Kyrgyz Republic “On introduction of amendments to the Decree of the President “On measures on regulation and development of military – technical cooperation between the Kyrgyz Republic and foreign states” as of January 23, 2000” as of March 15, 2002 N 61 should be considered expired.

6. Control over the implementation of this Decree should be entrusted to defense and security department of Presidential Administration of the Kyrgyz Republic.

7. This Decree should become effective from the date of its signing.

President of the Kyrgyz Republic

A.Akaev

RESOLUTION OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Bishkek, Government House, dated May 4, 2004, #330

3.6. On measures for implementation of the National Export Control System in the Kyrgyz Republic

(As amended by the Resolutions of the Government of the Kyrgyz Republic dated August 27, 200, # 377, dated November 9, 2007, # 539, dated October 27, 2010, # 257, dated July 1, 2013, # 395, and dated March 12, 2015, # 115)

1. Approve the attached:

- Regulation on the Commission for Military-and- Technical Cooperation and Export Control;
- (invalidated in accordance with the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, # 257);
- Procedure for granting Permits for transit, through the territory of the Kyrgyz Republic, of goods subjected to export control.

(In the wording of the Resolution of the Government of the Kyrgyz Republic as of October 27, 2010, # 257)

2. Appoint the Ministry of Economy of the Kyrgyz Republic as an authorized state agency of the Kyrgyz Republic for implementation of export control, for licensing of foreign economic operations for export, import and re-export of goods that are subjected to export control, and for granting permits for their transit through the territory of the Kyrgyz Republic.

(In the wording of the Decrees of the Government of the Kyrgyz Republic dated August 27, 2007, #377, and dated July 1, 2013, # 395)

3. The export control authorized state agency, the ministries and departments of the Kyrgyz Republic, identified as experts for the types of controlled goods, shall take measures to meet the requirements arising from this very Resolution, and implement the Law of the Kyrgyz Republic *On Export Control* and the Resolution of the President of the Kyrgyz Republic on *Measures for Further Development of the Military-and-Technical Cooperation of the Kyrgyz Republic with Foreign States and for Implementation of the National Export Control System*, dated August 14, 2003.

4. To make the following changes to the Resolution of the Government of the Kyrgyz Republic dated October 3, 2000, # 607 *On Implementation of the Agreement between the Government of the Kyrgyz Republic and the Government of the Russian Federation on Military-and-Technical Cooperation*:

- Clause 3 shall read as follows:

3. Licensing of activities related to development, manufacturing and sale of goods, works and services for military purposes, export controls in relation to weapons, military equipment, as well as scientific and technical information, works and services, and outcomes of intellectual activities in a form of military goods, including exclusive rights on them (intellectual property), shall be carried out in accordance with the procedure established by law;

- the second paragraph of the Clause 4 and the fourth paragraph of the Clause 5 shall be deleted;

- The *Regulation on the Commission for Military-and-technical Cooperation of the Kyrgyz Republic*

lic with Foreign States shall be declared invalid;

- make the following amendment to the *Regulation on the Procedure of Military-and-Technical Cooperation of the Kyrgyz Republic with Foreign States* that was passed by the above mentioned Resolution:

throughout the text of the Regulation, replace the words *Commission on Military-and-Technical Cooperation* with the words *Commission on Military-and-Technical Cooperation and Export Control* in the relevant grammatical cases;

paragraph one of the Clause 2 shall read as follows:

Availability of a license for the right to develop, manufacture, and sale of goods, works and services for military purposes, issued in accordance with the procedure established by the legislation of the Kyrgyz Republic shall be a prerequisite for the granting of export and import licenses for the military goods under existing Contracts (Agreements). In the meantime, the following is required:

- Regulation on the procedure for granting to the organizations of the Kyrgyz Republic the right to conduct foreign trade activities in relation to military goods that has been passed by the above mentioned Resolution shall be amended as follows:

The wording of the Clause 2 shall be as follows:

2. Licensing of export and import of military goods shall be carried out in accordance with the procedure established by the legislation of the Kyrgyz Republic;

- throughout the text of the Regulation, replace the words *Commission on Military-and-Technical Cooperation* with the words *Commission on Military-and-Technical Cooperation and Export Control* in the relevant grammatical cases;

Clause 15 shall be recognized invalid.

5. (invalidated in accordance with the Resolution of the Government of the Kyrgyz Republic dated March 12, 2015, # 115)

6. To declare invalid the Resolution of the Government of the Kyrgyz Republic dated June 19, 2002, # 383 *On Amendments to the Resolution of the Government of the Kyrgyz Republic* dated October 3, 2000, # 607 *On the Implementation of the Agreement between the Government of the Kyrgyz Republic and the Government of the Russian Federation on Military-and-Technical Cooperation*.

7. Adopt the draft Resolution of the President of the Kyrgyz Republic *On Amendments and Addenda to the Resolution of the President of the Kyrgyz Republic On Measures for the Further Development of Military-and-Technical Cooperation of the Kyrgyz Republic with Foreign States and Implementation of the National Export Control System* and submit to the Administrative Office of the President of the Kyrgyz Republic in the established order

8. (Invalidated in accordance with the Resolution of the Government of the Kyrgyz Republic dated July 1, 201, # 395)

Prime Minister of the Kyrgyz Republic

N.Tanaev

Passed by the Resolution of the Kyrgyz Republic dated May 4, 2004, # 330

3.7. Regulation on the Commission on Military-and-Technical Cooperation and Export Control

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated August 27, 2007, # 377, dated November 9, 2007, # 539, dated July 1, 2013, # 395)

Committee for military-technical cooperation and export control (hereinafter referred to as Committee for MTC&EC) should be advisory body that provides coordination of public administration bodies and controls the activity of military-technical cooperation subjects in the sphere of cooperation with foreign countries and export control of controlled products, as well as providing public legal support for them.

1. In its activity, Committee for MTC&EC should be guided by the Constitutions of the Kyrgyz Republic, laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic, regulations of the Government of the Kyrgyz Republic, international agreements and this Regulation.

The following should be working bodies of the Committee for MTC&:

- Ministry of defense of the Kyrgyz Republic – on matters of military-technical cooperation;
- Ministry of economy of the Kyrgyz Republic – on matters of export control.

(In the wording of the Resolution of the Government of the Kyrgyz Republic date July 1, 2013, # 395)

2. The main tasks of the Committee for MTC&EC should be the following:

- organizing control over observance of regulations and decisions of the Government of the Kyrgyz Republic related to export, import, re-export and transit of products subject to export control by public administration bodies;

- preparation of proposals on improvement of the system of export control in the Kyrgyz Republic, including on implementation of public control over the export of nuclear materials and dual-use items and improvement of the legislation of the Kyrgyz Republic in the sphere of export control, participation of the Kyrgyz Republic in the international regimes on export control;

- harmonizing procedures and rules of the system of export control in the Kyrgyz Republic with norms and rules of international regimes for non-proliferation;

- further development of military-technical cooperation of the Kyrgyz Republic with foreign countries, introduction of national system of export control and improvement of normative and legal framework in these areas;

- coordination of activity of public administration bodies and subjects of military-technical cooperation on matters of military-technical cooperation;

- preparation of recommendations to business entities that perform activity related to export, import, re-export and transit of products subject to export control;

- development of single military-technical policy to provide public support for the subjects of military-technical cooperation that deal with production and sale of products intended for military use with the objective of its promotion to external market, public regulation in the sphere of military-technical cooperation;

- control over the implementation of the international agreements of the Kyrgyz Republic in

the sphere of non-proliferation of weapon of mass destruction and weapon delivery vehicles, as well as normative and legal acts of the Kyrgyz Republic on export control and foreign trade activity in relation to controlled products;

- preparation of proposals on negotiations to be conducted by the Government of the Kyrgyz

Republic and signing of new international and inter-governmental agreements in the sphere of military-technical cooperation and export control, as well as proposals on additional obligations of the Kyrgyz Republic in this sphere;

- consideration of proposals made by the ministries, agencies, enterprises and organizations on expansion of production and sale of products and services intended for military use and creation of conditions required for integration of domestic production into the relevant sectors of global economy, as well as arrangement of joint activity of the subjects of military-technical cooperation of the Kyrgyz Republic with foreign countries;

- Addressing issues related to export, import, re-export and transit

of controlled products and preparation of proposals for the Government of the Kyrgyz Republic on quantitative restriction of foreign trade transactions in relation to controlled products and the List of countries (List N

1), where export of these products is prohibited or restricted.

3. Committee for MTC&EC should be entitled to:

- submit proposals to the Government of the Kyrgyz Republic on introduction of amendments and addenda to normative and legal acts of the Kyrgyz

Republic on matters of military-technical cooperation and export control;

- coordinate activity of public administration bodies and subjects of military-technical cooperation in the sphere of export control and in the matters of military-technical cooperation with foreign countries;

- make decisions on export (re-export) and import in the case when products intended for military use are not included into the List of products that are allowed to be transferred to foreign countries (list N 2), or when the country, where the transfer of products intended for military use is allowed, is not included into the list N 1;

- provide assistance to business entities on expansion of production and sale of products and services intended for military use, create conditions for integration of domestic production into the relevant sectors of global economy and arrange joint activity of subjects of military-technical cooperation of the Kyrgyz Republic with foreign countries;

- approve proposals of coercive structures on sale of armament and military equipment, spare parts and accessories, other military-technical assets released from Armed Forces of the Kyrgyz Republic, as well as main production assets and other equipment of the enterprises of military-industrial complex of the Kyrgyz Republic;

- hear reports of officials of ministries, state committees and administrative agencies, enterprises and organizations on the implementation of normative and legal acts of the Kyrgyz Republic and decisions of Committee for MTC&EC on matters of military-technical cooperation and export control at the sessions of Committee for MTC&EC;

- attract heads and specialists of the ministries, state committees and administrative agencies, enterprises and organizations directly involved into the matters in question according to the procedures established for the operation of the Committee for MTC&EC;

III. KR NATIONAL EXPORT CONTROL LEGISLATION THE LAW OF THE KYRGYZ REPUBLIC

- establish working groups, expert commissions to conduct expert examination and prepare proposals for further development of normative and legal framework in the sphere of military-technical cooperation and export control;

- perform other activities required to achieve the objective and tasks of the Committee for MTC&EC.

4. Arrangement of the work of the Committee.

The Committee should be composed of the Chairman and members of the Committee for MTC&EC.

Prime minister of the Kyrgyz Republic should be the Chairman of the Committee and should preside the Committee.

To arrange current work, enable control over the implementation of decisions made by the Committee for MTC&EC and maintain records, executive secretary of the Committee for MTC&EC should be assigned by joint order of the minister of economic development, industry and trade of the Kyrgyz Republic and the minister of defense of the Kyrgyz Republic.

The decisions made by the Committee for MTC&EC within its competence should be mandatory for the implementation by public administration and control bodies of the Kyrgyz Republic, legal entities and natural persons regardless of organizational and legal form.

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated November 9, 2007, # 539, dated July 1, 2013, # 395)

5. The Chairman of the Committee for MTC&EC should:

- determine agenda and facilitate sessions of the Committee for MTC&EC;

- sign instructions and minutes of the sessions, approve instructions and minutes of the sessions, approve decisions of the Committee for MTC&EC;

- organize the work of expert commissions and working groups to prepare proposals for further development of normative and legal framework in the sphere of military-technical cooperation and export control and submit them for consideration of the Committee for MTC&EC;

- perform other functions related to the activity of the Committee for MTC&EC.

6. Executive secretary of the Committee for MTC&EC should:

- prepare necessary materials and documents for the sessions of the Committee for MTC&EC and make minutes of its sessions;

- implement control over the implementation of the decisions made by the Committee;

- arrange current work and perform other functions related to the activity of the Committee for MTC&EC.

7. Committee for MTC&EC should organize its work in accordance with approved agenda, annual and quarterly plans.

Passed by the Resolution of the Kyrgyz Republic dated May 4, 2004, # 330

3.8. Procedure for Issuing Permits for the Transit of Items subject to Export Control

Procedure of granting the permits for transit of goods subjected to export control through the territory of the Kyrgyz Republic

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated August 27, 200, # 377, dated October 27, 2010, # 257, dated July 1, 2013, # 395)

I. General provisions

1.1. In accordance with the Law of the Kyrgyz Republic *On Export Control*, dated January 23, 2003, #30, transit of the controlled goods from the *National Control List* through the territory of the Kyrgyz Republic (hereinafter referred to as controlled goods) shall be carried out on the basis of permission of the authorized state agencies of the Kyrgyz Republic according to the Annex, in compliance with the requirements established by the customs legislation of the Kyrgyz Republic, and by the Procedure for issuing permits for the transit of goods subjected to export control through the territory of the Kyrgyz Republic (hereinafter - Procedure).

1.2. Procedure determines the standards for the preparation of an Opinion and other documents required for issuing a permit for the authorized transit of controlled goods for the purpose of non-proliferation of weapons of mass destruction and their means of delivery.

1.3. For the purposes of this Procedure, in addition to those specified in the above-mentioned Law, the following definitions are used:

transit is the customs treatment when foreign goods are moved through the customs territory of the Kyrgyz Republic under customs control, between the venue of their arrival in the customs territory of the Kyrgyz Republic and the venue of their departure from this territory, without paying customs duties and taxes, and also without applying to them the non-tariff regulatory measures in accordance with the legislation of the Kyrgyz Republic on governmental regulation of foreign trade operations;

authorized transit means a movement of controlled goods through the territory of the Kyrgyz Republic, authorized by its authorized agency in the field of export control;

unauthorized transit means a movement of controlled goods through the territory of the Kyrgyz Republic without authorization of its authorized agencies.

(In the wording of the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, # 257)

1.4. The right to issue permits for the transit of controlled goods is vested in the Ministry of Economy of the Kyrgyz Republic.

Inspection of controlled goods, in case of transshipment to a different vehicle when moving through the territory of the Kyrgyz Republic, shall be carried out in accordance with the legislation of the Kyrgyz Republic and, if necessary, with participation of the competent state authorities and representatives of governmental agencies and experts. На основании досмотра составляется совместный акт перегруза контролируемой продукции. Based on the inspection, a joint Transshipment Act for the controlled goods should be made.

Granting of a transit permit for a specific type of goods shall be carried out after prior approval of the transit related issue by the Ministry of Transport and Communications of the Kyrgyz Republic.

III. KR NATIONAL EXPORT CONTROL LEGISLATION THE LAW OF THE KYRGYZ REPUBLIC

lic and, if necessary, by the other governmental stakeholders, depending on the type of controlled goods.

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated October 27, 2010, # 257, dated July 1, 2013, #395)

1.5. The requirements established by this Procedure are mandatory for all legal entities of all organizational and legal forms, as well as for individuals, including foreign ones (hereinafter referred to as the Requesting Party), involved in the transit of controlled goods.

1.6. In the event that the international treaties ratified by the Kyrgyz Republic establish other norms than those provided for by this Procedure, then the norms of international treaties shall be applied.

1.7. Transit of controlled goods through the territory of the Kyrgyz Republic is permitted when the Requesting Party provides insurance and other financial guarantees or other obligations for damages caused by a possible accident during the transit, in accordance with the rules and regulations of the Kyrgyz Republic.

1.8. Authorized bodies of the Requesting Party's country shall provide the authorized body of the Kyrgyz Republic with an advanced notification about the transit of controlled goods, providing information about the nature of shipment, about safety measures during transportation, about the purpose of transportation, about the supplier and the consumer (the nomenclature, the quantity and packaging of the goods being shipped, the date and the transportation mode, name of manufacturer, of the exporter/importer and carrier, route, permission (license) for the export of controlled goods and information about чном ее пользователе и конечном использовании). its end user and its end use).

(In the wording of the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, #257)

1.9. The Requesting Party is obliged to inform the authorized body of the Kyrgyz Republic in advance about any changes in previously submitted information related to the transit of controlled goods.

1.10. In the event of unauthorized transit of controlled goods, the foreign trade operators shall be liable in accordance with the legislation of the Kyrgyz Republic.

(In the wording of the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, #257)

1.11. Foreign trade operators, after obtaining a permit for the transit of controlled goods and of the goods classified by the legislation of the Kyrgyz Republic as the category of dangerous goods, shall transfer these controlled goods strictly in accordance with the established requirements of the Kyrgyz Republic in the field of safety of dangerous goods transportation.

(In the wording of the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, #257)

II. Procedure of requesting, decision making and documents required for obtaining the permission

2.1. Request is to be submitted by the official authorities of the requesting country to the authorized bodies of the Kyrgyz Republic.

2.2. The following shall be attached to the Request:

- certified copy of the Certificate of State Registration of the Requesting Party;
- confirmation by the Requesting Party, in accordance with the current legislation of the country of registration, the rights to carry out activities related to controlled goods subject to export control in the Kyrgyz Republic;
- information and data in accordance with the Clause 1.8 of this Procedure;
- original of the Contract and its certified copy for supply of controlled goods;
- guarantee of the competent official body of the Requesting Party's country in accordance with the paragraph 1.7 of this very Procedure;
- documents identifying the Requesting Party's responsibility to ensure physical security of nuclear materials and equipment, special non-nuclear materials, dual-use equipment and materials related to nuclear activities, radioactive materials, explosives and poisons transported in transit through the territory of the Kyrgyz Republic that should be not lower than those recommended by the International Atomic Energy Agency (IAEA);
- documents confirming the consent of the controlled goods shipping country to accept these goods back in case that the shipment could not be delivered to the consignee for reasons beyond its control;
- documents confirming the financial provision of civil liability for losses and damages caused to third parties;
- documents confirming the guarantee from the Requesting Party's country to reimburse the expenses related to the inspection of the actual status of shipment, as well as probable temporary storage, return transportation, examination and other necessary actions of the authorities in the event of violation of the current rules and regulations of the Kyrgyz Republic, including the terms of the Permit of the competent authorities of the Kyrgyz Republic on nuclear and radiation safety, as well as the costs associated with the need for иведения выявленных отклонений в соответствии с требованиями законодательства и/или возвращением груза в государство экспорта; bringing the identified deviations into compliance with legal requirements and/or returning the goods to the country of export;
- if necessary, the documents confirming the timing and routing through the Customs Border Crossing Points of the Kyrgyz Republic, mode of transportation with the Ministry of Internal Affairs of the Kyrgyz Republic, with the State Committee for National Security of the Kyrgyz Republic and with the Ministry of Emergency Situations of the Kyrgyz Republic in the implementation of the declared transit transportation.

After the Permit has been granted, the time line and routes of transit have been agreed, the Ministry of Economy of the Kyrgyz Republic shall immediately notify all relevant ministries and departments of the Kyrgyz Republic, including the State Committee for National Security of the Kyrgyz Republic.

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated October 27, 2010, # 257, dated July 1, 2013, #395)

2.3. If the Requesting Party is a governmental authority of a foreign state:

- submission of documents specified in paragraphs two and three of the Clause 2.2 of this Procedure is not required;
- in the absence of a Contract, other documents shall be submitted justifying the need for the

supply of controlled goods.

(In the wording of the Resolution of the Government of the Kyrgyz Republic dated October 27, 2010, # 257)

2.4. The authorized body may request other documents required for considering the issue about the possibility of Permit granting.

2.5. The authorized body in a week from the date of receipt of the necessary documents shall forward them for approval to the relevant authorities for issuing Opinions on the possibility of transit. Срок рассмотрения и выдачи заключений не должен превышать 15 дней со дня получения документации. The time for consideration and for issuance of Opinions shall not exceed 15 days from the date of receipt of the documents.

2.6. After the Opinion of the relevant authorities has been obtained, the authorized body, within 10 days, shall take a decision on issuing a Transit Permit.

In case of any disputable situations and issues related to the issuance of permits for the transit of controlled goods, the decision of the authorized body shall be made on the basis of the Recommendation and Opinion of the Military-and-Technical Cooperation and Export Control Commission.

III. Denial in Permit granting

3.1. Permit for the transit of controlled goods through the territory of the Kyrgyz Republic shall not be granted in the event that:

- not all the documents required for obtaining a Permit have been presented;
- in relation to the Requesting Party, the information is available about the cases of violation by it of the obligations to the Kyrgyz Republic, as well as in accordance with international agreements to which the Kyrgyz Republic is a party.

3.2. If the Permit has been denied, a reasoned response shall be given to the Requesting Party within 20 days in writing.

REGULATION OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Bishkek, House of Government, as of August 24, 2006 N 613

3.9 On the Executive Body of the Kyrgyz Republic on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction dated January 13, 1993

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated November 9, 2007, # 539, dated July 1, 2013, # 395)

With the purpose of further international cooperation development and implementation of the Convention on prohibition of development, production, accumulation and use of chemical weapon and its destruction as of January 13, 1993, to enable effective contacts with the Organization on prohibition of chemical weapon and member states of the Convention, the Government of the Kyrgyz Republic enacts:

1. To assign the Ministry of Economy of the Kyrgyz Republic as executive agency of the Kyrgyz Republic on the implementation of the Convention on prohibition of development, production, accumulation and use of chemical weapon and its destruction as of January 13, 1993.

(In the wording of the Resolutions of the Government of the Kyrgyz Republic dated November 9, 2007, # 539, dated July 1, 2013, # 395)

2. The ministry of foreign affairs of the Kyrgyz Republic should send a notification to the Organization on prohibition of chemical weapon on assignment of executive agency of the Kyrgyz Republic on the implementation of the Convention on prohibition of development, production, accumulation and use of chemical weapon and its destruction as of January 13, 1993.

3. *(Repealed in accordance with Resolution of the Government of the Kyrgyz Republic dated July 1, 2013, # 395)*

Prime ministry of the Kyrgyz Republic

F. Kulov

DECREE OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC

Bishkek, April 2, 2014 No. 197

3.10 National Control List of the Kyrgyz Republic of Controlled Items

(As amended by the Decree of the Government of the Kyrgyz Republic dated September 21, 2017 No. 597)

In order to further develop the regulatory framework in the field of export control, in accordance with the Articles 10 and 17 of the Constitutional Law of the Kyrgyz Republic 'On the Government of the Kyrgyz Republic' and Article 6 of the Law of the Kyrgyz Republic 'On Export Control', the Government of the Kyrgyz Republic' decides to:

1. Approve the attached National Control List of Controlled Items in the official language of the Kyrgyz Republic.

2. Recognize the following as having lost the effect:

- Decree of the Government of the Kyrgyz Republic 'On approval of the regulations on the export and import of materials and technologies used in development of chemical, missile and nuclear weapons' dated February 6, 1996 No. 55;

- Decree of the Government of the Kyrgyz Republic 'On the National Control List of Controlled Items of the Kyrgyz Republic' dated June 5, 2009 No. 365.

3. This very Decree shall enter into force in fifteen days from the date of official publication.

Published in the Erkin Too newspaper on April 11, 2014 No. 26-27

Acting First Deputy Prime Minister,

Acting Prime Minister of the Kyrgyz Republic

J. Otorbaev

Passed by the Decree of the Government of the Kyrgyz Republic on April 2, 2014 No. 197

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

4.1. The Kyrgyz Republic joined by the regulation of the Parliament KR

as of January 12, 1994 N 1415-XII

Washington, London and Moscow

As of July 1, 1968

INTERNATIONAL AGREEMENT On non-proliferation of nuclear weapon

The states that conclude this Agreement, below referred to as "Participants of Agreement",

Taking into account devastating consequences that nuclear war could have had for the mankind and following from the necessity to undertake all measures to prevent the danger of such war emergence and to take measures to enable safety of the peoples,

Considering that nuclear weapon proliferation would seriously increased the danger of such a war,

In accordance with the Resolutions of the General Assembly of the United Nations Organization, which call for conclusion of agreement on prevention of further nuclear weapon proliferation,

Assuming the obligation to cooperate with the purpose to apply guarantees of the International Atomic Energy Agency with regard to peaceful nuclear activity,

Providing support to the efforts on research, improvement and other efforts aimed at facilitation the application of effective guarantees principle in relation to movement of source and special fissile materials by means of using devices and other technical means in identified key locations within the framework of guarantees system of the International Atomic Energy Agency,

Confirming the principle that the benefits of nuclear technology peaceful application, including any technological by-products, which could be obtained by the states that possess nuclear weapon, from the development of nuclear explosive assemblies should be accessible for peaceful purposes for all member states of the Agreement, both possessing, and not possessing nuclear weapon,

Being confident that implementing this principle all members states of this Agreement are entitled to participate in the most comprehensive scientific information sharing for further development of peaceful application of nuclear energy and to contribute to this development individually or in cooperation with other states,

Declaring their intention to achieve cessation of nuclear arms race as soon as possible and to undertake effective measures towards nuclear disarmament,

Persistently urging all of the states to cooperate to achieve this objective,

Recalling on determination demonstrated by the participants of Agreement on the prohibition of nuclear weapon testing in the atmosphere, in the space and under water in 1963 preamble, to strive to forever achieve cessation of all testing nuclear weapon explosions and to continue ne-

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

gotiations with this purpose,

Striving to mitigate international tension and to strengthen trust between the states, in order to promote achievement of nuclear weapon production cessation, termination of all its existing reserves and exclusion of nuclear weapon and its delivery vehicles from the national arsenals in accordance with the Agreement on universal and full disarmament under the strict and effective international control,

Recalling that in accordance with the Charter of the United Nations Organization, the states should refrain from forced threat, or the application thereof in their international relations, both against territorial inviolability or political independence of any state, and in any other way not compatible with the objectives of the United Nations Organization, and that it is required to facilitate establishment and support the international peace and security with the least derivation of global human and economic resources for armament,

Agreed on the following:

Article I

Each member state of this Agreement possessing nuclear weapon assumes the obligation not to transfer nuclear weapon, as well as control over such a weapon or over explosive assemblies to anyone either directly or indirectly; as well as by no means assist, encourage or induce any state that does not possess nuclear weapon to produce, or in any other way acquire nuclear weapon or other nuclear explosive assemblies, as well as control over such a weapon, or explosive assemblies.

Article II

Each member state of this Agreement not possessing nuclear weapon assumes the obligation not to accept the transfers of nuclear weapon or other nuclear explosive assemblies, as well as control over such a weapon, or explosive assemblies from anyone either directly, or indirectly; not to produce and not to acquire by any other way nuclear weapon or other nuclear explosive assemblies, as well as not to seek and not to accept any assistance for production of nuclear weapon or other nuclear explosive assemblies.

Article III

1. Each member state of this Agreement not possessing nuclear weapon assumes the obligation to accept the guarantees, as stated in the agreement, on which negotiations will be held and which will be concluded with the International Atomic Energy Agency in accordance with the Charter of the International Atomic Energy Agency and the system of guarantees of the Agency, solely with the purpose of verification of its obligations performance assumed in accordance with this Agreement not to allow transition from nuclear energy peaceful application to nuclear weapon or other nuclear explosive assemblies. The procedures of guarantees required by this article should be implemented in relation to source or special fissile materials regardless of the fact if those are produced, processed or used in any main nuclear installation or are located beyond such an installation. The guarantees required by this article should be applied to all source or special fissile materials in the whole peaceful nuclear activity within the territory of this state, under its jurisdiction, or implemented under its control no matter where.

2. Each member state of this Agreement assumes the obligation not to provide: a) source or special fissile materials, or b) equipment or materials specially intended or prepared for processing, use or production of special fissile material to any state that does not possess nuclear weapon for peaceful purposes provided that for this fissile material guarantees required by this

article are not applied.

3. The guarantees required by this article should be implemented in a way to comply with article IV of this Agreement and to avoid creation of obstacles for economic or technological development of the Participants of Agreement, or of the international cooperation in the sphere of peaceful nuclear activity, including international exchange of nuclear materials and equipment for processing, use or production of nuclear material with peaceful purposes in accordance with the provisions of this article and the principle of guarantees application stated in preamble of this Agreement.

4. Member state of this Agreement not possessing nuclear weapon should conclude agreements with the International Atomic Energy Agency to implement the requirements of this article either individually, or together with other states in accordance with the Charter of the International Atomic Energy Agency. Negotiations on such agreements should start during 180 days from the date of this Agreement effectiveness. For the states depositing their ratification instruments or documents on accedence after 180 days, negotiations on such arrangements should start not later than the date of depositing. These agreements should become effective from the date of negotiations start.

Article IV

1. Any provision of this Agreement should not be interpreted as affecting inalienable right of all Participants of Agreement to develop research, production and use of nuclear energy with peaceful purposes without discrimination and in accordance with Articles I and II of this Agreement.

2. All participants of this Agreement should assume the obligation to facilitate to the extent possible sharing of equipment, materials, and scientific and technological information on peaceful use of nuclear energy and should be entitled to participate in such exchange. The Participants of Agreement, which are able to do so should also cooperate in providing such assistance individually, or together with other states or international organizations for further development of peaceful application of nuclear energy, and especially on the territories of member states of this Agreement that do not possess nuclear weapon duly considering the needs of developing countries of the world.

Article V

Each participant of this Agreement should assume the obligation to take relevant measures to provide that in accordance with this Agreement, under the relevant international control and by means of relevant international procedures, potential benefits from any peaceful application of nuclear explosions were accessible to the member states of this Agreement that do not possess nuclear weapon on non-discriminative basis and enabling that the cost of used explosive assemblies for such member states was as low as it was possible and did not include the costs related to research and improvement. The Participants of this Agreement that do not possess nuclear weapon should be able to receive such benefits in accordance with special international agreement or agreement via the relevant international body, where the states that do not possess nuclear weapons should be duly represented. The negotiations on this matter should start as soon as possible after this Agreement becomes effective. Member states of this Agreement that do not possess nuclear weapon, upon their wish should also receive such benefits in accordance with bilateral agreements.

Article VI

Each Participant of this Agreement should assume the obligation to conduct the negotiations

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

in the spirit of good will on effective measures to stop nuclear arms race in the near future and nuclear disarmament, as well as on Agreement on universal and complete disarmament under strict and effective international control.

Article VII

Any provision of this Agreement should not affect the right of any group of states to conclude regional Agreements with the purpose of enabling full absence of nuclear weapon on their respective territories.

Article VIII

1. Any participant of this Agreement should be entitled to propose amendments to this Agreement. The text of any proposed amendment should be provided to depositary governments, which should distribute it to all the Participants of this Agreement. Then, if one third or more Participants of this Agreement require, depositary governments should convene the conference, where all Participants of this Agreement should be invited to consider this amendment.

2. Any amendment to this Agreement should be approved by majority of votes of all Participants of this Agreement, including votes of all states participants of this Agreement that possess nuclear weapon and all other participants of Agreement that are members of the Board of Managers of the International Atomic Energy Agency as of the date of distribution of such an amendment. Amendment should come into force for each participant of this Agreement that deposits its ratification instrument on ratification of amendment, after depositing of such ratification instruments by majority of Participants of Agreement, including ratification instruments of all states participants of this Agreement that possess nuclear weapon, and all other states Participants of Agreement that are members of the Board of Managers of the International Atomic Energy Agency as of the date of distribution of such an amendment. Further it becomes effective for any other participant of Agreement after depositing ratification instrument on ratification of this amendment.

3. In five years after coming into force of this Agreement, in Geneva (Switzerland), a conference of the Participants of this Agreement should be held to consider how this Agreement is implemented, to be confident that the objectives stated in preamble and the provisions of Agreement are being implemented. In five years, majority of the Participants of this Agreement should be able to achieve convocation of further conferences with the same purpose to consider the implementation of Agreement by means of making proposals to depositary governments.

Article IX

1. This Agreement should be open for all states. Any state that will not sign this Agreement before it becomes effective in accordance with paragraph 3 of this article should be able to join it any time.

2. This Agreement should be ratified by the states that signed it. Ratification instruments and accidence documents should be deposited with the governments of the Union of Soviet Socialist Republics, United Kingdom of Great Britain and North Ireland and the United States of America, which hereby should be assigned as depositary governments.

3. This Agreement should become effective after its ratification by the states, governments of which are assigned as depositaries of Agreement and by 40 other states that signed this Agreement and depositing their ratification instruments. For the purpose of this Agreement, the state that produced and exploded nuclear explosive assembly until January 1, 1967, should be considered as the state that possesses nuclear weapon.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

4. For the states, for which ratification instruments and accedence documents will be deposited after the date when this Agreement had become effective, it should come into force at the date of ratification instruments or accedence documents depositing.

5. Depositary governments should immediately notify all states that signed this agreement and that joined this Agreement on the date of each signing, date of each depositing of each ratification instrument or accedence document, date of effectiveness of this Agreement, date of reception of any requests on convocation of a conference, as well as on other notifications made.

6. This Agreement should be registered by depositary governments in accordance with article 102 of the Charter of the United Nations Organization.

USSR ratified this Agreement by the Decree of Presidium of Supreme Soviet USSR as of November 24, 1969 N 4518-VII. Agreement became effective on March 5, 1970.

Article X

1. Each participant of this Agreement according to implementation of state sovereignty should be entitled to withdraw from the Agreement, if the decision is made that extraordinary circumstances related to the content of this Agreement threatened higher interests of the country. It should notify all the Participants of this Agreement and Security Council of the United Nations Organization on this decision three months in advance. This notification should contain the statement on extraordinary circumstances, which were considered as the ones threatening its higher interests.

2. In twenty five years after effectiveness date of this Agreement, a conference should be convened in order to decide whether the Agreement should continue to hold perpetually, or the effect of the Agreement should be prolonged for additional specified period or periods of time. This decision should be made by majority of this Agreement's participants.

Article XI

This Agreement, Russian, French, Spanish and Chinese texts of which are equally authentic should be deposited with the depositary governments. Duly certified copies of this Agreement should be forwarded by the depositary governments to the states that signed this Agreement and joined it.

Herewith to certify, the undersigned duly authorized signed this Agreement.

Performed in three copies in Washington, London and Moscow on July the first, of the year of one thousand nine hundred and sixty eighth.

Signed on July 1, 1968 in London, Moscow and Washington.

*** Total number of member states - 150

Bishkek July 15, 2003 N 134

LAW OF THE KYRGYZ REPUBLIC

4.2. On the ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), signed on October 8, 1996 in the city of New York

Article 1

To ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT), signed on 8 October 1996 in the city of New York.

Article 2.

Ministry of Foreign Affairs of the Kyrgyz Republic shall deposit a letter of ratification of this Treaty to the depositary, which is the United Nations Secretary General.

Article 3.

Assign the Ministry of Foreign Affairs of the Kyrgyz Republic as the National Authority of the Kyrgyz Republic for communication with the Comprehensive Nuclear-Test-Ban Treaty Organization and with the States Parties of the Treaty.

President of the Kyrgyz Republic A. Akayev

Adopted by the Legislative Assembly

of the Jogorku Kenesh of the Kyrgyz Republic on April 24, 2003

Assembly of People's Representatives

of the Jogorku Kenesh of the Kyrgyz Republic not examined

Approved in accordance with paragraph 4 of the Article 59

of the Constitution of the Kyrgyz Republic as amended by the laws of the Kyrgyz Republic 'On amendments and addenda to the Kyrgyz Republic Constitution' dated 16 February 1996 N 1,

'On introducing amendments and addenda to the Constitution of the Kyrgyz Republic' dated October 21, 1998 N 134, 'On introducing amendments to the Article 5 of the Kyrgyz Republic Constitution' dated December 24, 2001 N112

Ratified by the Law of the Kyrgyz Republic on July 15, 2003 N 134 September 10, 1996

Comprehensive Nuclear-Test-Ban Treaty

The General Assembly,

Recalling its resolution 50/65 of 12 December 1995, in which the Assembly declared its readiness to resume consideration of the item "Comprehensive test-ban treaty", as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty,

1. **Adopts** the comprehensive nuclear-test-ban treaty, as contained in document A/50/1027;
2. **Requests** the Secretary-General, as depositary of the treaty, to open it for signature, at United Nations Headquarters, at the earliest possible date;
3. **Calls upon** all States to sign and, thereafter, according to their respective constitutional processes, to become parties to the treaty at the earliest possible date;
4. **Requests** the Secretary-General, as depositary of the treaty, to report to the General Assembly at its fifty-second session on the status of signature and ratifications of the treaty.

PREAMBLE

The States Parties to this Treaty (hereinafter referred to as "the States Parties"),

Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

Underlining the importance of the full and prompt implementation of such agreements and measures,

Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,

Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

Recognizing that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

Further recognizing that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament,

Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,

Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time,

Noting also the views expressed that this Treaty could contribute to the protection of the environment,

Affirming the purpose of attracting the adherence of all States to this Treaty and its objective to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

Have agreed as follows:

ARTICLE I

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

BASIC OBLIGATIONS

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

ARTICLE II

THE ORGANIZATION

A. GENERAL PROVISIONS

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty Organization (hereinafter referred to as "the Organization") to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.

3. The seat of the Organization shall be Vienna, Republic of Austria.

4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.

5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.

6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.

7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.

8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.

9. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and the Organization.

10. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget.

11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of

the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. THE CONFERENCE OF THE STATES PARTIES

Composition, Procedures and Decision-making

12. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.

13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.

14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.

15. A special session of the Conference shall be convened:

(a) When decided by the Conference;

(b) When requested by the Executive Council; or

(c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.

17. The Conference may also be convened in the form of a Review Conference, in accordance with Article VIII.

18. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.

19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.

20. A majority of the States Parties shall constitute a quorum.

21. Each State Party shall have one vote.

22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

23. When exercising its function under paragraph 26 (k), the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

Powers and Functions

24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.

25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

26. The Conference shall:

(a) Consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;

(b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;

(c) Elect the members of the Executive Council;

(d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

(e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;

(f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council, or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;

(g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;

(h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;

(i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 38 (h);

(j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and

(k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

C. THE EXECUTIVE COUNCIL

Composition, Procedures and Decision-making

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.

28. Taking into account the need for equitable geographical distribution the Executive Council shall comprise:

(a) Ten States Parties from Africa;

(b) Seven States Parties from Eastern Europe;

(c) Nine States Parties from Latin America and the Caribbean;

(d) Seven States Parties from the Middle East and South Asia;

(e) Ten States Parties from North America and Western Europe; and

(f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 (k). It shall not be subject to amendments or changes under the procedures contained in Article VII.

29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:

(a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests, by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:

(i) Number of monitoring facilities of the International Monitoring System;

(ii) Expertise and experience in monitoring technology; and

(iii) Contribution to the annual budget of the Organization;

(b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and

(c) The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.

30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.

31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.

32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

33. The Executive Council shall elect its Chairman from among its members.

34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

35. Each member of the Executive Council shall have one vote.

36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

38. The Executive Council shall:

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

- (a) Promote effective implementation of, and compliance with, this Treaty;
- (b) Supervise the activities of the Technical Secretariat;
- (c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;
- (d) Cooperate with the National Authority of each State Party;
- (e) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
- (f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
- (g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;
- (h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organizations on behalf of the Organization and supervise their implementation, with the exception of agreements or arrangements referred to in sub-paragraph (i);
- (i) Approve and supervise the operation of agreements or arrangements relating to the implementation of verification activities with States Parties and other States; and
- (j) Approve any new operational manuals and any changes to the existing operational manuals that may be proposed by the Technical Secretariat.

39. The Executive Council may request a special session of the Conference.

40. The Executive Council shall:

- (a) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Treaty through information exchanges;
- (b) Facilitate consultation and clarification among States Parties in accordance with Article IV; and
- (c) Receive, consider and take action on requests for, and reports on, on-site inspections in accordance with Article IV.

41. The Executive Council shall consider any concern raised by a State Party about possible non-compliance with this Treaty and abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

- (a) Notify all States Parties of the issue or matter;
- (b) Bring the issue or matter to the attention of the Conference;
- (c) Make recommendations to the Conference or take action, as appropriate, regarding measures to redress the situation and to ensure compliance in accordance with Article V.

D. THE TECHNICAL SECRETARIAT

42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre.

43. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall, in accordance with Article IV and the Protocol, include *inter alia*:

- (a) Being responsible for supervising and coordinating the operation of the International Monitoring System;
- (b) Operating the International Data Centre;
- (c) Routinely receiving, processing, analysing and reporting on International Monitoring System data;
- (d) Providing technical assistance in, and support for, the installation and operation of monitoring stations;
- (e) Assisting the Executive Council in facilitating consultation and clarification among States Parties;
- (f) Receiving requests for on-site inspections and processing them, facilitating Executive Council consideration of such requests, carrying out the preparations for, and providing technical support during, the conduct of on-site inspections, and reporting to the Executive Council;
- (g) Negotiating agreements or arrangements with States Parties, other States and international organizations and concluding, subject to prior approval by the Executive Council, any such agreements or arrangements relating to verification activities with States Parties or other States; and
- (h) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

45. The functions of the Technical Secretariat with respect to administrative matters shall include:

- (a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;
- (b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;
- (c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;
- (d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty; and
- (e) Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations.

46. All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In response the Director-General shall use the language of the transmitted request or notification.

47. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft programme and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft programme and budget shall be accorded to all other activities of the Organization.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

48. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

49. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The first Director-General shall be appointed by the Conference at its initial session upon the recommendation of the Preparatory Commission.

50. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

51. The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues.

52. In the performance of their duties, the Director-General, the inspectors, the inspection assistants and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization. The Director-General shall assume responsibility for the activities of an inspection team.

53. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors, the inspection assistants and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

E. PRIVILEGES AND IMMUNITIES

54. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

55. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General, the inspectors, the inspection assistants and the members of the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

56. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the State Parties as well as in an agreement between the Organization and the State in which the Organization is seated. Such agreements shall be considered and approved in accordance with paragraph 26 (h) and (i).

57. Notwithstanding paragraphs 54 and 55, the privileges and immunities enjoyed by the Director-General, the inspectors, the inspection assistants and the members of the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol.

ARTICLE III

NATIONAL IMPLEMENTATION MEASURES

1. Each State Party shall, in accordance with its constitutional processes, take any necessary

measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty;

(b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit, in conformity with international law, natural persons possessing its nationality from undertaking any such activity anywhere.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for it. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

ARTICLE IV

VERIFICATION

A. GENERAL PROVISIONS

1. In order to verify compliance with this Treaty, a verification regime shall be established consisting of the following elements:

(a) An International Monitoring System;

(b) Consultation and clarification;

(c) On-site inspections; and

(d) Confidence-building measures.

At entry into force of this Treaty, the verification regime shall be capable of meeting the verification requirements of this Treaty.

2. Verification activities shall be based on objective information, shall be limited to the subject matter of this Treaty, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

3. Each State Party undertakes in accordance with this Treaty to cooperate, through its National Authority established pursuant to Article III, paragraph 4, with the Organization and with other States Parties to facilitate the verification of compliance with this Treaty by *inter alia*:

(a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication;

(b) Providing data obtained from national stations that are part of the International Monitoring System;

(c) Participating, as appropriate, in a consultation and clarification process;

(d) Permitting the conduct of on-site inspections; and

(e) Participating, as appropriate, in confidence-building measures.

4. All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.

5. For the purposes of this Treaty, no State Party shall be precluded from using information obtained by national technical means of verification in a manner consistent with generally recognized

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principles of international law, including that of respect for the sovereignty of States.

6. Without prejudice to the right of States Parties to protect sensitive installations, activities or locations not related to this Treaty, States Parties shall not interfere with elements of the verification regime of this Treaty or with national technical means of verification operating in accordance with paragraph 5.

7. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

8. Moreover, all necessary measures shall be taken to protect the confidentiality of any information related to civil and military activities and facilities obtained during verification activities.

9. Subject to paragraph 8, information obtained by the Organization through the verification regime established by this Treaty shall be made available to all States Parties in accordance with the relevant provisions of this Treaty and the Protocol.

10. The provisions of this Treaty shall not be interpreted as restricting the international exchange of data for scientific purposes.

11. Each State Party undertakes to cooperate with the Organization and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional monitoring technologies such as electromagnetic pulse monitoring or satellite monitoring, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of this Treaty. Such measures shall, when agreed, be incorporated in existing provisions in this Treaty, the Protocol or as additional sections of the Protocol, in accordance with Article VII, or, if appropriate, be reflected in the operational manuals in accordance with Article II, paragraph 44.

12. The States Parties undertake to promote cooperation among themselves to facilitate and participate in the fullest possible exchange relating to technologies used in the verification of this Treaty in order to enable all States Parties to strengthen their national implementation of verification measures and to benefit from the application of such technologies for peaceful purposes.

13. The provisions of this Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes.

Verification Responsibilities of the Technical Secretariat

14. In discharging its responsibilities in the area of verification specified in this Treaty and the Protocol, in cooperation with the States Parties the Technical Secretariat shall, for the purpose of this Treaty:

(a) Make arrangements to receive and distribute data and reporting products relevant to the verification of this Treaty in accordance with its provisions, and to maintain a global communications infrastructure appropriate to this task;

(b) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing:

(i) Receive and initiate requests for data from the International Monitoring System;

(ii) Receive data, as appropriate, resulting from the process of consultation and clarification, from on-site inspections, and from confidence-building measures; and

(iii) Receive other relevant data from States Parties and international organizations in accordance with this Treaty and the Protocol;

(c) Supervise, coordinate and ensure the operation of the International Monitoring System and its component elements, and of the International Data Centre, in accordance with the relevant operational manuals;

(d) Routinely process, analyse and report on International Monitoring System data according to agreed procedures so as to permit the effective international verification of this Treaty and to con-

tribute to the early resolution of compliance concerns;

(e) Make available all data, both raw and processed, and any reporting products, to all States Parties, each State Party taking responsibility for the use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article;

(f) Provide to all States Parties equal, open, convenient and timely access to all stored data;

(g) Store all data, both raw and processed, and reporting products;

(h) Coordinate and facilitate requests for additional data from the International Monitoring System;

(i) Coordinate requests for additional data from one State Party to another State Party;

(j) Provide technical assistance in, and support for, the installation and operation of monitoring facilities and respective communication means, where such assistance and support are required by the State concerned;

(k) Make available to any State Party, upon its request, techniques utilized by the Technical Secretariat and its International Data Centre in compiling, storing, processing, analysing and reporting on data from the verification regime; and

(l) Monitor, assess and report on the overall performance of the International Monitoring System and of the International Data Centre.

15. The agreed procedures to be used by the Technical Secretariat in discharging the verification responsibilities referred to in paragraph 14 and detailed in the Protocol shall be elaborated in the relevant operational manuals.

B. THE INTERNATIONAL MONITORING SYSTEM

16. The International Monitoring System shall comprise facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, and respective means of communication, and shall be supported by the International Data Centre of the Technical Secretariat.

17. The International Monitoring System shall be placed under the authority of the Technical Secretariat. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them in accordance with the Protocol.

18. Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

Funding the International Monitoring System

19. For facilities incorporated into the International Monitoring System and specified in Tables 1-A, 2-A, 3 and 4 of Annex 1 to the Protocol, and for their functioning, to the extent that such facilities are agreed by the relevant State and the Organization to provide data to the International Data Centre in accordance with the technical requirements of the Protocol and relevant operational manuals, the Organization, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs of:

(a) Establishing any new facilities and upgrading existing facilities unless the State responsible for such facilities meets these costs itself;

(b) Operating and maintaining International Monitoring System facilities, including facility physical security if appropriate, and application of agreed data authentication procedures;

(c) Transmitting International Monitoring System data (raw or processed) to the International Data Centre by the most direct and cost effective means available, including, if necessary, via appropriate communications nodes, from monitoring stations, laboratories, analytical facilities or from national data centres; or such data (including samples where appropriate) to laboratory and analytical facilities from monitoring stations; and

(d) Analysing samples on behalf of the Organization.

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20. For auxiliary network seismic stations specified in Table 1-B of Annex 1 to the Protocol the Organization, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs only of:

- (a) Transmitting data to the International Data Centre;
- (b) Authenticating data from such stations;
- (c) Upgrading stations to the required technical standard, unless the State responsible for such facilities meets these costs itself;
- (d) If necessary, establishing new stations for the purposes of this Treaty where no appropriate facilities currently exist, unless the State responsible for such facilities meets these costs itself; and
- (e) Any other costs related to the provision of data required by the Organization as specified in the relevant operational manuals.

21. The Organization shall also meet the cost of provision to each State Party of its requested selection from the standard range of International Data Centre reporting products and services, as specified in Part I, Section F of the Protocol. The cost of preparation and transmission of any additional data or products shall be met by the requesting State Party.

22. The agreements or, if appropriate, arrangements concluded with States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall contain provisions for meeting these costs. Such provisions may include modalities whereby a State Party meets any of the costs referred to in paragraphs 19 (a) and 20 (c) and (d) for facilities which it hosts or for which it is responsible, and is compensated by an appropriate reduction in its assessed financial contribution to the Organization. Such a reduction shall not exceed 50 percent of the annual assessed financial contribution of a State Party, but may be spread over successive years. A State Party may share such a reduction with another State Party by agreement or arrangement between themselves and with the concurrence of the Executive Council. The agreements or arrangements referred to in this paragraph shall be approved in accordance with Article II, paragraphs 26 (h) and 38 (i).

Changes to the International Monitoring System

23. Any measures referred to in paragraph 11 affecting the International Monitoring System by means of addition or deletion of a monitoring technology shall, when agreed, be incorporated into this Treaty and the Protocol pursuant to Article VII, paragraphs 1 to 6.

24. The following changes to the International Monitoring System, subject to the agreement of those States directly affected, shall be regarded as matters of an administrative or technical nature pursuant to Article VII, paragraphs 7 and 8:

- (a) Changes to the number of facilities specified in the Protocol for a given monitoring technology; and
- (b) Changes to other details for particular facilities as reflected in the Tables of Annex 1 to the Protocol (including, *inter alia*, State responsible for the facility; location; name of facility; type of facility; and attribution of a facility between the primary and auxiliary seismic networks).

If the Executive Council recommends, pursuant to Article VII, paragraph 8 (d), that such changes be adopted, it shall as a rule also recommend pursuant to Article VII, paragraph 8 (g), that such changes enter into force upon notification by the Director-General of their approval.

25. The Director-General, in submitting to the Executive Council and States Parties information and evaluation in accordance with Article VII, paragraph 8 (b), shall include in the case of any proposal made pursuant to paragraph 24:

- (a) A technical evaluation of the proposal;
- (b) A statement on the administrative and financial impact of the proposal; and
- (c) A report on consultations with States directly affected by the proposal, including indication of their agreement.

Bishkek As of April 29, 2003, N 89

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4.3. On ratification of the Convention on prohibition of development, production and accumulation and use of chemical weapon and its destruction

Article 1.

To ratify the Convention on prohibition of development, production and accumulation and use of chemical weapon and its destruction.

Article 2.

The Ministry of Foreign Affairs of the Kyrgyz Republic should deposit a charter on entering into the Convention with the Secretary General of United Nations Organization, who is the depository of this Convention.

Article 3.

This Law should become effective from the date of its publication.

President of the Kyrgyz Republic

A.Akaev

Adopted by the Legislative Assembly of the Parliament of the Kyrgyz Republic on March 28, 2003.

Approved by People's Representatives Assembly of the Parliament of the Kyrgyz Republic on April 9, 2003

Ratified by the Law of the Kyrgyz Republic of April 29, 2003 N 89 January 13, 1993

CONVENTION
on prohibition of development, production and accumulation and use
of chemical weapon and its destruction
(reference)

The Ministry of Industry, Trade and Tourism of the Kyrgyz Republic in accordance with the Decree of the Government of the Kyrgyz Republic of August 24, 2006, #613, has been identified as the executive body of the Kyrgyz Republic for the implementation of this Convention.

PREAMBLE

The States Parties to this Convention,

determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (the Geneva Protocol of 1925),

recognizing that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 1925,

recognizing the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare,

considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

desiring to promote free trade in chemicals as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under this Convention in order to enhance the economic and technological development of all States Parties,

convinced that the complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and their destruction, represent a necessary step towards the achievement of these common objectives, have agreed as follows:
Article I. General Obligations

1. Each State Party to this Convention undertakes never under any circumstances:

- a) to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- b) to use chemical weapons;
- c) To engage in any military preparations to use chemical weapons;
- d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.

4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

5. Each State Party undertakes not to use riot control agents as a method of warfare

Article II. Definitions and Criteria

For the purposes of this Convention:

1. "Chemical Weapons" means the following, together or separately:

- a) toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- (b) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph a), which would be released as a result of the employment of such munitions and devices;
- c) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

2. "Toxic Chemical" means:

Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere. (For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. "Precursor" means:

Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system. (For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. "Key Component of Binary or Multicomponent Chemical Systems" (hereinafter referred to as "key component") means:

The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

5. "Old Chemical Weapons" means:

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- a) chemical weapons which were produced before 1925; or
- b) chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.

6. "Abandoned Chemical Weapons" means:

Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.

7. "Riot Control Agent" means:

Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapons Production Facility":

a) means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:(i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:

1) any chemical listed in Schedule 1 in the Annex on Chemicals;

or

2) any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes;

or

i) For filling chemical weapons, including, inter alia, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

b) does not mean:

i) any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;

ii) any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex");

or

iii) the single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

9. "Purposes Not Prohibited Under this Convention" means:

a) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

b) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

c) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

d) law enforcement including domestic riot control purposes.

10. "Production Capacity" means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

11. "Organization" means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.

12. For the purposes of Article VI:

a) "Production" of a chemical means its formation through chemical reaction;

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b) "Processing" of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;

c) "Consumption" of a chemical means its conversion into another chemical via a chemical reaction.

Article III. Declarations

1. Each State Party shall submit to the Organization, not later than 30 days after this Convention enters into force for it, the following declarations, in which it shall:

a) With respect to chemical weapons:

i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;

ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub-subparagraph (iii); iii) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex;

(iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex;

(v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex;

(b) With respect to old chemical weapons and abandoned chemical weapons:

(i) Declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV (B), paragraph 3, of the Verification Annex;

(ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex;

(iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with

Part IV (B), paragraph 10, of the Verification Annex;

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(c) With respect to chemical weapons production facilities:

(i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;

(ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub-subparagraph (iii);

(iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex;

(iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex;

(v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex;

(vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (i), of the Verification Annex;

(vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into a chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex;

(d) With respect to other facilities:

Specify the precise location, nature and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, inter alia, laboratories and test and evaluation sites;

(e) With respect to riot control agents: Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective.

2. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

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Article IV. Chemical Weapons

1. The provisions of this Article and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control, except old chemical weapons and abandoned chemical weapons to which Part IV (B) of the Verification Annex applies.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments, in accordance with Part IV (A) of the Verification Annex.

4. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (a), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on-site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on-site verification.

5. Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments.

6. Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to the Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate.

7. Each State Party shall:

(a) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period;

(b) Submit declarations annually regarding the implementation of its plans for destruction of chemical weapons specified in paragraph 1, not later than 60 days after the end of each annual destruction period; and

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(c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed.

8. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 6, it shall destroy chemical weapons specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.

9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex.

10. Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions.

11. Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State,

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shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organization and other States Parties to provide assistance in the destruction of these chemical weapons.

12. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.

13. In carrying out verification activities pursuant to this Article and Part IV (A) of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and their destruction among States Parties.

To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

(a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV (A) of the Verification Annex;

(b) Implementation of such an agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and Article IV 12

(c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.

14. If the Executive Council takes a decision pursuant to paragraph 13, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.

15. Nothing in paragraphs 13 and 14 shall affect the obligation of a State Party to provide declarations pursuant to Article III, this Article and Part IV (A) of the Verification Annex.

16. Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

17. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

Article V. Chemical weapons production facilities

1. The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V of the Verification Annex.

4. Each State Party shall cease immediately all activity at chemical weapons production facilities specified in paragraph 1, except activity required for closure.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

5. No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.

6. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (c), has been submitted, provide access to chemical weapons production facilities specified in paragraph 1, for the purpose of systematic verification of the declaration through on-site inspection.

7. Each State Party shall:

(a) Close, not later than 90 days after this Convention enters into force for it, all chemical weapons production facilities specified in paragraph 1, in accordance with Part V of the Verification Annex, and give notice thereof; and (b) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

8. Each State Party shall destroy all chemical weapons production facilities specified

9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.

10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").

11. Each State Party, during the destruction of chemical weapons production facilities, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy chemical weapons production facilities in accordance with its national standards for safety and emissions.

12. Chemical weapons production facilities specified in paragraph 1 may be temporarily converted for destruction of chemical weapons in accordance with Part V, paragraphs 18 to 25, of the Verification Annex. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons but, in any case, not later than 10 years after entry into force of this Convention.

13. A State Party may request, in exceptional cases of compelling need, permission to use a chemical weapons production facility specified in paragraph 1 for purposes not prohibited under this Convention. Upon the recommendation of the Executive Council, the Conference of the States Parties shall decide whether or not to approve the request and shall establish the conditions upon which approval is contingent in accordance with Part V, Section D, of the Verification Annex.

14. The chemical weapons production facility shall be converted in such a manner that the converted facility is not more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes not involving chemicals listed in Schedule 1.

15. All converted facilities shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V, Section D, of the Verification Annex.

16. In carrying out verification activities pursuant to this Article and Part V of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons production facilities and their destruction among States Parties.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

To this end, the Executive Council shall decide to limit the verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

(a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part V of the Verification Annex;

(b) Implementation of the agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and

(c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.

17. If the Executive Council takes a decision pursuant to paragraph 16, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.

18. Nothing in paragraphs 16 and 17 shall affect the obligation of a State Party to make declarations pursuant to Article III, this Article and Part V of the Verification Annex.

19. Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in

Article VIII, paragraph 7.

Article VI. Activities prohibited under this convention

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.

2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other place under its jurisdiction or control, to verification measures as provided in the Verification Annex.

3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as "Schedule 1 chemicals") to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex.

4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as "Schedule 2 chemicals") and facilities specified in Part VII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as "Schedule 3 chemicals") and facilities specified in Part VIII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data

monitoring and eventual on-site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.

7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.

8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.

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9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.

10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").

11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

Article VII. National implementation measures

General undertakings

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention. In particular, it shall:

(a) Prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;

(b) Not permit in any place under its control any activity prohibited to a State Party under this Convention; and

(c) Extend its penal legislation enacted under subparagraph (a) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

Relations between the State Party and the Organization

4. In order to fulfil its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Convention enters into force for it.

5. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement this Convention.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Convention. 19 Article VII

It shall treat such information and data exclusively in connection with its rights and obligations under this Convention and in accordance with the provisions set forth in the Confidentiality Annex.

7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat.

Bishkek as of August 17, 2004, N 144

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4.4. On entering of the Kyrgyz Republic into the Convention on prohibition of development, production and accumulation of bacteriological (biological) and toxic weapon reserves and their destruction, signed on April 10, 1972 in Moscow, London and Washington

Article 1.

To enter into the Convention on prohibition of development, production and accumulation of bacteriological (biological) and toxic weapon reserves and their destruction, signed on April 10, 1972 in Moscow, London and Washington.

Article 2.

The Ministry of Foreign Affairs of the Kyrgyz Republic should deposit a charter on entering into the Convention with the Government of Russian federation, which is one of the depository governments of above-mentioned Convention.

President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Assembly of the Parliament of the Kyrgyz Republic on July 11, 2004

Approved by People's Representatives Assembly

of the Parliament of the Kyrgyz Republic on July 2, 2004

Kyrgyz Republic joined by the Law of the Kyrgyz Republic dated August 17, 2004 N 144

Convention on prohibition of development, production and accumulation of bacteriological (biological) and toxic weapon reserves and their destruction

See the Convention on prohibition of development, production and accumulation and use of chemical weapon and its destruction (Paris, January 13, 1993)

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control.

Recognising the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war, Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realisation of the purposes and principles of the Charter of the United Nations, Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents, Recognising that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons, Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk, Have agreed as follows:

ARTICLE I Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain: 1. microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; 2. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE II Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing

the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

ARTICLE III Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

ARTICLE IV Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

ARTICLE V The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

ARTICLE VI 1. Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council. 2. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

ARTICLE VII Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

ARTICLE VIII Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

ARTICLE IX Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

ARTICLE X 1. The State Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention

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of disease, or for other peaceful purposes. 2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

ARTICLE XI Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention

ARTICLE XIII 1. This Convention shall be of unlimited duration. 2. Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised its supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

ARTICLE XIV 1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time. 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments. 3. This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention. 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession. 5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. 6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

Bishkek dated August 1, 2003 N 174

LAW OF THE KYRGYZ REPUBLIC

4.5. On ratification of the Charter of the International Agency Atomic Energy (New York, October 26, 1956)

Article 1

Ratify the Charter of the International Atomic Energy Agency (New York, October 26, 1956).

Article 2

The Ministry of Foreign Affairs of the Kyrgyz Republic shall deposit a letter of ratification of the aforementioned Charter to the depositary, which is the Government of the United States of America.

President of the Kyrgyz Republic A. Akayev

Adopted by the Legislative Assembly

The Jogorku Kenesh of the Kyrgyz Republic on June 3, 2003

Approved by the Assembly of People's Representatives

The Jogorku Kenesh of the Kyrgyz Republic on June 30, 2003

Bishkek, As of December 30, 2003, N 252

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4.6. On ratification of Agreement between the Kyrgyz Republic and the International Atomic Energy Agency on application of guarantees in relation to Agreement on non-proliferation of nuclear weapon and protocol to it signed on March 18, 1998 in Vienna

Article 1.

To ratify Agreement between the Kyrgyz Republic and the International Atomic Energy Agency on application of guarantees in relation to Agreement on non-proliferation of nuclear weapon and protocol to it signed on March 18, 1998 in Vienna.

Article 2.

The Ministry of Foreign Affairs of the Kyrgyz Republic should notify the International Atomic Energy Agency on implementation of domestic procedures by the Kyrgyz Republic required for making effective the above-mentioned Agreement and Protocol.

Article 3.

This Law should become effective from the date of its official publishing.

President of the Kyrgyz Republic A. Akaev

Adopted by the Legislative Assembly of the Parliament of the Kyrgyz Republic on December 8, 2003

Approved by People's Representatives Assembly

of the Parliament of the Kyrgyz Republic on December 10, 2003

Ratified by the Law of the Kyrgyz Republic on December 30, 2003 N 252 March 18, 1998

PROTOCOL

The Kyrgyz Republic (hereinafter, referred to as 'Kyrgyzstan') and International Atomic Energy Agency (hereinafter referred to as the 'Agency') have agreed on the following:

I. 1) Until Kyrgyzstan does not have in the peaceful nuclear activities within its territory or under its jurisdiction, or carried out under its control anywhere,

a) nuclear material in quantities exceeding the limits set out in the Article 36 of the Agreement between the Kyrgyz Republic and the Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the 'Agreement') for the type of material in question; or

b) nuclear material in any setting, the definition of which is given in the Definitions, the implementation of the provisions of Part II of the Agreement shall be temporarily suspended, with the exception of the Articles 32, 33, 38, 41 and 90.

2) Information to be communicated in accordance with the paragraphs 'a' and 'b' of the Article 33 of the Agreement may be consolidated and presented in the annual report; if needed, the annual report shall be submitted in a similar manner regarding the import and export of nuclear material referred to in the paragraph 'c' of the Article 33.

3) In order to ensure the possibility of timely conclusion of the Additional provisions provided for in the Article 38 of the Agreement, Kyrgyzstan shall, well in advance, notify the Agency on the fact that it has a nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or carried out under its control wherever it was, in quantities that exceed the limits, set in the Section 1 of this very Protocol, or six months prior to introducing the nuclear material into any setting, indicated there, depending on what would happen first.

II. This very Protocol shall be signed by the representatives of Kyrgyzstan and of the Agency and shall come in force at the same day that the Agreement comes in force.

Done in two copies in the English and Russian languages, both texts are equally authentic.

For the Kyrgyz Republic:

For the International Atomic Energy Agency

Bishkek, November 1, 2011 N 193

LAW OF THE KYRGYZ REPUBLIC

4.7. On ratification of the Additional Protocol to the Agreement between the Kyrgyz Republic and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Nonproliferation of Nuclear Weapons, signed on 29 January 2007 in Vienna

Article 1.

To ratify the Additional Protocol to the Agreement between the Kyrgyz Republic and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Nonproliferation of Nuclear Weapons, signed on 29 January 2007 in Vienna.

Article 2.

Ministry of Foreign Affairs of the Kyrgyz Republic in the established procedure to notify the International Atomic Energy Agency on the implementation by the Kyrgyz Republic of the interstate procedures necessary for the entry into force of this Additional Protocol.

Article 3.

The government of the Kyrgyz Republic within three months to take the necessary measures to ensure the implementation of the provisions of the Additional Protocol.

Article 4.

This very Law shall enter into force from the date of publication.

Published in the newspaper «Erkin Too» on November 4, 2011 N 93

President of the Kyrgyz Republic

R. Otunbayeva

Adopted by the Jogorku Kenesh of the Kyrgyz Republic

October 13, 2011

Ratified by the Law of the Kyrgyz Republic of November 1, 2011 N 193 Vienna January 29, 2007

Additional Protocol to the Agreement between the Kyrgyz Republic and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Nonproliferation of Nuclear Weapons

(reference)

WHEREAS the Kyrgyz Republic (hereinafter referred to as “Kyrgyzstan”) and the International Atomic Energy Agency (hereinafter referred to as the “Agency”) are parties to an Agreement for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the “Safeguards Agreement”), which entered into force on 3 February 2004;

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency’s safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of Kyrgyzstan or international cooperation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards;

NOW THEREFORE Kyrgyzstan and the Agency have agreed as follows:

RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

PROVISION OF INFORMATION

Article 2

a. Kyrgyzstan shall provide the Agency with a declaration containing:

(i) A general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, Kyrgyzstan.

(ii) Information identified by the Agency on the basis of expected gains in effectiveness or efficiency, and agreed to by Kyrgyzstan, on operational activities of safeguards relevance at facilities and at locations outside facilities where nuclear material is customarily used.

(iii) A general description of each building on each site, including its use and, if not apparent from that description, its contents. The description shall include a map of the site.

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for Kyrgyzstan as a whole. Kyrgyzstan shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed nuclear material accountancy.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) The quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in

Kyrgyzstan at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for Kyrgyzstan as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed nuclear material accountancy;

(b) The quantities, the chemical composition and the destination of each export out of Kyrgyzstan, of such material for specifically non-nuclear purposes in quantities exceeding:

(1) Ten metric tons of uranium, or for successive exports of uranium from Kyrgyzstan to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) Twenty metric tons of thorium, or for successive exports of thorium from Kyrgyzstan to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

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(c) The quantities, chemical composition, current location and use or intended use of each import into Kyrgyzstan of such material for specifically non-nuclear purposes in quantities exceeding:

(1) Ten metric tons of uranium, or for successive imports of uranium into Kyrgyzstan each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) Twenty metric tons of thorium, or for successive imports of thorium into Kyrgyzstan each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

(vii) (a) Information regarding the quantities, uses and locations of nuclear material exempted from safeguards pursuant to Article 36 of the Safeguards Agreement;

(b) Information regarding the quantities (which may be in the form of estimates) and uses at each location, of nuclear material exempted from safeguards pursuant to Article 35(b) of the Safeguards Agreement but not yet in a non-nuclear end-use form, in quantities exceeding those set out in Article 36 of the Safeguards Agreement. The provision of this information does not require detailed nuclear material accountancy.

(viii) Information regarding the location or further processing of intermediate or high level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Safeguards Agreement. For the purpose of this paragraph, "further processing" does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

(ix) The following information regarding specified equipment and non-nuclear material listed in Annex II:

(a) For each export out of Kyrgyzstan of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) Upon specific request by the Agency, confirmation by Kyrgyzstan, as importing State, of information provided to the Agency by another State concerning the export of such equipment and material to Kyrgyzstan.

(x) General plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in Kyrgyzstan.

b. Kyrgyzstan shall make every reasonable effort to provide the Agency with the following information:

(i) A general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 that are carried out anywhere in Kyrgyzstan but which are not funded, specifically authorized or controlled by, or carried out on behalf of, Kyrgyzstan. For the purpose of this paragraph, "processing" of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(ii) A general description of activities and the identity of the person or entity carrying out such

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activities, at locations identified by the Agency outside a site which the Agency considers might be functionally related to the activities of that site. The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion. c. Upon request by the Agency, Kyrgyzstan shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards.

Article 3

a. Kyrgyzstan shall provide to the Agency the information identified in Article 2.a.(i), (iii), (iv), (v), (vi)(a), (vii) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.

b. Kyrgyzstan shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, Kyrgyzstan shall so indicate.

c. Kyrgyzstan shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(vi)(b) and (c) for the period covering the previous calendar year.

d. Kyrgyzstan shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ix)(a). This information shall be provided within sixty days of the end of each quarter.

e. Kyrgyzstan shall provide to the Agency the information identified in Article 2.a.(viii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

f. Kyrgyzstan and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).

g. Kyrgyzstan shall provide to the Agency the information in Article 2.a.(ix)(b) within sixty days of the Agency's request.

COMPLEMENTARY ACCESS

Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

a. The Agency shall not mechanistically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared nuclear material and activities;

(ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, Kyrgyzstan's declaration of the decommissioned status of a facility or of a location outside facilities where nuclear material was customarily used.

b. (i) Except as provided in paragraph (ii) below, the Agency shall give Kyrgyzstan advance notice of access of at least 24 hours;

(ii) For access to any place on a site that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that site, the period of advance notice shall, if

the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

d. In the case of a question or inconsistency, the Agency shall provide Kyrgyzstan with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until Kyrgyzstan has been provided with such an opportunity.

e. Unless otherwise agreed to by Kyrgyzstan, access shall only take place during regular working hours.

f. Kyrgyzstan shall have the right to have Agency inspectors accompanied during their access by representatives of Kyrgyzstan, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Article 5

Kyrgyzstan shall provide the Agency with access to:

- a. (i) Any place on a site;
 - (ii) Any location identified by Kyrgyzstan under Article 2.a.(v)-(viii);
 - (iii) Any decommissioned facility or decommissioned location outside facilities where nuclear material was customarily used.
- b. Any location identified by Kyrgyzstan under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(ix)(b) or Article 2.b., other than those referred to in paragraph a.(i) above, provided that if Kyrgyzstan is unable to provide such access, Kyrgyzstan shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out location-specific environmental sampling, provided that if Kyrgyzstan is unable to provide such access, Kyrgyzstan shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

Article 6

When implementing Article 5, the Agency may carry out the following activities:

- a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the "Board") and following consultations between the Agency and Kyrgyzstan.
- b. For access in accordance with Article 5.a.(ii): visual observation; item counting of nucle-

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ar material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and Kyrgyzstan.

c. For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and Kyrgyzstan.

d. For access in accordance with Article 5.c.: collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c., utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by Kyrgyzstan and the Agency, other objective measures.

Article 7

a. Upon request by Kyrgyzstan, the Agency and Kyrgyzstan shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared nuclear material and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

b. Kyrgyzstan may, when providing the information referred to in Article 2, inform the Agency of the places at a site or location at which managed access may be applicable.

c. Pending the entry into force of any necessary Subsidiary Arrangements, Kyrgyzstan may have recourse to managed access consistent with the provisions of paragraph a. above.

Article 8

Nothing in this Protocol shall preclude Kyrgyzstan from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

Article 9

Kyrgyzstan shall provide the Agency with access to locations specified by the Agency to carry out wide-area environmental sampling, provided that if Kyrgyzstan is unable to provide such access it shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of wide-area environmental sampling and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and Kyrgyzstan.

Article 10

The Agency shall inform Kyrgyzstan of:

a. The activities carried out under this Protocol, including those in respect of any questions or

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inconsistencies the Agency had brought to the attention of Kyrgyzstan, within sixty days of the activities being carried out by the Agency.

b. The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of Kyrgyzstan, as soon as possible but in any case within thirty days of the results being established by the Agency.

c. The conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

DESIGNATION OF AGENCY INSPECTORS

Article 11

a. (i) The Director General shall notify Kyrgyzstan of the Board's approval of any Agency official as a safeguard's inspector. Unless Kyrgyzstan advises the Director General of its rejection of such an official as an inspector for Kyrgyzstan within three months of receipt of notification of the Board's approval, the inspector so notified to Kyrgyzstan shall be considered designated to Kyrgyzstan.

(ii) The Director General, acting in response to a request by Kyrgyzstan or on his own initiative, shall immediately inform Kyrgyzstan of the withdrawal of the designation of any official as an inspector for Kyrgyzstan.

b. A notification referred to in paragraph a. above shall be deemed to be received by Kyrgyzstan seven days after the date of the transmission by registered mail of the notification by the Agency to Kyrgyzstan.

VISAS

Article 12

Kyrgyzstan shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of Kyrgyzstan for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to Kyrgyzstan.

SUBSIDIARY ARRANGEMENTS

Article 13

a. Where Kyrgyzstan or the Agency indicates that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, Kyrgyzstan and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

b. Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

COMMUNICATIONS SYSTEMS

Article 14

a. Kyrgyzstan shall permit and protect free communications by the Agency for official purposes between Agency inspectors in Kyrgyzstan and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

and/or surveillance or measurement devices. The Agency shall have, in consultation with Kyrgyzstan, the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in Kyrgyzstan. At the request of Kyrgyzstan or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which Kyrgyzstan regards as being of particular sensitivity.

PROTECTION OF CONFIDENTIAL INFORMATION

Article 15

a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol. 11

b. The regime referred to in paragraph a. above shall include, among others, provisions relating to:

- (i) General principles and associated measures for the handling of confidential information;
- (ii) Conditions of staff employment relating to the protection of confidential information;
- (iii) Procedures in cases of breaches or alleged breaches of confidentiality.

c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

ANNEXES

Article 16

a. The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annexes, the term "Protocol" as used in this instrument means the Protocol and the Annexes together.

b. The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

ENTRY INTO FORCE

Article 17

a. This Protocol shall enter into force on the date on which the Agency receives from Kyrgyzstan written notification that Kyrgyzstan's statutory and/or constitutional requirements for entry into force have been met.

b. Kyrgyzstan may, at any date before this Protocol enters into force, declare that it will apply this Protocol provisionally.

c. The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

Bishkek As of April 28, 2007, N 58

THE LAW OF THE KYRGYZ REPUBLIC

4.8. On ratification of Nuclear-Weapon-Free Zone Agreement in Central Asia

Article 1.

To ratify the Agreement on Nuclear-Weapon-Free Zone in Central Asia, signed on September 8, 2006 in Semipalatinsk.

Article 2.

This Law should become effective from the date of its official publishing.

Published in "Erkintoo" newspaper on May 15, 2007 N 35

President of the Kyrgyz Republic K. Bakiev

Adopted by the Parliament of the Kyrgyz Republic on March 22, 2007.

Ratified by the Law of the Kyrgyz Republic of April 28, 2007 N 58

Semipalatinsk dated September 8, 2006

TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

The Parties to this Treaty,

Guided by the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled

"Establishment of a nuclear-weapon-free zone in Central Asia", and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Stressing the need for continued systematic and consistent efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control, and *convinced* that all states are obliged to contribute to that end,

Convinced that a Central Asian Nuclear-Weapon-Free Zone will constitute an important step toward strengthening the nuclear nonproliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting cooperation in the environmental rehabilitation of territories affected by radioactive contamination, and enhancing regional and international peace and security,

Believing that a Central Asian Nuclear-Weapon-Free Zone will help to promote the security of Central Asian States, particularly if the five Nuclear-Weapon States, as recognized under the Trea-

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

ty on the Non-Proliferation of Nuclear Weapons of 1968 (hereafter referred to as the NPT) adhere to the accompanying Protocol on security assurances,

Recognizing that a number of regions, including Latin America and the Caribbean, the South Pacific, South-East Asia and Africa, have created nuclear-weapon-free zones, in which the possession of nuclear weapons, their development, production, introduction and deployment as well as use or threat of use, are prohibited, and *striving* to broaden such regime throughout the planet for the good of all living things, *Reaffirming* the obligations set out in the NPT, the Principles and

Objectives for Nuclear Non-Proliferation and Disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the NPT, and the Final Document of the 2000 Review Conference of the Parties to the NPT, as well as the principles and objectives set out in the Comprehensive Nuclear-Test-Ban Treaty of 1996 (hereafter referred to as the CTBT),

Have decided to establish a nuclear-weapon-free zone in Central Asia and have agreed as follows:

Article 1

Definitions and Usage of Terms

For the purposes of this Treaty and its Protocol:

(a) The “Central Asian Nuclear-Weapon-Free Zone” includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

(b) “Nuclear weapon or other nuclear explosive device” means any weapon or other explosive device capable of releasing nuclear energy, irrespective of the military or civilian purpose for which the weapon or device could be used.

The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(c) “Stationing” means implantation, emplacement stockpiling, storage, installation and deployment;

(d) “Nuclear material” means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA;

(e) “Radioactive waste” means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;

(f) “Facility” means:

(i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or

(ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

Article 2

Application of the Treaty

a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclu-

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

sively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

b) Nothing in this Treaty shall prejudice or in any way affect the rights of any Central Asian States in any dispute concerning the ownership of or sovereignty over lands or waters that may or may not be included within this zone.

Article 3

Basic Obligations

1. Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear weapon or other nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in research on, development, manufacture, stockpiling, acquisition, possession or obtaining control over any nuclear weapon or other nuclear explosive device;

(c) Not to take any action to assist or encourage the conduct of research on, development, manufacture, stockpiling, acquisition or possession of any nuclear weapon or other nuclear explosive device;

(d) Not to allow in its territory:

(i) The production, acquisition, stationing, storage or use, of any nuclear weapon or other nuclear explosive device;

(ii) The receipt, storage, stockpiling, installation or other form of possession of or control over any nuclear weapon or other nuclear explosive device;

(iii) Any actions, by anyone, to assist or encourage the development, production, stockpiling, acquisition, possession of or control over any nuclear weapon or other nuclear explosive device.

2. Each Party undertakes not to allow the disposal in its territory of radioactive waste of other States.

Article 4

Foreign Ships, Aircraft, and Ground Transportation

Without prejudice to the purposes and objectives of this Treaty, each Party, in the exercise of its sovereign rights, is free to resolve issues related to transit through its territory by air, land or water, including visits by foreign ships to its ports and landing of foreign aircraft at its airfields.

Article 5

Prohibition of Testing of Nuclear Weapons or Other Nuclear Explosive Devices Each Party undertakes, in accordance with the CTBT:

(a) Not to carry out any nuclear weapon test explosion or any other nuclear explosion;

(b) To prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control;

(c) To refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

Article 6

Environmental Security

Each Party undertakes to assist any efforts toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites.

Article 7

Use of Nuclear Energy for Peaceful Purposes

No provision of this Treaty shall prejudice the rights of the Parties to use nuclear energy for peaceful purposes.

Article 8

IAEA Safeguards

Each Party undertakes:

(a) To use for exclusively peaceful purposes the nuclear material and facilities which are within its territory, under its jurisdiction, or under its control anywhere;

(b) To conclude with the IAEA and bring into force, if it has not already done so, an agreement for the application of safeguards in accordance with the NPT (INFCIRC/153 (Corr.)), and an Additional Protocol (INFCIRC/540 (Corr.)) not later than 18 months after the entry into force of this Treaty;

(c) Not to provide: (i) source or special fissionable material or (ii) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State, unless that State has concluded with the IAEA a comprehensive safeguards agreement and its Additional Protocol referred to in paragraph (b) of this article.

Article 9

Physical Protection of Nuclear Material and Equipment

Each Party undertakes to maintain effective standards of physical protection of nuclear material, facilities and equipment to prevent its unauthorized use or handling or theft. To that end, each Party undertakes to apply measures of physical protection to nuclear material in domestic use,

transport and storage, to nuclear material in international transport, and to nuclear facilities within its territory at least as effective as those called for by the Convention on Physical Protection of Nuclear Material of 1987 and by the recommendations and guidelines developed by the IAEA for physical protection.

Article 10

Consultative Meetings

The Parties agree to hold annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation.

Article 11

Settlement of Disputes

Disputes between the Parties involving the interpretation or application of this Treaty shall be

settled through negotiations or by other means as may be deemed necessary by the Parties.

Article 12

Other Agreements

This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty.

The Parties shall take all necessary measures for effective implementation of the purposes and objectives of this Treaty in accordance with the main principles contained therein.

Article 13

Reservations

This Treaty shall not be subject to reservations.

Article 14

Signature and Ratification

(a) This Treaty shall be open for signature at Semipalatinsk, the Republic of Kazakhstan, by all States of the Central Asian Nuclear-Weapon-Free Zone: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan.

(b) This Treaty shall be subject to ratification.

Article 15

Entry into Force and Duration

(a) This Treaty shall enter into force 30 days after the date of the deposit of the fifth instrument of ratification.

(b) This Treaty shall be of unlimited duration.

Article 16

Withdrawal from the Treaty

(a) Any Party may, by written notification addressed to the Depositary, withdraw from the Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.

(b) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of the Protocol.

Article 17

Amendments

(a) Any amendment to this Treaty, proposed by a Party, shall be circulated by it to all Parties and submitted to the Consultative Meeting at least 90 days before the Meeting.

(b) Decisions on the adoption of such an amendment shall be taken by consensus of the Parties.

(c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification of this amendment from all Parties.

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

Article 18

Depositary

(a) This Treaty shall be deposited with the Kyrgyz Republic, which is hereby designated as Depositary of this Treaty.

(b) The Depositary shall, *inter alia*:

(i) Provide an opportunity to sign this Treaty and its Protocol and receive instruments of ratification of this Treaty and its Protocol;

(ii) Register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations;

(iii) Transmit certified copies of this Treaty and its Protocol to all Parties and to all Parties to its Protocol, and notify them of signatures and ratifications of this Treaty and its Protocol.

In witness whereof, the undersigned, being duly authorized, have signed this Treaty.

Done at Semipalatinsk, the Republic of Kazakhstan, this eighth day of September, two thousand six, in one copy in the English and Russian languages, both texts being equally authentic.

PROTOCOL

The Parties to this Protocol,

Recalling the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons and that all States are obliged to contribute to that end,

Striving therefore to support the establishment of a Nuclear-Weapon-Free Zone in Central Asia,

Have agreed as follows:

Article 1

Negative Security Assurances

Each Party to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

Article 2

Not Contributing to Violations

Each Party to this Protocol undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

Article 3

Effect of Treaty Amendments

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

Each Party to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

Article 4

Signature

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

Ratification

This Protocol shall be subject to ratification.

Article 6

Duration of and Withdrawal from the Protocol

(a) This Protocol is of a permanent nature and shall remain in force indefinitely;

(b) Any Party to this Protocol may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests;

(c) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

Article 7

Entry into Force

This Protocol shall enter into force for each Party to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

-

PROCEDURE TO IMPLEMENT ARTICLE 10 OF THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA CONSULTATIVE MEETINGS OF THE PARTIES TO THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

2. First Consultative Meeting

2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.

2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.

2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

3. Extraordinary Consultative Meeting

3.1 Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is seconded by two other Parties.

3.2 The motion to convene an extraordinary consultative meeting shall be transmitted through, diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.

3.3 The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting. -

4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

5. Composition of Delegations

5.1 An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.

5.2 The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the Host Party through, diplomatic channels, normally no later than 10 days before the start of the meeting.

5.3 The composition of official delegations sent to attend consultative meetings shall not exceed the "1+3" formula.

6. The Host Party's functions and responsibilities as Chair

6.1 The Host Party, through its representative, chairs annual and extraordinary consultative meetings.

6.2 The Host Party acts as Chair until the next annual meeting.

6.3 Throughout that period, the designated Depository of the Treaty is responsible for any communications related to the implementation of Article 10 of the Treaty.

7. Decision Making

7.1 Each Party shall have one vote.

7.2 Decisions of consultative meetings shall be taken by consensus.

7.3 Decisions adopted by the Parties are reflected in the outcome documents signed by the heads of official delegations of the Parties (or authorized officials). Documents adopted at consultative meetings constitute a mandatory annex to the outcome documents.

7.4 The outcome documents are prepared in the Russian and, if needed, in the English languages.

8. Observers

With the consent of the Parties to the Treaty, the five Nuclear-Weapon States, as recognized under the NPT, as well as representatives of relevant international organization may be invited to attend annual as well as extraordinary consultative meetings as observers.

9. Working languages

English and Russian will be the working languages of annual meetings or extraordinary meetings.

10. Reporting

At the conclusion of the Consultative Meeting, the Host Country prepares a record in the Russian and, if needed, in the English languages. With the consent of all Parties to the Treaty, the record may be transmitted to all interested international organizations as well as to the observers attending the meeting.

11. Cost Sharing

The cost of holding of annual or extraordinary meetings, except transportation and accommodation, shall be borne by the Host Country.

Bishkek As of December 5, 2006, N 195

THE LAW OF THE KYRGYZ REPUBLIC

4.9. On entering of the Kyrgyz Republic into the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

signed on September 5, 1997 in Vienna

Article 1.

To enter into the United Convention on safe waste fuel and radioactive waste management signed on September 5, 1997 in Vienna.

Article 2.

The Ministry of Foreign Affairs of the Kyrgyz Republic should deposit the instrument of ratification with the depository, which is the Director General of the International Atomic Energy Agency.

Article 3.

This Law should become effective from the date of its publishing.

Published in "Erkintoo" newspaper on December 15, 2006 N 92

President of the Kyrgyz Republic K. Bakiev

Adopted by the Parliament of the Kyrgyz Republic on October 11, 2006

Bishkek, March 20, 2019 No. 36

LAW OF THE KYRGYZ REPUBLIC

4.10. On accession of the Kyrgyz Republic to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, **signed on June 17, 1925 in the city of Geneva**

Article 1

To join the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed on June 17, 1925 in the city of Geneva.

Section 2.

Ministry of Foreign Affairs of the Kyrgyz Republic shall deposit a letter of accession of the Kyrgyz Republic to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare signed on June 17, 1925 in Geneva to the depository, which is the Government of the French Republic.

Section 3.

This Law shall enter into force ten days after the date of its official publication.

Published in the Erkin Too newspaper of March 26, 2019 N 22

President of the Kyrgyz Republic

S. Jeenbekov

Adopted by the Jogorku Kenesh of the Kyrgyz Republic

February 13, 2019

The Kyrgyz Republic joined by the Law of the Kyrgyz Republic of March 20, 2019 N 36

**Protocol for the Prohibition of the Use in War of Asphyxiating,
Poisonous or other Gases, and of Bacteriological Methods of Warfare**

Geneva, dated June 17, 1925

**The Undersigned Plenipotentiaries, in the name of their respective
Governments:**

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and to the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare: that the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the English and French texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date. The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers. The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications. In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

For Germany	For Italy
For the United States	For Japan
For Austria	For Latvia
For Belgium	For Lithuania
For Brazil	For Luxembourg
For the British Empire	For Nicaragua
For Canada	For Norway
For the Free State of Ireland	For Panama
For India	For the Netherlands
For Bulgaria	For Persia
For Chile	For Poland
For China	For Portugal
For Colombia	For Romania
For Denmark	For Salvador

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

For Egypt	For Siam
For Spain	For Sweden
For Estonia	For Switzerland
For Ethiopia	For the Kingdom of Serbia, Croatia and Slovenia
For Finland	For Czechoslovakia
For France	For Turkey
For Greece	For Uruguay
For Hungary	For Venezuela

Bishkek, July 9, 2016 No. 110

LAW OF THE KYRGYZ REPUBLIC

4.11. On ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material

dated October 26, 1979, adopted on July 8, 2005 in Vienna

Article 1.

To ratify the Amendment to the Convention on the Physical Protection of Nuclear Material dated October 26, 1979, adopted on July 8, 2005 in Vienna.

Article 2.

Ministry of the Foreign Affairs of the Kyrgyz Republic to deposit a letter of ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material dated October 26, 1979, adopted on July 8, 2005 in Vienna, to the depository, which is the Secretariat of the International Atomic Energy Agency (IAEA).

Article 3.

This very Law shall enter into force ten days after the date of its official publication. Published in the Erkin Too newspaper of July 15, 2016 No. 62

President of the Kyrgyz Republic

A. Atambayev

Adopted by the Jogorku Kenesh of the Kyrgyz Republic on June 1, 2016

4.12. UN Security Council Resolution 1540 adopted at the 4956th meeting on 28 April 2004. United Nations S/RES/1540 (2004)

Security Council Distr.: General

28 April 2004 04-32843 (E)

Resolution 1540 (2004) Adopted by the Security Council at its 4956th meeting, on 28 April 2004

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security, *Reaffirming*, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction, *Recalling also* that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability, *Affirming* its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter, *Affirming* its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use. Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution. Related materials: 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.

2 S/RES/1540 (2004)

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation, *Affirming* that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation, *Gravely concerned* by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery, *Gravely concerned* by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security, *Recognizing* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international

IV. INTERNATIONAL TREATIES, TO WHICH THE KYRGYZ REPUBLIC IS A PARTY

security, *Recognizing* that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, *Recognizing further* the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, *Encouraging* all Member States to implement fully the disarmament treaties and agreements to which they are party, *Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, *Determined* to facilitate henceforth an effective response to global threats in the area of non-proliferation, *Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for

3 S/RES/1540 (2004)

terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to

present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

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8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin

Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter

V. LIST OF AUTHORIZED STATE BODIES, COMPANIES AND ORGANIZATIONS IN THE EXPORT CONTROL SYSTEM

5.1. List of authorized state bodies, companies and organizations in the export control system

№	Organization Department	Address	Contacts
AUTHORIZED STATE BODIES			
1	Ministry of Economy of the Kyrgyz Republic Tariff and non-tariff regulation and export control Department	720002, Bishkek, 106 Chui ave. website: http://www.mineconom.kg	Malaev Nazar Kamaldinovich Head of Department Phone: +996 (312) 62 05 35 (ext. 247) e-mail: mnmrekr2018@gmail.com
2	Ministry of Economy of the Kyrgyz Republic Tariff and Non-tariff Regulation and Export Control Department	720002, Bishkek, 106 Chui ave. website: http://www.mineconom.kg	Duisheeva Jyldyzkan Zarlykovna Chief Officer Phone: +996 (312) 62 05 35 (ext. 275) e-mail: duisheeva@mail.ru
3	Ministry of Health of the Kyrgyz Republic Republican Center of Quarantine and Especially Dangerous Infections	Bishkek, 92 Scryabina str. website: http://rckooi.kg/	Usenbaev Nurbolot Toloshevich Deputy Director Phone: +996 (312) 54 45 13 e-mail: usenbaev@rambler.ru
4	Ministry of Health of the Kyrgyz Republic Department of Disease Prevention and Sanitary Inspection Laboratory of Molecular Genetic and Diagnostic Researches	720033, Bishkek, 535 Frunze str. website: https://dgsen.kg/	Ashyralieva Damira Omurzakovna Supervisor, Assay Laboratory Phone: +996 (312) 32 32 12 e-mail: ashyr14@mail.ru
5	Ministry of Health of the Kyrgyz Republic Department of Disease Prevention and Sanitary Inspection Technical Regulation Department	720033, Bishkek, 535 Frunze str. website: https://dgsen.kg/	Toktogulov Ulan Temishevich Head of Department Phone: +996 (312) 32 32 16 e-mail: Ulanbek65@mail.ru
6	General Staff of Armed Forces of the Kyrgyz Republic Radiation, Chemical and Biological Protection Department	Bishkek, 26 Logvinenko str. website: http://www.genstaff.gov.kg	Joldoshev Abdilaziz Akmatallievich Head of Department Phone: +996 (312) 66 61 45 e-mail: ud@genstaff.gov.kg
7	Ministry of the Emergency situations of the Kyrgyz Republic Department of Radiation, Chemical, Biological Protection and Medicine, Office for the Protection of the Population and Territory	720055, Bishkek, 2/1 Toktonaliev str. website: www.mes.gov.kg	Kurkureev Zamirbek Sagatillaevich Head of department Phone: 996 (312) 54 90 17 e-mail: kurkureevz@mail.ru
8	Ministry of Foreign Affairs of the Kyrgyz Republic Fifth Political Department	720040, Bishkek, 57 Erkindik ave. website: https://mfa.gov.kg	Estebes kysy Kunduz Attache Phone: + 996 (312) 62 65 67 e-mail: kuesteb@gmail.com

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9	Ministry of Internal Affairs of Kyrgyz Republic Public Security Service	720040, Bishkek, 469 Frunze str. website: https://mvd.gov.kg	Omuraliev Kenjetai Derbishalievich Inspector Phone: +996 (312) 66 36 18 e-mail: Ovmr19@bk.ru Aitmatov A. Expert Phone: 996 (312) 26 60 18
10	Ministry of Agriculture, Food Industry and Land Reclamation of the Kyrgyz Republic State Department for Chemicalization and Plant Protection	720040, Bishkek, 96a Kievskaya str. website: http://www.agroprod.kg	Alakunov Almaz Tansykovich Head of department e-mail: a_alakunov@mail.ru
11	Ministry of Transport and Roads of the Kyrgyz Republic Agency of automobile, water transport and weight and size control	720017, Bishkek, 42 Isanova str. website: http://mtd.gov.kg	Phone: +996 (312) 31 40 84 Fax: +996 (312) 31 40 65 e-mail: web@aat.gov.kg
12	State Committee on Defense Affairs Military Economics, Export Controls and Licensing Department	Bishkek, 207 Tynystanova str. website: https://mil.gov.kg	Kojobaeva Munara Djakshylykovna Senior Officer Phone: +996 (312) 66 21 06 e-mail: munkozhobaeva@gmail.com
13	State Committee for Defense Affairs of the Kyrgyz Republic	720040, Bishkek, Erkindik Ave. 70 website: https://gknb.gov.kg e-mail: document@gknb.gov	Ismailov Dastan Iskenderbekovich Employee
14	State Committee for Industry, Energy and Subsoil Use of the Kyrgyz Republic	Bishkek, 2 Erkindik Ave. website: http://www.gkpen.kg	Shabaeva Gulfiya Rashitovna Expert Gilfanov I.B Expert Phone: +996 (312) 90 40 40 +996 (312) 30 00 69 (ext.1035)
15	State Committee of Information Technologies and Communications of the Kyrgyz Republic State Agency of Communication	Bishkek, 7B Baitik Batyr str. website: http://www.ict.gov.kg	Janybek kyzy G. Expert Phone: +996 (312) 54 32 15
16	State Agency for Environmental Protection and Forestry of the Government of the Kyrgyz Republic	Bishkek, 142 Gorkogo str. website: http://www.ecology.gov.kg	Evgenyi Barykin Expert of Expertise Department Phone: +996 (312) 90 06 47 Halmurzaev Ali Saidovich Head of the department of the center of state regulation in the field of environmental protection and environmental safety e-mail: a.khalmurzaev@gmail.com
17	State Customs Service under the Government of the Kyrgyz Republic Customs Control Department	Bishkek, 4A Baitik Batyr str. website: www.customs.gov.kg	Moldogazieva Medina Talantbekovna Inspector Phone: +996 (312) 51 06 51 email: m.moldogazieva@gmail.com

V. LIST OF AUTHORIZED STATE BODIES, COMPANIES AND ORGANIZATIONS IN THE EXPORT CONTROL SYSTEM

18	State Border Service of the Kyrgyz Republic Border Control Department	720005, Bishkek, 163 Mederova str. website: http://gps.gov.kg	Otinov Aleksey Anatolievich Director Phone: +996 (312) 54 38 36 e-mail: Sokuluk_alex@mail.ru
19	State Inspectorate for Veterinary and Phytosanitary Safety of Kyrgyz Republic	720040, Bishkek, 96 B Kievskaya str. website: http://www.gvfi.gov.kg	Mars kyzy Jazira Phone: +996 (312) 66 04 29 e-mail: Zira0717@gmail.com
20	State inspection on Ecological and Technical Safety under the Government of the Kyrgyz Republic	Bishkek, 119 Ahunbaeva str. Website: http://www.geti.gov.kg	Omurov Maksat Baikabasovich Phone: +996 (312) 56 30 27 e-mail: m.omur@mail.ru
21	National Academy of Sciences of the Kyrgyz Republic Institute of chemistry and chemical technologies	72007, Bishkek, 265 Chui ave. website: http://www.ihftnaskr.kg	Djumaev Isaak Abakirovich Phone: +996 (312) 66 26 58 e-mail: isaakdzumaev@gmail.com
COMPANIES and ORGANIZATIONS			
1	Transnational Corporation "Dastan" OJSC	720031, Bishkek, 36 Baitik Baatyr str. website: http://dastan.kg/	Phone:+996 (312) 54-45-97 Phone:+996 (312) 56-40-11 Phone: +996 (312) 54-45-97 e-mail: sbytdastan@mail.ru
2	Kara-Balta Mining Plant factory OJSC	Kara-Balta, Kojomberdieva str., 1 South Industrial Area	Phone: +996 (3133) 72533
3	Khaydarkan Mercury JSC (Khaydarkan Mercury Plant)	720221, Kyrgyz Republic, Aidarken city, (village Khaydarkan) 19 A Kyrgyzstan str. website: http://khaydarkan.su	Phone. / Fax: +996 (3655) 6 00 48
4	Kadamjay Antimony Factory	Batken, 12 Zavodskaya str.	Phone:+996 (3655) 50112
5	"Interglass" LLC	724917, Tokmok, Industrial Area website: http://www.interglass.kg	Phone: +996 (312) 902 471 Fax: +996 (312) 902 475 e-mail: interglass@interglass.kg
6	Bishkek Stamping Plant	720066, Bishkek, 1 Mira Ave. website: http://bsp.kg/	Phone: +996 (312) 56-35-76 Fax: +996 (312) 56-36-21 e-mail: info@bsp.kg
7	Kyrgyz Chemical & Metallurgical Plant ("Astra – KCMP) OJSC	734516, Chui region, Kemin area, Orlovka, 1a Lenin str.	Phone: +996 (312) 96 43 43 e-mail: info@astra-st.com
8	"Nur" OJSC	720903, Jalal-Abad, 15 Chehov str. website: http://e-nur.ru/	Phone: +996 (3722) 5 01 31
9	"Bulgaary" LLC	720045, Bishkek, 158 Osmonkulov str.	Phone: +996 (312) 36 14 40
10	"Kas Impulse" LLC	Chui region, v. Novopokrovka, 2A Zarechnaya str.	Phone: +996 (551) 12 31 56 +996 (312) 57 02 59
11	NGO "Ilim", LLC	Bishkek, 267 Chui ave cab. 12 website: http://ilimcompany.kg/	Phone/Fax:+996 (312) 39 19 76

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12	«Kant Cement Plant» OJSC	725000, Kyrgyz Republic, Chui oblast, Ysyk-Ata region, East Industrial Area website: http:// kantcement.kg/	Phone: +996 (3132) 5 77 17 +996 (312) 61 69 50 Fax: +996 (3132) 5 77 63 +996 (312) 60 71 83
13	Bishkek Car Construction Factory OJSC	720066, Bishkek, 1 Manas ave. website: https://aobmz-kg. all.biz/	Phone: +996 (312) 54 16 23 +996 (312) 56 42 12 +996 (312) 54 61 15
14	“Mailysuu” Lamp Factory LLC	Jalal-Abad oblast, Mailuu- Suu 210 Lenin str. website: http://msel.kg/	Phone: +996 (3744) 5 25 00 Fax: +996 (3744) 5 22 90
15	“ Altyn-Tamyr” CJSC	Bishkek city, 304 Den-Syaopin ave.	Phone: +996 (312) 35 74 23 +996 (312) 35 72 24 +996 (312) 35 74 65
16	Kumtor Gold Company CJSC	720031, Bishkek, 24 Ibraimova str. website: www.kumtor.kg	Phone: +996 (312) 90 07 07 +996 (312) 90 08 08 Fax: +996 (312) 59 15 26 email: KumtorInfo@centerragold. com
17	“KyrgyzAltyn” OJSC	720010, Bishkek, 195 Abdymomunova str. website: http://kyrgyzaltyn. kg/	Phone: +996 (0312) 66-66-70 Fax: +996 (0312) 66-67-00 e-mail: info@ kyrgyzaltyn.kg
18	“Altynken” LLC	724516, Chui oblast, Kemin region, Orlovka 18 Kudryashova str. website: http://www. altynken.kg/	Phone: +996 (3135) 5 25 09 Fax: +996 (3135) 5 25 09 e-mail: info@altynken.kg
19	“Kyrgyzgeolteh- complex” LLC	Bishkek, 80 Patrisa Lumumby str.	Phone: +996 (312) 308680
20	“Adji – Service” LLC	Bishkek, 44 Matrosova str. website: https://www.adjigroup. com	Phone: +996 (312) 882 228, 882230 Fax: +996 (312) 882 214, 882 202
21	Stewart Assay and Environmental Laboratories LLC	Chui oblast, Kara-Balta, 2 Kalinina str.	Phone: +996 (3133) 61 925
22	Chamber of Commerce and Industry of the Kyrgyz Republic	720001, Bishkek, 107 Kievskaya str. website: http://www.cci.kg	Phone: +996 (312) 61 38 72 +996 (312) 61 38 75 Fax: +996 (312) 61 38 75 E-mail: info@cci.kg
24	Center on Export Controls	720010, Bishkek, 192 Bokonbaeva str., Business Center, room 5	Jyldyz Sydygalieva Director Cell: +996 (770) 88 85 99 Fax: +996 (312) 31 77 73 e-mail: jsydygalieva@gmail.com