OSCE Workshop to Identify the Proper Role of the OSCE in Facilitation of UN Security Council Resolution 1540
27 – 28 January 2011
Contribution by Kazakhstan

NATIONAL EXPORT CONTROL SYSTEM OF THE REPUBLIC OF KAZAKHSTAN

Vienna
2011
Main Objectives and Principles of Export Control

Main Objectives of Export Control:
• national security protection;
• strengthening of the non-proliferation regime of mass destruction weapon;
• assistance to generation of stable and secure system of international relations;
• coordination of efforts and interaction with international organizations and foreign states in the area of export control.

Main Principles of Export Control:
• observance of international obligations on non-proliferation of mass destruction weapon, means of its delivery and other types of armament and military equipment;
• priority of political interests in export control realization;
• availability of information on the export control legislation;
• inadmissibility of international terrorism and extremism support;
• compliance of export control procedures and rules with acknowledged international rules and practice.

Principal Laws of Export Control


Legal Framework of Export Control

- Decree of the Government of the Republic of Kazakhstan of 12 June 2008 No. 578 “On approval of the Licensing Rules for goods export and import, including products subject to export control, as well as the activity during automatic licensing of separate goods imports, qualifying requirements to the activity on licensing and the List of goods which export and import are subject to licensing”;

- Decree of the Government of the Republic of Kazakhstan of 5 February 2008 No.104 “On approval of the Nomenclature (List) of products subjects to export control”;

- Decree of the Government of the Republic of Kazakhstan of 12 March 2008 No. 244 “On approval of the Rules for registration of guarantee commitments of importers (end users) and verification of their fulfillment;

Legal Framework of Export Control


Structure of Export Control in the Republic of Kazakhstan

The Government of the Republic of Kazakhstan

Ministry of Industry and New Technologies of the Republic of Kazakhstan

Committee for Industry

Committee for Customs Control of MF RK

Department for Export Control and Licensing

Coordinating Public Authorities

Export Import

Participation of the Republic of Kazakhstan in multilateral contracts and agreements in the area of non-proliferation, disarmament and control over armaments

Republic of Kazakhstan

Group of Nuclear Suppliers

Contract on non-proliferation of nuclear weapon

Convention about prohibition of development, production, accumulation and application of chemical weapon and about its destruction

International Atomic Energy Agency Agreement

Zangger Committee

Convention about prohibition of development, production, accumulation of bacteriological (biological) and toxic weapon stockpiles and about its destruction

Convention physical Protection of Nuclear Material
Basic procedures of state export control for export of goods of dual purpose

1. Preliminary Expertise
2. Review and Solution of Permit Issues
3. Customs Control
4. Control of Good Delivery to the End User
5. Accountability of the Subject of the International Transfer of Goods
6. Verification of Use of Goods for Declared Purposes
7. Application of Measures Provided by the Legislation to Violators

Coordination Scheme for Export of Products Subject to Export Control

MINT

Civil Code of RK on Export Control

Applicant (exporter)

Committee for Customs Control of MF

CNS

MFA

Coordination

Permit

MFA

Customs Clearance, Control of Shipments According to Issued Licenses
Elaborates proposals on coordination of actions of the public authorities of the Republic of Kazakhstan of the Export Control System

Considers the possibility of Kazakhstan’s participation in international export control regimes

Develops proposals on harmonization of the national export control legislation with the international agreements ratified by the Republic of Kazakhstan


Permit copies are forwarded to the Committee for Customs Control of the Ministry of Finance of the Republic of Kazakhstan, as well as to the authorized export control authority of the applicant-country.

Transit of military purpose products is performed provided that the documents supporting transit participant’s guarantee to reimburse expenses and provide physical protection in accordance with the legislation and the international agreements of the Republic of Kazakhstan are available.

The public authorities coordinate the application for transit within their competence.
Comprehensive Control

To meet the requirements of comprehensive control the participants of foreign economic activity (applicants) are forbidden to conclude foreign economic transactions with products, intellectual creative activity results or otherwise participate in them in case they know for certain that these products and intellectual creative activity results will be used by a foreign state or foreigners or foreign legal persons for purposes of creation of mass destruction weapon and its delivery means.

Restriction of products export, import, transit and processing beyond the customs territory of the Republic of Kazakhstan

1. The Republic of Kazakhstan is entitled to introduce restrictions of products export, import, transit and processing beyond the customs territory of the Republic of Kazakhstan

2. The Government of the Republic of Kazakhstan, on the assumption of national security protection interests, performs international agreements entered into by the Republic of Kazakhstan and the sanctions of the UN Security Council.
Thank You for Your Attention!