

Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technologies

1. The basic principles, policies and/or national practices on the export of conventional arms and related technology.

Export of conventional arms and related technologies is implemented on the basis of norms and principles of the international law and relevant international commitments of the Republic of Armenia.

2. The national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to the data provided in 1995, including any relevant subsidiary legislation

Based on the Law "On Licensing" of the Republic of Armenia the Government adopted the decree 1308-N on 12 November 2009, according to which the list of goods, services, works and results of intellectual activity of military nature and the regulations governing import, export, transit and brokering of goods of military nature were approved.

3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.

The list established by the Wassenaar Arrangement has served as a basis for elaboration of the list of goods of military nature by the decree 1308-N of the Government of the Republic of Armenia of the 12 November 2009.

4. The procedures for processing an application to export conventional arms and related technology:

- *who is the issuing authority?*
- *what other authorities are involved and what is their function?*
- *who deals with compliance?*

The licensing of import and export of goods of military nature is implemented according to the procedure of import and export of goods of military nature established by the 12 November 2009 Order 1308-N of the Government of the Republic of Armenia and on the basis of the Charter of the Licensing Commission (hereafter Commission) approved by the Order 1370-N of the Minister of Defense of the Republic of Armenia on December 14 2009.

The licensing procedure is the following:

The applicant submits the following documents to the Ministry of the Defense to obtain the license for import and export of goods of military nature:

1. Application to obtain the license, which should include
 - For legal entities: name, legal and organizational type of legal entity, its location and place of activities;
 - For natural persons: name, surname, address and location of activities;
 - The words "Import and export of goods of military nature" specifying the type of activity subject to licensing, which the applicant intends to exercise;
 - The registration number of the applicant's taxpayer.

2. Copy of certificate of state registration on the ownership, rent or free use of the storages of goods of military nature and of the statement approved by the applicant affirming that the storages meet the requirements under the subparagraphs a-e presented below. The requirements for each category of goods of military nature set forth in normative acts should also be met.
3. The intra-organizational program set forth in the subparagraph g presented below;
4. Copies of certificate of state registration (with all annexes) and of Regulations (for natural persons only the copy of certificate of state registration is required);
5. The receipt of the paid tax stipulated by the Law “On State Duty”.

Based on the necessity of proper maintenance of goods of military nature, as well as protection of lives and health of employees working with import and export of goods of military nature, as well as the protection of interests of the state and the society, the legal and natural persons and the individual entrepreneurs are obliged to meet the following conditions and requirements in order to obtain the license for import and export of goods of military nature:

- a) Possession of external and internal audio recorders in the storage area and storehouses with guard and fire protection systems;
- b) The entrances of the storehouses of the goods of military nature should be equipped with metal detectors and x-ray scanning devices for control of items transferred in closed containers;
- c) All the entrance doors of the storehouses, as well as the gates of the storage area should be equipped with audio alarm devices and be illuminated;
- d) The windows of the storehouses for goods of military nature should be covered with metal mesh, while the windows looking outward should have a maximum 150/150 mm cell of metal poles with a diameter of 16 mm.
- e) The storehouse of goods of military nature should be equipped with ventilation and temperature stabilizing systems stipulated by relevant normative documents on maintenance of goods of military nature;
- f) The requirements for maintenance of each type of goods of military nature stipulated by relevant normative documents should be ensured;
- g) An intra-organizational program for import and export of goods of military nature.

The intra-organizational program includes:

- Employment of personnel with necessary professional knowledge and capacities;
- Satisfying the necessary standards for maintenance, protection and control of all documents and electronic databases related to the goods of military nature (and their technologies), including the technical conditions for banning unauthorized access to documents and their electronic databases.

The Commission established by the 23 January 2010 Order N47 of the Minister of Defense addresses a query to the Ministry of Foreign Affairs, the State Revenue Committee, the National Security Service, the Police and if necessary to other relevant state bodies in order to verify the existence of conditions stipulated by the Article 29 of the Law “On Licensing”.

Based on the received conclusions on the absence of conditions stipulated by the Article 29 of the Law “On Licensing” the licensing body issues the license not later than in 30 days after submission of all documents to the Commission. The Commission also informs the applicant on the international

commitments of the Republic of Armenia in the sphere of international security. The applicant gets informed on the change of these commitments according to the relevant legal procedure.

The license is issued for 3 years.

The license application is rejected according to the procedure and cases stipulated by the “Law on Licensing”.

5. Lists of conventional weaponry under national export controls and their basis and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.

The list of goods of military nature was approved by the decree 1308-N of the Government of the Republic of Armenia, adopted on 12 November 2009. It has been modified and amended by the Government Decrees 724-N of 10 June 2010, 140-N of 17 February 2011, 636-N of 28 April 2011, 1157-N of 11 August 2011, 862-N of 4 July 2012.

6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete erga omnes system or a published list of

- destinations of concern?***
- embargoed countries?***
- differentiation between destinations (e.g., is there any preferential treatment of (groups of) countries)?***

7. Requirements for the provision of an end-user certificate in an export license application, or of non-re-exportation clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-exportation clauses before and after delivery.

For import and/or export of goods of military nature the applicant is obliged to submit a written application to the Commission at least 15 working days prior to the import and/or export to receive a conclusion on compliance of its activities to the objectives stipulated by the Article 5 of the Law “On Licensing”. The applicant attaches to the export application the list of goods of military nature and the end use and end user certificates the samples of which were approved by the Government Decree 1308-N of 12 November 2009.

While importing and/or exporting goods of military nature the licensed person is obliged to submit reports to the Commission not later than 10 days after each delivery, as well as reports on end use of imported goods of military nature not later than 20 days since the end of each quarter.

The copies of the mentioned reports are sent to the Ministry of Foreign Affairs, the State Revenue Committee, the National Security Service and the Police.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

According to the Paragraph 1, Article 27 of the Customs Code of the Republic of Armenia “transit” is defined as the delivery of goods through the customs territory of the Republic of Armenia from the customs entrance point to the customs exit point. This norm is applicable to any category of goods, including goods of military nature, conventional armaments.

9. The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?

For import and/or export of goods of military nature the applicant is obliged to submit a written application to the licensing body at least 15 working days prior to the import and/or export to ensure compliance of its activities to the objectives stipulated by the Article 5 of the Law “On Licensing” and to get conclusion on the conformity of the import and/or export.

The applicant attaches to the export application the list of goods of military nature and the end use and end user certificates. The licensed person attaches to the application of import of goods of military nature the following information: name, registration address, place of activities of the person who exported the goods of military nature, as well as the end user and end use of the goods in the territory of the Republic of Armenia.

On request of the exporting country the licensing body and, if necessary, the state governing body which regulates the end use of the goods of military nature validates provided information and assures that the goods of military nature will not be transferred to a third country or a third party and will not be used for purposes other than the end use purpose without a written and certified agreement by the competent authority of the exporting country.

10. Policy on the revocation of export licenses once they have been approved; please list any published regulations

N/A

11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.

The Article 188 of the Penal Code of the Republic of Armenia foresees penalty for illegal entrepreneurship, which includes exercise of activity subject to licensing without a license. Part 2 of the Article 215 of the Penal Code stipulates a penalty for illicit trafficking of drugs, psychotropic substances and their precursors, poisonous, toxic, radioactive materials, goods of military nature, explosive materials and mechanisms, armaments, except for hunting shotguns and its cartridges, nuclear, chemical, biological weapons or other weapons of mass destruction, dual use goods, strategically important raw materials or cultural property, the transfer of which is subject to special regulations.

12. Any circumstances in which the export of arms does not require an export license.

Export of arms always requires an export license.

13. Licenses for temporary export (e.g., demonstrations or testing), the period allowed and any special conditions attached to the license, including verification of return procedures.

This is regulated by the Article 41 of the Customs Code.

14. License documents and any standard conditions attached to it (copies to be provided).

The applicant submits the following documents to the Ministry of the Defense to obtain a license for import and export of goods of military nature:

1. Application to obtain the license, which should include
 - For legal entities: name, legal and organizational type of legal entity, its location and place of activities;
 - For natural persons: name, surname, address and location of activities;
 - The words “Import and export of goods of military nature” as a type of activity subject to licensing, which the applicant intends to carry out;
 - The registration number of the applicant’s taxpayer;
2. Copy of certificate of state registration on the ownership, rent or free use of the storages of goods of military nature and of the statement approved by the applicant affirming that the storages meet the requirements under the subparagraphs a-e presented below. The requirements for each category of goods of military nature set forth in normative acts should also be met.
3. Intra-organizational program;
4. The receipt of the paid tax stipulated by the Law “On State Duty.

15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licenses and what they are used for.

The Government decree 1308-N of 12 November 2009 defines the following types of licenses:

- License for import and export of goods of military nature;
- License for transit of goods of military nature;
- License for brokering of goods of military nature.

16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.

The exporters are provided with necessary consultation.

17. The average number of export licenses issued annually and the staff engaged in the export licensing procedure.

N/A

18. Any other relevant information pertaining to the export of conventional arms and related technology, e.g., additional laws, reports to Parliament, special procedures for certain goods.

N/A

19. Are all guidelines governing conventional arms transfers nationally published?

The guidelines are published and are available online.