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PERMANENT MISSION
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TO THE OSCE

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The Permanent Mission of the Republic of Azerbaijan to the OSCE presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre of the OSCE and, in compliance with the FSC Decision 20/95, has the honour to transmit herewith the reply of the Republic of Azerbaijan to the Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology for the year of 2018.

The Permanent Mission of the Republic of Azerbaijan to the OSCE avails itself of this opportunity to renew to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre of the OSCE the assurances of its highest consideration.

Vienna, 09 July 2019



**All Delegations and Permanent Missions to the OSCE
The Conflict Prevention Centre of the OSCE**

Vienna

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

Republic of Azerbaijan

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

National policy of the Republic of Azerbaijan on the export of conventional arms and related technology is regulated by the relevant national legislative documents and is based on the norms and principles of international law and relevant international obligations. One of the main policy guidelines that underpins the export control system of Azerbaijan is that trade must not undermine the essential security interests of the state or its international commitments.

The transshipment of such kind of goods through the customs border check points is conducted in accordance with Law 772 of 26.10.2004 of the Republic of Azerbaijan. Based on Article 4 of the same Law, the following are the purposes and principles of the export control:

1. Ensuring the national security of the Republic of Azerbaijan;
2. Providing the political, military and economic interests of the Republic of Azerbaijan in the implementation of the export control;
3. Abiding the obligations taken under international treaties signed between states pertaining to the non-proliferation WMD and other kind of weapons, which Azerbaijan is party to;
4. Checking the end-users, contractor parties and the technological levels of the goods which are subject to export control in the framework of the non-proliferation regimes;
5. Providing the translatability of the information about the export control policies and legislation.

2. 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.

National legislation regulating export of conventional arms and related technologies by the Residents and non-residents of the Republic of Azerbaijan are the following:

- Customs Code of the Republic of Azerbaijan;
- Law on Customs Tariff;
- Criminal Code of the Republic of Azerbaijan;
- Code of Administrative Offences of the Republic of Azerbaijan;
- Decree of the President of the Republic of Azerbaijan dated 24 June, 1997, No. 609, on approval of "Guidelines on regulating import-export operations in the Republic of Azerbaijan";

- Law of the Republic of Azerbaijan on "Service and Civilian Weapon" dated 30 December, 1997, No. 442-IQ;
- Decree of the President of the Republic of Azerbaijan, dated 24 August, 2002, No. 769, on approval of "Guidelines on import of Service and Civilian Weapons to, and export from the Republic of Azerbaijan";
- Law of the Republic of Azerbaijan on "Export Control" dated 26 October, 2004, No. 772-IIQ;
- Decree of the President of the Republic of Azerbaijan No. 292 dated 12 September 2005, on "Additional measures in regulating the turnover of things restricted from civil circulation";
- Other normative acts approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005:
 - "Export control regimes of the goods (works, services, results of intellectual property) subject to export control for certain states";
 - "Guidelines on implementation of export control";
 - "The list of state agencies involved in verification prior to, and after granting the special permission (license), exercising control over the use of the dual-use goods in conformity with declared purposes, carrying out export control and granting special permission for goods, subject to export control, in accordance with their nomenclature, as well as, works, services, results of intellectual property in accordance with their category and section as envisaged in the legislation"
 - "Guidelines on granting special permission on the goods (works, services, results of intellectual property) subject to export control";
 - "Guidelines of verification prior to, and after granting the special permission for foreign economic activities over the goods (works, services, results of intellectual property) subject to export control";
 - "Guidelines on exercising control over the use of dual-use goods (works, services, and results of intellectual property) in accordance with declared purposes".
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 42, dated 9 February 2006 on approval of "The list of the goods, subject to export control, as well as, works, services, results of intellectual property by their codes in accordance with their nomenclature";

Conduct of all the import/export operations by the residents and non-residents in the Republic of Azerbaijan is held in accordance with the Customs Code, Law on Customs Tariff, other relevant normative-legal acts, including the "Rules on regulations of the import and export operations in the Republic of Azerbaijan, approved by Decree 609 from 24.06.1987 of the President of the Republic of Azerbaijan.

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

- United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, approved by the law of the Republic of Azerbaijan No. 750-IIIQ, dated 10 September, 2004;
- Relevant United Nations Security Council Resolutions.

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

- Who is the issuing authority?

According to the "Guidelines on regulating import-export operations in the Republic of Azerbaijan" the export of the goods which are subject to export control, can be carried out only with the special permission of the Cabinet of Ministers:

- What other authorities are involved and what is their function?

In accordance with "The list of state agencies involved in verification prior to, and after granting the special permission (license), exercising control over the use of the dual-use goods in conformity with declared purposes, carrying out export control and granting special permission for goods, subject to export control, in accordance with their nomenclature, as well as, works, services, results of intellectual property in accordance with their category and section as envisaged in the legislation" the Cabinet of Ministers issues special permission for the export of most of the military goods based on the references provided by appropriate state agencies.

Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December 2005 prescribes that appropriate ministries and state committees (Ministry of Defense of the Republic of Azerbaijan, Ministry of National Security, Ministry of Internal Affairs, State Border Service, and Special State Protection Service) provide references within their competences.

According to the "Guidelines on import to, and export from the Republic of Azerbaijan of Service and Civilian Weapon", import of service and civilian weapons, and their ammunitions to, and export from the Republic of Azerbaijan can be done by special permission of the Ministry of Internal Affairs of the Republic of Azerbaijan.

Export of rare models of civilian weapons from the Republic of Azerbaijan can be carried out only through the authorization of Ministry of Internal Affairs with relevant consent of Ministry of Culture and Tourism as set out in the national legislation. Weapons and their ammunitions belonging to museums can be temporarily taken out from the Republic of Azerbaijan with the purpose of holding and organizing exhibitions only by special permission of the Ministry of Culture and Tourism with relevant consent of Ministry of Internal Affairs.

- Who deals with compliance?

The list of state agencies of the Republic of Azerbaijan involved in the pre- and post-granting of special permission (license) compliance verification process, and appropriate procedures for verification are endorsed by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005. Due to category and types of the items, subject to export control, state agencies involved in compliance verification process can vary in accordance with the above-mentioned Decision of the Cabinet of Ministers and other relevant legislative acts of the Republic of Azerbaijan.

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

- Law of the Republic of Azerbaijan on "Export Control" dated 26 October, 2004, No. 772-IIQ;
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005 on "The list of state agencies involved in verification prior to, and after granting the special permission (license), exercising control over the use of the dual-use goods in conformity with declared purposes, carrying out export control and granting special permission for goods, subject to export control, in accordance with their nomenclature, as well as, works, services, results of intellectual property in accordance with their category and section as envisaged in legislation"
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 42, dated 9 February 2006 on approval of "The list of the goods, subject to export control, as well as, works, services, results of intellectual property by their codes in accordance with their nomenclature".

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)?

Principles and national regulations on the end-user of equipment are envisaged in below-listed legislative acts:

- Law of the Republic of Azerbaijan on "Export Control" dated 26 October, 2004, No. 772-IIQ;
- Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005 on "Approval of some normative acts regarding the application of Law on "Export Control" of the Republic of Azerbaijan";
- Relevant UN resolutions.

Republic of Azerbaijan does not export any conventional arms. However, in accordance with Article 8.2 of the Law of the Republic of Azerbaijan on "Export Control" dated 26 October, 2004, No. 772-IIQ, the list of countries and end users to which the export of goods (works, services, results of intellectual property), subject to export controls, is prohibited, and the list of goods (works, services, results of intellectual property) subject to export control restrictions, is determined by the Cabinet of Ministers of the Republic of Azerbaijan in coordination with the President of the Republic of Azerbaijan.

In accordance with the "Export control regimes of the goods (works, services, results of intellectual property), subject to export control, for certain states" endorsed by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005, export of the goods (including military equipment), subject to export control, to the countries and end-users exposed to prohibitions or restrictions, as well as, using the territory of Azerbaijan as a transit in this regard, and transshipment of mentioned goods via the territory of Azerbaijan to the countries endangering the national security of the Republic of Azerbaijan or vice-verse is prohibited.

The implementation of the contracts on foreign economic activities over the goods, subject to export control, with the countries violating the export control regime can be temporarily or fully terminated in accordance with the legislation of the Republic of Azerbaijan.

Also, in the event of sanctions in respect to certain states introduced by the United Nations Security Council the Government imposes restrictions and bans on export and transit to these states.

Article 2.2.5 of the "Guidelines of verification on prior to, and after granting the special permission for foreign economic activities on the goods (works, services, the results of the intellectual property) subject to export control" adopted by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005 stipulates that before granting special permission relevant state agency must verify whether the country of destination is exposed to embargo or any kind of restrictions by UNSC.

Law on Export Control defines principles of state policy in the export control sphere, among which are: mandatory compliance with international commitments of Azerbaijan and assuring state control over implementation of international transfers of military goods; harmonization of procedures and rules of state export control with international legal norms and practice; ensuring interaction with international organizations and foreign countries in the sphere of state export controls aimed at strengthening international security and stability.

- 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.

According to the "Guidelines on granting special permission on the goods (works, services, the results of the intellectual property)", in order to get special permission applicants must submit the original of the certificate of the origin of the goods to be exported to appropriate state agencies along with other documents. One of the major international principles of export control approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December 2005 is the control over the end use of exported (imported) specific goods.

According to the relevant legislation of the Republic of Azerbaijan, certification of all the service and civil guns imported to the country must be provided. Based on Article 5 of the Law of the Republic of Azerbaijan on service and civil arms", in case of lack of mutual recognition of the arms certification with the country of production, the certification of the arms imported to Azerbaijan should be held in compliance with the legislation of the Republic of Azerbaijan.

According to Part 8 of the "Rules of procedures on importing of service and civil arms to the Republic of Azerbaijan" only in the following cases arms could be imported to Azerbaijan exempted from the certification procedures:

- Arms and their ammunitions holding certificate (provided that the Republic of Azerbaijan is a party to an international treaty on recognition of the certification of the arms and ammunitions produced in another state);
- In case the arms are imported for the purpose of exposition;
- In case the arms imported are intended to be used to sport completion or hunting in Azerbaijan;
- In case the arms imported are intended to be used for guard purposes of the head of states and their family members, heads of international organizations during their visits to Azerbaijan, by the security and body guard officials.

In case of export of item which is subject to export control a licensing body requests the provision of end-user certificate. This document should be issued according to the legislation of importing country, properly legalized if needed and should contain the data on end-user, a place and a purpose of use, a nomenclature of purchased goods, and also the obligation of importing state not to re-export or re-transfer imported property to other countries without a written permission of the authorized body of exporting state. Exercise of control over the use of the conventional arms in conformity with declared purposes is set out in the "Guidelines on carrying out control over the use of dual-use goods (works, services, results of intellectual property) in accordance with declared purposes" approved by Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December 2005. Appropriate ministries and state committees (Ministry of Defense of the Republic of Azerbaijan, Ministry of National Security, Ministry of Internal Affairs, State Border Service, and Special State Protection Service) within their competences control the implementation of the provisions of this legislature.

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

Import of weapons and military technology including their transit and other related operations are carried out with the authorization of the Cabinet of Ministers. In accordance with the "Export control regimes of the goods (works, services, results of intellectual property), subject to export control, for certain states" adopted by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 230, dated 15 December, 2005, export of the goods (including military equipment), subject to export control, to the countries and end-users exposed to prohibitions or restrictions, as well as, using the territory of Azerbaijan as a transit in this regard, and transshipment of mentioned goods via the territory of Azerbaijan to the countries endangering the national security of the Republic of Azerbaijan or vice-verse is prohibited

According to "Guidelines on carrying out export control", control over the transit of goods, subject to export control and carried out by special permission of appropriate state agency is conducted by the relevant state agency taking into account the means of transportation as prescribed in the legislation.

Special permission for transit of relevant goods is being granted based on the appeal by the diplomatic mission of the country, solicitation of the Ministry of Foreign Affairs of the Republic of Azerbaijan and references of appropriate state agencies.

Definition and rules of the transit of foreign goods are provided in the relevant provisions of the Customs Code of the Republic of Azerbaijan and other normative acts of the Republic of Azerbaijan.

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?

Import to, and export of weapons and military technology from the Republic of Azerbaijan pursuant to the provisions of the I Annex, of the Decree of the President of the Republic of Azerbaijan on "Further Liberalization of Foreign Trade in the Republic of Azerbaijan" no. 609 dated 24 June 1997 and according to the Law on "Export Control" dated 26 October 2004 are carried out upon authorization of the Cabinet of Ministers.

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

Azerbaijan prohibits the transition of conventional arms to the countries that are deemed to represent a direct threat to Azerbaijan's national security. According to "Guidelines on granting special permission on the goods (works, services, results of intellectual property) subject to export control" adopted by the Decision of the Cabinet of Ministers

of the Republic of Azerbaijan no. 230 dated 15.12.2005, special permission shall be annulled due to below described circumstances by relevant state authorities:

- If applicant submits request for revocation;
- If false information in documents submitted for granting special permission and new facts which can serve as the ground for denial are revealed;
- If applicant violates the legislation on the export control of the Republic of Azerbaijan;
- In case of relevant court decision;
- In case of the loss of the granted license;
- If a legal entity is abolished, and the permission issued for physical person lost its validity.

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.

Law of the Republic of Azerbaijan on "Export Control" dated 26 October 2004 prescribes appropriate penal and administrative implications for non-compliance with the national export control legislation. The illegal export of goods, technology, services and other objects subject to export control which may be used in development of WMD, its means of delivery, arms and military equipment shall be punishable by imprisonment under the Criminal Code of the Republic of Azerbaijan.

In accordance with article 206.2 of the Criminal Code of the Republic of Azerbaijan, carrying weapons and military technologies (except for the smooth-bore hunting weapon and its ammunition), fire-arms or ammunition through customs border of Azerbaijan via bypassing or by concealment from the customs control, or deceiving by falsifying necessary documents or means of customs identification, or by under-declaring, or false declaring is punished by imprisonment for the term from three up to seven years with confiscation of property or without it.

In accordance with article 224-1 of the Criminal Code, misuse of dual-use goods (works, services, and results of intellectual property), which may be used in creating and producing weapons of mass destruction, weapons, military technologies and ammunitions, posing the damage to the national security and interest of the state, is punished by imprisonment.

In accordance with article 224.2 of the Criminal Code, export of the goods (works, services, results of intellectual property), subject to export control, to the countries and end users exposed to prohibitions or restrictions is punished by corrective works for the term from one up to two years, or by restriction of freedom for the term up to three years, or by imprisonment for the term from two up to five years.

In accordance with article 232 of the Administrative Offences Code of the Republic of Azerbaijan, approved by the law No. 906-IQ, dated 11 July 2000, selling of civil

weapons and ammunitions by the employees of the trade companies (organizations) to the citizens, companies, institutions and organizations which have not acquired special permission from the Ministry of Internal Affairs of the Republic of Azerbaijan will be punished by administrative measures.

In accordance with article 233 of the Administrative Offences Code, refusal to sell civil weapon, in case if the Ministry of Internal Affairs abolishes the special permission for keeping and carrying for use of weapon is punished by administrative measures.

In accordance with article 347 of the Administrative Offences Code of the Republic of Azerbaijan, physical persons violating the rules of production and export of the civilian weapon prescribed in the legislation will be fined from 10 AZN up to 25 AZN with confiscation of weapon or without it.

Administrative and criminal liability for the export of conventional arms and related technologies in customs affairs are reflected in relevant provisions of the Criminal Code and Administrative Offences Code of The Republic of Azerbaijan.

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

According to the legislation of the Republic of Azerbaijan export of arms requires an export license under any circumstances.

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.

Licenses for temporary export (e.g. demonstrations or testing) are issued by the Cabinet of Ministers of the Republic of Azerbaijan. Customs control procedures on temporary export of conventional arms and related technologies are reflected in appropriate provisions of the Customs Code of the Republic of Azerbaijan.

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

Cabinet of Ministers of the Republic of Azerbaijan is responsible for license issuance. The regulations and standards conditions for licensing include the following provisions: The licences can be issued to the legal and physical persons. For these purposes the following should be mentioned in the application forms:

- For legal persons: name, legal address, the form of ownership activity;
- For the physical persons: Name, surname, patronymic name, the information related to the Identity card of the applicant.
- The following should be added to the application:
 - The copy of the document approving the tax registration of the applicant;

- The license copy and the document related to the review of the relevant executive power body, based on the features of the items imported and the turnover specifications;
- The documents containing the conditions and provisions defined by the Cabinet of Ministers
- Additional conditions approved by the Decree 120 from 08.05.2006 of the Cabinet of Ministers.

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

Type and conditions of the licenses are identified by the Cabinet of Ministers of the Republic of Azerbaijan.

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

The official body authorized to provide information on the final approval of the application for granting special permission to export conventional arms is the Cabinet of Ministers of the Republic of Azerbaijan.

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

The Republic of Azerbaijan does not export conventional arms and related technology to other states, consequently does not issue export licenses for conventional arms.

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.

None.

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

All the relevant legal acts, as well as rules and guidelines regulating transfers of conventional arms can be found in the electronic database of national legislation of the Republic of Azerbaijan at www.e-qanun.az website, as well as in official websites of appropriate state agencies of the Republic of Azerbaijan.

NB: Participating States that do not export conventional arms and related technology will so inform all other participating States.

The Republic of Azerbaijan does not export conventional arms and related technologies to other states.