

LAW OF THE REPUBLIC OF BELARUS ON EXPORT CONTROLS

Adopted by the House of Representatives on November 25, 1997

Approved by the Council of the Republic on December 19, 1997

Entered into force on February 5, 1998

This Law determines the legal base of the activities the State bodies, legal entities and natural persons of the Republic of Belarus are engaged in exercising export controls and governs the relations that may occur during the transportation of objects of export controls across the customs border of the Republic of Belarus and the use thereof.

CHAPTER 1. General Provisions

Article 1. Definitions of Terms Used in this Law

In this Law, unless the context otherwise requires:

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| goods | any movable property; |
| export | exportation of the objects of export controls to be permanently located outside the customs territory of the Republic of Belarus; |
| import | importation of the objects of export controls to be permanently located on the customs territory of the Republic of Belarus; |
| re-export | re-exportation of the objects of export controls, which have been imported and still remain unprocessed, outside the customs territory of the Republic of Belarus; |
| transit | transportation of the objects of export controls through the territory of the Republic of Belarus between two points of the State border of the Republic of Belarus under customs control; |
| importation and exportation | the actual transportation of goods across the customs border of the Republic of Belarus; |
| weapons of mass destruction | chemical, bacteriological (biological), radiological or nuclear weapons; |
| dual-use goods | equipment, materials, raw materials, technologies and technical-and-scientific information that are meant for civil purposes, but can be used in the manufacture of arms, military technologies and ammunition, weapons of mass destruction included, and means of their delivery; |
| technology | any information and know-how in the form of models, prototypes, blueprints and drawings, diagrams, engineering designs or specification, software, or in intangible form like education, technical servicing that are required for the development, manufacture or use of commodities |

Article 2. Concept of Export Controls

Export controls imply the establishment and following of the procedure of permitted importation of the objects of export control into the customs territory of the Republic

of Belarus, the use, transit and exportation of such objects outside the customs territory.

Article 3. Purpose of Export Controls

Export controls shall be exercised in the Republic of Belarus for the following purposes:

- to assure the national security and to safeguard the economic interests of the Republic of Belarus;
- to honor the commitments the Republic of Belarus has undertaken under international treaties and to maintain the international efforts aimed to stop the proliferation of weapons of mass destruction and conventional armaments.

Article 4. Basic Principles of Exercising Export Controls

Export controls in the Republic of Belarus shall be based on the following basic principles:

- exercising State control over the transportation of the objects of export controls across the customs border of the Republic of Belarus;
- checking the use of the objects of export controls;
- transparency of, and accessibility to, information on the procedure, rules, tasks and objectives, the principles of functioning of the system of exports control, and liability for infringements of the legislation of the Republic of Belarus on export controls;
- determination of the list of the objects of export controls as well as countries to which exports of the objects of export controls has been temporarily banned or restricted;
- harmonization of the procedures and rules of export controls with the universally recognized norms and practices.

Article 5. Scope of this Law

This Law shall cover the relations wherein participate the State bodies, legal entities and natural persons of the Republic of Belarus in their foreign economic activities.

The Law shall also apply in cases when the actions, performed or agreements concluded by State bodies, legal entities and natural persons of the Republic of Belarus outside the territory of the Republic of Belarus, promote the proliferation of weapons of mass destruction, conventional armaments or cause damage to the national security, political and economic interests of the Republic of Belarus.

The Law shall not cover the relations governed by the norms of the patent rights and the copyright, except the cases when the said patent rights and copyright are used by those, who have acquired them, with a view to proliferating weapons of mass destruction and conventional armaments.

When the international treaties, signed by the Republic of Belarus, specify rules other than those set forth in this Law, then the rules set forth in these international treaties shall apply.

Article 6. Legislation of the Republic of Belarus on Export Controls

The legislation on export controls includes this Law and other legislative acts of the Republic of Belarus.

Article 7. Objects of Export Controls

The objects of export controls (special items) shall be understood to be:

- goods, technologies and services, envisaged by international treaties and commitments of the Republic of Belarus, which concern international and national security;
- chemical substances (toxins), microorganisms (viruses, bacteria), facilities, technologies and services which can be used for the development and manufacture of chemical and bacteriological (biological) weapons;
- goods, technologies and services associated with the nuclear fuel cycle and the manufacture of nuclear materials that can be used for the manufacture of nuclear weapons and nuclear explosive devices;
- goods, technologies and services which can be used for the development of the means of delivery for weapons of mass destruction;
- weapons of mass destruction and their delivery means;
- goods, technologies and service of military use;
- dual-use goods;
- research findings, including the information, documentation, software materialized in any manner, that may be used for the development, and manufacture of armaments, military hardware, and ammunition.

CHAPTER 2. Procedure of Exercising Export Controls

Article 8. Concept of the Export Controls System

The system of export controls implies the rules and means, taken as a whole, aimed at establishing and following a procedure for conducting foreign economic transactions that involve the transportation of the objects of export controls across the customs border of the Republic of Belarus, as well as an aggregate of authorized State bodies that assure the implementation of the said procedure.

The export controls system includes:

- lists of the objects of export controls, with special regard to international approaches in this domain;
- export regimes of the objects of export controls to individual countries;
- licensing of the importation and exportation of the objects of export controls;
- provision of State guarantees that the dual-use goods, imported into the customs territory of the Republic of Belarus, will only be used for the declared purposes and that they can be re-exported only with permission of the authorized bodies and agencies of the country of origin of these goods;
- making checks prior to and after issuing licenses when conducting foreign economic transactions with the objects of export controls
- exchange of information and other interaction with international organizations and export control bodies of foreign states.

Article 9. Lists of Objects of Export Controls

Lists of the objects of export controls shall be approved by the Council of Ministers of the Republic of Belarus.

The Lists shall be transparent and published upon approval.

Article 10. Establishing Special Regimes of Exportation of the Objects of Export Controls to Certain Countries

The objects of export controls may be exported to any countries, with the exception of the countries whereto such exports are banned or restricted in compliance with the international commitments of the Republic of Belarus. The list of such states and also that of certain objects of export controls, which exportation is prohibited, shall be approved by the President of the Republic of Belarus.

Article 11. Licensing

The procedure of importation and exportation of the objects of export controls shall be uniform on the territory of the Republic of Belarus and its shall be established by the Council of Ministers. of the Republic of Belarus.

The Ministry of Foreign Economic Relations shall coordinate cooperation among the authorized State bodies in the area of export controls; shall grant and register licenses and check their implementation, and issue other documents related to the transportation of export control objects across the customs border of the Republic of Belarus and the use thereof on the customs territory of the Republic of Belarus.

Article 12. Pre- and Post-Licensing Inspections of the Objects of Export Controls

Pre- and post-licensing inspections of export control objects in the course of conducting foreign economic transactions shall be made by the Ministry of Foreign Economic Relations of the Republic of Belarus in compliance with the procedure established by the Council of Ministers of the Republic of Belarus, together with other State bodies with interests at stake.

Article 13. Control Over the Use of Dual-Use Items

In the person of its authorized State bodies the Republic of Belarus shall guarantee the use of dual-use items for the declared purposes.

State control over Belarusian importers and consumers in how they meet their commitments to guarantee the use of imported dual-use items for the declared purposes, shall be exercised in the manner established by the Council of Ministers of the Republic of Belarus.

Article 14. Information on Export Control Objects

The authorized State bodies in the area of export controls shall have a right to receive from State bodies, legal entities and natural persons of the Republic of Belarus, documents and information on export controls they need to discharge their functions.

The documents and information, which the authorized State bodies in the area of export controls receive in accordance with this Law from State bodies, legal entities and natural persons of the Republic of Belarus, shall only be used for purposes of export controls,

The officials of the authorized State bodies in the area of export controls shall be forbidden to make the documents and information, mentioned in paragraph two of this Article, known and/or hand them over to third persons.

Article 15. Liability for Infringements of the Legislation of the Republic of Belarus on Export Controls

Persons found guilty of furnishing misleading export controls information, of violating the established procedure of transportation of the objects of export controls across the customs border of the Republic of Belarus, and of other infringements in this area, shall incur administrative, criminal and other liability in accordance with the legislation of the Republic of Belarus.

CHAPTER 3. Concluding Provisions

Article 16. Entering the Law into Force

This Law shall enter into force upon the day of its publication.

Article 17. Bringing the Regulatory Enactments in Conformity with this Law

Before the legislation of the Republic of Belarus is brought in conformity with this Law, the legislative acts of the Republic of Belarus shall be in force as long as they do not contradict this Law, unless otherwise specified by the Constitution of the Republic of Belarus.

Within three months the Council of Ministers of the Republic of Belarus shall:

- bring the decisions and resolutions of the government of the Republic of Belarus in conformity with this Law;
- get the Republican bodies of State management under the Council of Ministers of the Republic of Belarus to revise and cancel their regulatory acts if they are at variance with this Law;
- make proposals on bringing the legislative acts of the Republic of Belarus in conformity with this Law and put them forward, in the established manner, to the House of Representatives of the National Assembly of the Republic of Belarus.