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| **DECISION OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA ON THE PROCEDURE  FOR CONDUCTING PROFESSIONAL EXPERT EXAMINATION OF CONTROLLED GOODS AND CONTROLLED INTANGIBLE VALUES** | | | |

"I hereby ratify"   
President of the Republic of Armenia R. Kocharyan, 2 June 2004

GOVERNMENT OF THE REPUBLIC OF ARMENIA

**DECISION**

No 765-N OF 20 MAY 2004

ON THE PROCEDURE FOR CONDUCTING PROFESSIONAL EXPERT EXAMINATION OF CONTROLLED GOODS AND CONTROLLED INTANGIBLE VALUES

***(title amended by No 924-N of 1 July 2010)***

Based on part 3 of Article 6 of the Law "On the control over the export of dual-use goods, transit transportation thereof through the territory of the Republic of Armenia, the transfer of dual-use information and the results of intellectual activity", as well as for the purpose of ensuring effectiveness of the mechanism of control over the products of military significance, dual-use goods and the dual-use information and the results of intellectual activity (hereinafter referred to as "controlled goods and controlled intangible values"), the Government of the Republic of Armenia ***decide*s *to*:**

***(preamble edited by No 924-N of 1 July 2010, supplemented by No 491-N of 8 May 2014, edited by No 312-N of 7 March 2024)***

1. Approve the Procedure for conducting professional expert examination of controlled goods and controlled intangible values according to the Annex.

***(point 1 amended by No 924-N of 1 July 2010)***

2. Establish that the professional expert examination of the controlled goods and controlled intangible values shall be conducted by the conformity assessment bodies accredited as prescribed by legislation of the Republic of Armenia.

***(point 2 amended by No 924-N of 1 July 2010, No 312-N of 7 March 2024)***

3. This Decision shall enter into force on the tenth day following the day of its official promulgation.

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| **Prime Minister  of the Republic of Armenia** |  | **A. Margaryan** |
| 27 May 2004 Yerevan |  |  |

Annex

Decision of the Government   
of the Republic of Armenia   
No 765-N of 20 May 2004

PROCEDURE

FOR CONDUCTING PROFESSIONAL EXPERT EXAMINATION OF CONTROLLED GOODS AND CONTROLLED INTANGIBLE VALUES

***(title amended by No 924-N of 1 July 2010)***

I. GENERAL PROVISIONS

1. This Procedure shall establish the procedure and the conditions for conducting professional expert examination of controlled goods and controlled intangible values (hereinafter referred to as "expert examination").

When conducting expert examination, the requirements established by this Procedure related to the criminal proceedings, administrative offences, as well as the cases related to violation of customs rules shall be applied in so far as they do not contradict the norms of the Criminal Procedure Code, as well as administrative offences and customs legislation of the Republic of Armenia.

***(point 1 amended by No 924-N of 1 July 2010)***

2. The expert examination for export control shall be conducted upon the order of the entities exporting control goods and controlled intangible values (hereinafter referred to as "exporting entity") or based on the requests made by the bodies conducting inquiry, preliminary investigation, case proceedings on administrative offence or by supervisory bodies (hereinafter referred to as "party requesting expert examination").

***(point 2 amended by No 924-N of 1 July 2010)***

3. The main objectives of the expert examination is to determine whether the goods or technologies submitted for expert examination fall under the group of controlled goods and controlled intangible values.

To this end:

(a) recognised commercial (technical) name, distinctive signs and criteria of goods or technologies confirming that they fall under homogeneous groups of goods, materials, products included in the lists of controlled goods and controlled intangible values approved by the Government of the Republic of Armenia (hereinafter referred to as "lists");

(b) fields of science and technology where these goods and technologies are or may be used, including the possibility of their use in the course of creating weapons of mass destruction and means of transportation thereof;

(c) compliance of goods or technologies with the presented specifications and technical description;

(d) physical and chemical composition of the goods and technologies, the quantitative ratio of the components included in their composition, brand, type, mode, model;

(e) numbers of the lists, as well as the regulatory legal acts of the Republic of Armenia related to the field of export control, which apply to controlled goods and controlled intangible values.

***(point 3 amended by No 924-N of 1 July 2010)***

4. The results of the expert examination shall be used by the exporting entities to obtain an export permit, as well as to by bodies conducting proceedings in inquiry, preliminary investigation proceedings, case proceedings on administrative offence and supervisory bodies to resolve the issues within their competence.

5. Damage caused to party requesting the expert examination due to unlawful actions of the expert examination organisation or as a result of improper performance of its duties by this organisation shall be subject to compensation as prescribed by law.

II. ORGANISATION OF EXPERT EXAMINATION

6. The expert examination shall be conducted by an expert examination organisation commissioned by exporting entities and by the bodies conducting proceedings in inquiry, preliminary investigation proceedings, case proceedings on administrative offence and supervisory bodies, on a contractual basis, in accordance with the terms of reference (request) of the party requesting expert examination.

7. The Terms of Reference of the party requesting expert examination shall contain:

(a) information on the party requesting expert examination (for legal persons - full name, location and place of business thereof, for natural persons - last name, first name, father’s name, passport data and place of residence);

(b) name of the expert examination organisation;

(c) grounds for expert examination (the circumstances necessitating its conduct);

(d) issues that need to be resolved during the expert examination;

(e) terms of the expert examination;

(f) materials provided to the expert examination organisation, including test samples (the optimal part of goods identical in composition and properties to the entire item) and goods samples (a unit of goods identical in structure, composition and properties to the entire goods series), as well as documents containing information about goods or technologies, specifically the technical description, state non-industry standards, technical specifications, design, technological and operational documents, photos, technical passports, documents related to the results of tests conducted in accredited testing laboratories.

8. Samples and test samples of goods sent for examination must be packed, sealed and numbered. The authenticity of the documents submitted by the party requesting expert examination to the expert examination organisation must be certified by the signature and seal of the party requesting expert examination, if the requesting party has a seal.

***(point 8 supplemented by No 140-N of 17 February 2011)***

9. Expert examination of the information constituting state and official secret shall be conducted with the permission of the public administration body for that information and exclusively in expert examination organisations authorised to handle such information, as prescribed by law.

Time limits for expert examination shall be set by the expert examination organisation in agreement with the party requesting expert examination, taking into consideration the labour intensity of the work envisaged and the volume of materials submitted for the study.

The expert examination time limit may not exceed 10 working days.

***(point 9 supplemented by No 1601-N of 9 December 2010)***

10. The expert examination organisation service fee shall be paid, as well as other expenses related to the conduct of expert examination shall be reimbursed by the party requesting expert examination in accordance with the contract concluded with the expert examination organisation unless otherwise provided for under the legislation of the Republic of Armenia.

Expert examination fee for each category of goods may not exceed AMD 60 000, including the value added tax.

***(point 10 supplemented by No 1601-N of 9 December 2010)***

11. Expert examination organisation shall register and record-register all the correspondence related to all the contracts concluded for conducting expert examination, the expert opinions provided and cases where it was impossible to provide an opinion. Documents on the conduct of expert examination shall be kept for at least 3 years unless otherwise prescribed by Law.

III. RIGHTS AND RESPONSIBILITIES OF PARTIES CONDUCTING   
EXPERT EXAMINATION

12. The materials submitted to the expert examination organisation for conducting expert examination shall be registered and transferred to the experts appointed from the staff of expert examination organisation having the necessary knowledge in the relevant fields of science and technology.

The selection of experts, approval of their composition and the operational procedure shall be carried out by the head of the expert examination organisation.

To conduct a technically complex expert examination of controlled goods and controlled intangible values and technologies in certain areas, expert groups may be formed, on a contractual basis, from scientists and specialists who are not full-time staff employees of the expert organisation.

Freelance staff of an expert organisation shall carry out their expert examination activities in accordance with this Procedure.

Activities on conducting expert examination of goods and technologies related to information constituting state and official secret shall involve only the staff of the expert examination organisation authorised specifically for handling the said information as prescribed by law.

***(point 12 amended by No 924-N of 1 July 2010)***

13. The head of the expert examination organisation is responsible for compliance with the requirements of the legislation of the Republic of Armenia, regulatory and technical and instructional and methodological documents governing the export of controlled goods and controlled intangible values.

***(point 13 amended by No 924-N of 1 July 2010)***

14. The head of the expert examination organisation shall

(a) receive the documents and materials submitted to the expert examination organisation for conducting expert examination;

(b) approve the schedule of expert examinations and give instructions (in writing) to one or more experts regarding its conduct;

(c) provide clarification to the experts on the rights and obligations thereof, warn them of the liability provided for by law in case of evasion or refusal to give an opinion or giving a deliberately false opinion;

(d) ensure the provision of additional information to experts;

(e) familiarise themselves with the results and progress of the research conducted by experts, providing the necessary scientific, technical and methodological assistance;

(f) take measures to ensure the confidentiality of information submitted for examination;

(g) upon completion of the expert examination, verify the completeness of the research conducted, the validity and accuracy of the opinion drawn up by the experts;

(h) send the expert opinion together with all the materials to the party requesting expert examination.

15. The head of expert examination organisation shall have the right to re-authorise the powers thereof or part of them to the official subordinate thereto.

16. The expert shall conduct the expert examination based on a written instruction from the head of the expert organisation and all materials and technical specifications submitted for expert examination.

17. Rights and responsibilities of the expert shall be the following:

(a) conducting the necessary research, measurements and analyses;

(b) familiarising with materials related to goods or technologies submitted to the expert examination organisation;

(c) contacting the head of the expert examination organisation to request additional materials necessary for a comprehensive and objective assessment of goods and technologies;

d) informing the head of the expert examination organisation on the impossibility of drawing up an opinion, where the scope of issues requiring a solution goes beyond the professional knowledge thereof;

(e) expressing a special opinion to be attached to the expert examination opinion;

(f) conducting research and a comprehensive and objective analysis of the goods, samples, test samples, documents and other materials submitted for expert examination, if they make it possible, without obtaining additional data, to resolve part of the issues raised, indicating in the opinion the reasons that make it impossible to resolve the remaining issues.

(g) ensuring the objectivity and validity of the results of the opinion given thereby;

(h) ensuring compliance with the established procedure and time limits for conducting expert examinations;

(i) ensuring the safety and confidentiality of materials submitted by the party requesting expert examination;

(k) where necessary, providing explanations regarding the opinion thereof and actions performed thereby.

IV. EXPERT OPINION

18. Following the completion of the expert examination, the experts draw up a written opinion, where the relevant findings shall be indicated.

The expert shall submit the opinion on his behalf based on the research conducted in line with professional knowledge thereof, and shall personally bear the responsibility for the opinion issued thereby as prescribed by the Law.

In the case of an expert examination conducted by several experts with the same specialisation, the expert opinion shall be signed by all experts.

19. The expert opinion must be objective, reasoned and consist of 3 parts: an introductory part, a research (narrative) part and findings.

20. The introductory part of the opinion shall contain:

(a) information on the party requesting expert examination;

(b) description of the expert examination (first, additional or repeated);

(c) name of the expert examination organisation;

(d) information on expert(s): last name, first name, father’s name, education, specialisation, scientific degree and scientific title and the position held;

(e) day and year of submission of materials to an expert examination organisation for conducting an expert examination and drawing up an opinion;

(f) the grounds for conducting an expert examination;

g) names of materials and other research objects submitted for expert examination, methods of their transportation to the expert examination organisation and forms of packaging, protection of items to be examined, and information thereon;

(g) motions given by the expert on submitting additional materials and the results of research thereof;

21. In the research part of the opinion the following shall be indicated:

(a) condition of the item submitted for expert examination;

(b) the ways and methods of conducting researches and the material used;

(c) the results of inspections, measurements, analyses and calculations;

(d) links to annexes and the necessary explanations to them;

(e) expert evaluation of research results.

22. Were it is impossible to give an exhaustive answer to some of the questions posed to the expert, the reasons for this shall be indicated in the research part and appropriate advice shall be given on the conduct of expert examination by other specialists.

23. The opinion of the expert(s) shall be formulated in the form of answers to questions in the sequence in which they are presented in the introductory part of the opinion.

Opinions must clearly and unambiguously define whether goods or technologies fall (do not fall) under the category of products subject to export control, provide answers to the questions posed and include notes explaining any inability to resolve certain issues raised, as well as notes on the impossibility of solving them for one reason or another.

24. Data on circumstances identified during the expert examination, which are important for the purposes of export control, but were not posed to the expert(s), shall be formulated at the end of the opinion.

25. Findings must be formulated clearly and unambiguously. It is not allowed to make ambiguous comments

26. When an expert examination is conducted by multiple experts specialising in different fields, the general findings shall be signed by those experts who have reached a unified assessment of the research and share a common opinion. If the experts fail to reach a common opinion, they shall include their individual findings in the general opinion. In such cases, each expert must provide a justification for their disagreement with the other experts. When formulating their individual findings, experts may take into account (use) the results obtained by other experts, indicating this in justification of their opinions.

27. The opinion shall be signed (approved) by the head of the expert examination organisation and certified with the seal of the organisation.

28. A note on impossibility of drawing up an opinion shall consist of three parts: an introductory part, a reasoning part, and a final part.

29. The note on the impossibility of giving an opinion shall be signed (approved) by the head of the expert examination organisation and certified with the seal of the organisation.

30. The expert examination organisation shall transfer to the party requesting expert examination an opinion on whether the goods or controlled values fall under the list of controlled goods and intangible values or a decision on the impossibility of providing it, and provide a copy to the authorised body.

If the expert examination was carried out based on a request made by a body (official) conducting inquiry, preliminary investigation, case proceedings on administrative offence or by supervisory body, the opinion shall be given to the latter.

***(point 30 edited by No 924-N of 1 July 2010)***

31. ***(point repealed by No 924-N of 1 July 2010)***

32. ***(point repealed by No 924-N of 1 July2010)***

33. ***(point repealed by No 924-N of 1 July 2010)***

34. ***(point repealed by No 924-N of 1 July 2010)***

***(Annex amended, edited by No 924-N of 1 July 2010, supplemented by No 1601-N of 09/12/2010, No 140-N of 17/02/2011)***

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| **Chief of Staff  of the Government  of the Republic of Armenia-Minister** |  | **M. Topuzyan** |