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| **LAW OF THE REPUBLIC OF ARMENIA ON THE CONTROL OVER THE EXPORT OF DUAL-USE ITEMS, THE TRANSIT TRANSPORTATION THEREOF THROUGH THE TERRITORY OF THE REPUBLIC OF ARMENIA, AS WELL AS THE TRANSFER OF DUAL-USE INFORMATION AND RESULTS OF INTELLECTUAL ACTIVITY** |

**LAW**

**OF THE REPUBLIC OF ARMENIA**

Adopted on 8 April 2010

**ON THE CONTROL OVER THE EXPORT OF DUAL-USE ITEMS, THE TRANSIT TRANSPORTATION THEREOF THROUGH THE TERRITORY OF THE REPUBLIC OF ARMENIA, AS WELL AS THE TRANSFER OF DUAL-USE INFORMATION AND RESULTS OF INTELLECTUAL ACTIVITY**

**CHAPTER 1**

***GENERAL PROVISIONS***

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| **Article 1.** | **Subject matter of this Law** |

1. This Law shall define the principles of implementation of the state policy in the field of control over the export of dual-use items, the transit transportation thereof through the territory of the Republic of Armenia, the transfer of dual-use information and results of intellectual activity, the rights and obligations of the entities exporting dual-use items, the rights and obligations of entities transferring dual-use information and results of intellectual activity.

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| **Article 2.** | **Main concepts used in the Law** |

1. The main concepts used in this Law shall be as follows:

(1) **dual-use items** (hereinafter referred to as "controlled items") — any type of property that is used for civil purposes and depending on the nature and the characteristics thereof, may also be used for military purposes, including for creating weapons of mass destruction and their delivery systems;

(2) **dual-use information and results of intellectual activity** (hereinafter referred to as ”controlled intangible values”) — information of any nature, result of intellectual activity, computer software, which are used for civil purposes and depending on their nature may be also used for military purposes, including for creating weapons of mass destruction and their delivery systems. A person shall be held liable for the transfer of controlled intangible values in violation of the procedure prescribed by this Law only in case where he or she realised or should have realised that apart from civil purposes they may be used also for military purposes, including for creating weapons of mass destruction and their delivery systems;

(3) **weapon of mass destruction** — nuclear, chemical and biological weapon;

(4) **delivery systems** — missiles and remote-controlled flying objects which can be used for military purposes, including for delivery of weapon of mass destruction;

(5) **export of controlled items** — taking the controlled items out of the customs territory of the Republic of Armenia;

(6) **transit transportation of controlled items** — transportation of the controlled items through the customs territory of the Republic of Armenia starting from the port of entry customs authority to the port of exit customs authority of the Republic of Armenia;

(7) **transfer of controlled intangible values** — transmission, provision of the controlled intangible values through verbal, written, electronic communication or by a telecommunication system, as well as otherwise making them accessible for other persons outside the Republic of Armenia;

(8) **circulation control** — a system of measures applied to the export of the controlled items, transit transportation thereof through the territory of the Republic of Armenia and transfer of controlled intangible values as prescribed by this Law, for the purpose of fulfilling the international obligations assumed by the Republic of Armenia, as well as for protecting the national security interests of the Republic of Armenia;

(9) **end-user** — a foreign state, a natural or legal person of a foreign state being the actual user of the controlled items, as well as the controlled intangible values exported from the territory of the Republic of Armenia or transported in transit through the territory of the Republic of Armenia;

(10) **end-use** — usage of the controlled items and controlled intangible values by the end-user in accordance with the declared purpose;

(11) **End-User Certificate** — a document containing information on the name of the state or person (legal or natural) of that state receiving controlled items and/or controlled intangible values, on the location and the place of activity, description of the exported controlled items or transferred controlled intangible values, information on the purpose of end-use of these items, information or the results of intellectual activity, which also certifies that the items and/or the information will not be transferred to a third state or a third party or will not be used for any purpose other than the one declared without written and duly certified consent of the public administration body of the exporting country. The End-User Certificate shall be approved by the authorised public administration body of the end-user country, if prescribed by the legislation of the importing country;

(12) **intra-organisational compliance plan** — organisational, administrative, information and other measures that are carried out by the exporting entities with a view to complying with the circulation control rules;

(13) **due notification** — notice shall be considered duly served where it has been sent by a registered letter with a notification on delivery, or with the use of other means of communication ensuring generation of a message (including by sending a message to the phone number specified by the applicant) or through an electronic system (including through the electronic mail specified by the applicant), as well as by other means of electronic communication prescribed by legislation, or where it has been delivered with a receipt (hereinafter referred to as "duly");

***(Article 2 supplemented by HO-122-N of 29 June 2016)***

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| **Article 3.** | **Legislation of the Republic of Armenia on circulation control**  |

1. The legislation on circulation control shall include the Constitution of the Republic of Armenia, this Law and other legal acts.

2. Where international treaties of the Republic of Armenia prescribe norms other than those prescribed by this Law, the norms of the international treaties shall apply.

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| **Article 4.** | **Principles of state policy in the field of circulation control**  |

1. The policy of the Republic of Armenia in the field of circulation control is the constituent part of the national and foreign policy of the Republic of Armenia.

2. The main principles underlying the policy of the Republic of Armenia in the field of the circulation control shall be the following:

(1) applying the procedure for granting a permit for the export of controlled items and the transfer of controlled intangible values, and in case of transit transportation - applying the notification procedure;

(2) ensuring lawfulness, publicity and accessibility of information on circulation control;

(3) priority of the national security interests of the Republic of Armenia;

(4) ensuring compliance and harmonisation of the methods and procedures of circulation control with the international norms and practice;

(5) co-operating with foreign states and international organisations in the field of control over the transfer of controlled items and controlled intangible values.

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| **Article 5.** | **Purpose of circulation control** |

1. The purpose of circulation control shall be the following:

(1) protecting national security interests of the Republic of Armenia;

(2) ensuring fulfilment of international obligations assumed by the Republic of Armenia.

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| **Article 6.** | **Lists of controlled items and controlled intangible values and conducting of professional expert examination** |

***(title supplemented by HO-308-N of 3 October 2023)***

1. The lists of controlled items and controlled intangible values shall be approved by the Government of the Republic of Armenia.

1.1. The Government of the Republic of Armenia may define lists of sensitive items, and the items included therein may, as a result of transformation, be classified controlled items within the meaning of this Law.

2. The expert opinion in regard to whether an item belongs to the list of the controlled items and controlled intangible values shall be provided by organisations accredited under the procedure prescribed by the Law of the Republic of Armenia "On accreditation".

3. The procedure for expert examination of the controlled items and controlled intangible values shall be established by the Government of the Republic of Armenia.

***(Article 6 supplemented, amended by HO-308-N of 3 October 2023)***

***(Law HO-308-N of 3 October 2023 has a final part and transitional provision)***

**CHAPTER 2**

***ORGANISING CIRCULATION CONTROL***

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| **Article 7.** | **Body carrying our circulation control**  |

1. The state policy in the field of circulation control shall be implemented by the authorised public administration body in charge of circulation control (hereinafter referred to as "the authorised body"), which shall be designated upon the decision of the Government of the Republic of Armenia.

2. The circulation control authorised body shall act in agreement with other interested public administration bodies in regard to the issues of granting a permit, as prescribed by the Government of the Republic of Armenia.

3. The competences of the authorised body shall comprise the following:

(1) granting or rejecting a permit for the export of controlled items, the transfer of controlled intangible values, suspending and terminating the validity period of a permit, providing copies of the document certifying the title over the permit;

(2) accepting notifications of relevant entities on transit transportation of the controlled items and banning the transit transportation in the cases prescribed by law;

(3) elaborating measures aimed at development and improvement of circulation control;

(4) ***(point repealed by HO-122-N of 29 June 2016)***

(5) conducting relevant inspections with the entities carrying out the export, transit transportation of the controlled items, transfer of the controlled intangible values in accordance with the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia";

(6) conducting inspections in the importing country in accordance with the procedure prescribed by international treaties of the Republic of Armenia with regard to the end-user and the end-use of the exported items or transferred intangible values;

(7) participating in the discussions of issues concerning the international co-operation in the field of circulation control;

(8) for the purpose of circulation control, requesting and receiving documents, information, written and verbal clarifications from entities engaged in the export of the controlled items and the transfer of the controlled intangible values in accordance with the legislation of the Republic of Armenia.

***(Article 7 supplemented, amended*** ***by HO-122-N of 29 June 2016)***

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| **Article 8.** | **Intra-organisational compliance plan required for circulation control**  |

1. The compliance of the activities of the entities engaged in the export of controlled items and the transfer of the controlled intangible values to the requirements of legislation with regard to the circulation control shall be ensured through the intra-organisational compliance plan.

2. The authorised body responsible for the manner of organising the intra-organisational compliance plan and the issues related to the application thereof shall provide informational and methodological assistance to every exporting entity.

**CHAPTER 3**

***PROCEDURE FOR THE EXPORT OF CONTROLLED ITEMS,
THE TRANSFER OF CONTROLLED INTANGIBLE VALUES***

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| **Article 9.** | **Grounds for the export of controlled items, the transfer of controlled intangible values** |

1. The export of the controlled items and the transfer of the controlled intangible values regulated by this Law shall be done based on one-time, individual, general permits granted by the authorised body.

2. One-time permit shall be granted to a natural person not considered as an individual entrepreneur having submitted an application as prescribed by this Law and shall give individual entrepreneur the right to export one controlled item or transfer controlled intangible value to one end-user. One-time permit shall be granted for a period of one year. The person may carry out only one operation of export or transfer based on one-time permit.

3. Individual permit shall be granted to a legal person or an individual entrepreneur having submitted an application as prescribed by this Law and shall give them the right to export a controlled item or transfer controlled intangible value to one end-user. Individual permit shall be granted for a period of five years and, where the validity period of the contract certifying the transfer of the controlled items and controlled intangible values is less than five years - for the validity period of the contract, without export or transfer operations, as well as without limitation on the quantity of the items exported or transferred.

4. General permit shall be granted to a legal person or an individual entrepreneur having submitted an application as prescribed by this Law and shall give them the right to export the controlled items or transfer the controlled intangible values of the specified categories to several declared end-users. The general permit shall be granted for a period of five years, and where the validity period of the contract certifying the transfer of the controlled items and controlled intangible values is less than five years, for the validity period of the contract, without export or transfer operations, as well as without limitation on the quantity of items exported or transferred.

5. The person having obtained the right to export and/or transfer based on the permits shall be obliged to keep the list of the exported items and/or transferred values, invoices and the relevant document certifying the fact of the transfer and acceptance for a period of five years following the operation of the export or transfer. This requirement shall not be applied to persons leaving the territory of the Republic of Armenia for permanent residence. Failure to keep the list of the exported items and/or transferred values, invoices and the relevant document certifying the fact of the transfer and acceptance shall entail liability as prescribed by law.

6. A state duty in the amount prescribed by law shall be charged for granting individual and general permits.

7. The customs authorities shall, within 10 working days following the performance of the export or transfer operation based on permits, submit to the authorised body information on codes, quantity of the exported items and/or transferred values, the name, the location of the exporter, and in case of organisations and/or individual entrepreneurs, also on the state registration or state record-registration number, the receiving country, the recipient of the exported items and/or the transferred value (the name and the location of the foreign entity, organisation, individual entrepreneur or the name, surname and the place of residence of the foreign natural person).

***(Article 9 supplemented, amended, edited by HO-122-N of 29 June 2016)***

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| **Article 10.** | **Obtaining a permit for the export of controlled items and/or the transfer of controlled intangible values, issuing a copy of the document certifying the title over the permit**  |

***(title supplemented by HO-122-N of 29 June 2016)***

1. To obtain a permit for the export of controlled items or the transfer of controlled intangible values, the person exporting the mentioned items and/or transferring intangible values shall submit to the authorised body the following documents:

(1) application where the name of the legal person, the organisational and legal form, the location and the place of activity shall be indicated for a legal person; the name, surname, residence address and place of activity shall be indicated for an individual entrepreneur or a natural person, as well as the type and the time period of the requested permit, the number of the state registration or record-registration for a legal person or an individual entrepreneur;

(2) ***(point repealed by HO-180-N of 11 September 2012)***

(3) the End-Use Certificate complying with the requirements of paragraph 11 of part 1 of Article 2 of this Law;

(4) technical specifications of controlled items to be exported or intangible values to be transferred;

(5) copy of the contract certifying the transfer of controlled items and controlled intangible values;

(6) written declaration of the exporting entity on the reference of items, information or result of intellectual activity to the list of controlled items and controlled intangible values, or expert opinion prescribed by part 2 of Article 6 of this Law.

(7) ***(point repealed by HO-122-N of 29 June 2016)***

2. The requirement for submitting documents provided for by point 3 and 5 of part 1 of this Law shall not be applied to persons leaving the territory of the Republic of Armenia for permanent residence.

3. The decision on granting or rejecting a permit for the export of controlled items or the transfer of controlled intangible values shall be adopted within 20 working days following the submission of documents referred to in part 1 of this Article to the authorised body. Where the authorised body does not agree with the negative opinion of the interested state bodies or any of them, it shall refer the issue of granting a permit to the Prime Minister of the Republic of Armenia. In this case, the time period for granting or rejecting a permit may be extended for five working days.

4. Where the document certifying the title over a permit is lost or is unfit for use, the person having obtained the permit shall submit to the authorised body an application thereon, by paying the state duty defined for issuing a copy of the document certifying the title over a permit. The authorised body shall issue a copy of the document certifying the title over a permit within three working days following submission of the application by the person having obtained the permit and payment of the state duty.

5. The authorised body shall, within two working days following the adoption of the decision on issuing the permit or a copy of the document certifying the title over a permit, duly inform the applicant thereon. While informing the applicant, the latter shall be warned about the consequences provided for by part 8 of this Article.

6. The applicant shall be obliged to pay the state duty prescribed by law no later than within five working days after being duly informed about the decision on issuing the permit or a copy of the document certifying the title over a permit.

7. The applicant may not submit to the authorised body a document certifying the payment of the state duty. If the applicant does not submit a document certifying payment of the state duty, the authorised body shall, following adoption of the decision on granting the application for issuing a permit or a copy of the document certifying the title over a permit, verify through the on-line treasury management system or the State Electronic Payment System the payment of the state duty within the time period referred to in part 6 of this Article and duly deliver or send to the applicant the document certifying the title over a permit, the copy of the document certifying the title over a permit.

8. The permit or the copy of the document certifying the title over a permit shall enter into force after duly informing about the decision on issuing a permit or the copy of the document certifying the title over a permit, and where the applicant pays the state duty after being duly informed about the decision on issuing a permit or the copy of the document certifying the title over a permit - on the day of payment of the state duty by the applicant. Where the applicant fails to pay the state duty within the time period provided for by part 6 of this Article, the relevant decision adopted by the authorised body shall be cancelled.

***(Article 10 supplemented, amended by HO-180-N of 11 September 2012, HO-122-N of 29 June 2016)***

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| **Article 11.** | **Rejecting an application, suspending and terminating a permit**  |

1. The grounds for rejecting an application shall be the following:

(1) the documents submitted by the exporting or transferring entity are incomplete;

(2) the documents submitted by the exporting or transferring entity are false;

(3) there is contradiction between the planned export or transfer operations and the purposes provided for by Article 5 of this Law.

2. The authorised body shall, within three working days following the receipt of the application, check the completeness of documents, and where the documents are incomplete, the authorised body shall duly inform the person having submitted the application, by requesting to eliminate the deficiencies specified by the authorised body. The process of consideration of the application by the authorised body shall be suspended until the person having submitted the application eliminates the deficiencies in the documents. Where the application for obtaining a permit is rejected based on the grounds prescribed by points 2 and 3 of part 1 of this Article or the person having submitted the application fails to eliminate the deficiencies of the documents submitted thereby within the time period established by this part, the authorised body shall, within two working days following the adoption of the decision on rejecting the application, duly inform the person having submitted the application of the grounds for rejection.

3. The permit shall be suspended by the authorised body, if circumstances have emerged where contradictions may arise between the export of the controlled items or the transfer of the controlled intangible values and the purposes provided for by Article 5 of this Law. Following the adoption of the decision on suspension of the permit, as well as on lifting the suspension, the authorised body shall, within two working days, duly inform the exporting or transferring entities thereon. Suspension of the permit may not last more than 30 calendar days. Where no notification by the authorised body on termination of the permit is received upon the expiration of the indicated time period, the exporting or transferring entity shall obtain the right to continue export or transfer operations.

4. The authorised body shall terminate the permit in the following cases:

(1) based on the application of the exporting or transferring entity;

(2) liquidation or death of the exporting or transferring entity;

(3) if it has been established that the person submitted false or incomplete documents at the time of obtaining the permit;

(4) if during the examination of circumstances deemed as the basis for suspension it has been established that there are contradictions between the export of the controlled items or the transfer of the controlled intangible values and the purposes provided for by Article 5 of this Law;

(5) in case of a breach by the exporting or transferring entity of the requirements of the legal acts regulating the circulation control.

5. The authorised body shall, within two working days following the entry into force of the suspension or termination of the permit prescribed by this Article, duly inform the exporting or transferring entity on the suspension or termination of the permit, by indicating the relevant grounds.

***(Article 11 edited, amended by HO-122-N of 29 June 2016)***

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| **Article 12.** | **Notifying on transit transportation of controlled items**  |

1. Transit transportation of controlled items through the territory of the Republic of Armenia shall be carried out based on preliminary notification on transit transportation. The notification shall be submitted to the authorised body at least 25 working days prior to the determined date when the controlled items are to cross the customs border of the Republic of Armenia. The notification on transit transportation shall include the following information:

(1) the list of controlled items to be transferred;

(2) means of transportation;

(3) name of the exporter, transferring entity and importer;

(4) the route;

(5) expected date for transit transportation;

(6) the end-use purpose of the controlled items to be transferred.

2. Copies of the relevant permit for the export of controlled items of the exporting state and the End-User Certificate shall be attached to the notice, if envisaged by the exporting and importing countries.

3. The authorised body shall, within three working days following the receipt of the notice, inform the relevant interested public administration bodies on the planned transit transportation, by attaching the information and documents referred to in part 1 of this Article.

4. Where the transit transportation of the controlled items contradicts international obligations assumed by the Republic of Armenia or harms the national security interests of the Republic of Armenia, the authorised body shall, within 20 working days following the receipt of information, inform the person carrying out transit transportation and the customs authority thereon and shall ban the transit transportation. The authorised body — if it has a positive opinion — shall inform thereon the person carrying out transit transportation and the customs authority within 20 working days following the receipt of information. Where the notification is submitted to the authorised body later than the time period established by part 1 of this Article, the authorised body shall, within two working days, ban the transit transportation and inform the person carrying out transit transportation thereon, by indicating the reason for the ban.

Where the authorised body does not agree with the negative opinion of the interested state bodies or any of them, it shall submit the issue on permitting transit transportation to the Prime Minister of the Republic of Armenia. In this case, the time period for adopting a decision on permitting or banning the transit transportation may be extended for five working days, on which the person carrying out transit transportation shall be duly informed.

***(Article 12 amended, supplemented, edited by HO-122-N of 29 June 2016)***

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| **Article 13.** | **Changing the customs regime of the controlled items exported from the Republic of Armenia or extending the time period for temporary export**  |

1. Changing the customs regime of the controlled items exported from the Republic of Armenia or extending the time period for temporary export shall be carried out under the general export procedure prescribed by this Law.

**CHAPTER 4**

***INTERNATIONAL CO-OPERATION OF THE REPUBLIC OF ARMENIA IN THE FIELD OF CIRCULATION CONTROL***

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| **Article 14.** | **International co-operation of the Republic of Armenia in the field of circulation control**  |

1. International co-operation of the Republic of Armenia in the field of circulation control shall be targeted at:

(1) co-operation with foreign states in preventing dissemination of weapons of mass destruction, means of delivery and technologies for the creation thereof;

(2) contributing to the development of sustainable and secure system of international relations;

(3) improving international and domestic mechanisms for circulation control, identifying cases of violation of the legislation of the Republic Armenia in the field of circulation control.

2. International co-operation of the Republic of Armenia in the field of circulation control shall be carried out in accordance with the principles of international export control regimes and through participation of the Republic of Armenia in international conferences, holding negotiations and consultations with foreign states and international organisations, information exchange, as well as through implementation of joint bilateral and multilateral projects and other activities.

3. The authorised body of the Republic of Armenia in the field of circulation control shall co-operate with relevant bodies of the foreign states and international organisations, as prescribed by the legislation of the Republic of Armenia.

4. With the purpose of assisting in the domestic arrangements for circulation control, the Republic of Armenia encourages establishing relations between non-governmental associations and foreign states or international organisations in the field of circulation control.

**CHAPTER 5**

***LIABILITY FOR VIOLATION OF LEGISLATION OF THE REPUBLIC OF ARMENIA ON CIRCULATION CONTROL***

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| **Article 15.** | **Liability for violation of legislation of the Republic of Armenia on circulation control** |

1. The legal and natural persons shall incur liability for violating the legislation of the Republic of Armenia on circulation control as prescribed by law.

**CHAPTER 6**

***FINAL PROVISIONS***

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| **Article 16.** | **Entry into force of the Law** |

1. This Law shall enter into force on the tenth day following its official promulgation.

2. The Law of the Republic of Armenia HO-7-N of 24 September 2003 "On the control over exporting dual-use items and technologies, as well as the transit transportation thereof through the territory of the Republic of Armenia" shall be repealed upon the entry into force of this Law.

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| **President of the Republic of Armenia** | **S. Sargsyan** |
| 27 April 2010YerevanHO-42-N |  |