

DECISION
OF THE GOVERNMENT OF THE RUSSIAN FEDERATION
NO. 1172 OF OCTOBER 7, 1996
ON THE APPROVAL OF THE REGULATIONS ON THE PROCEDURE
FOR CONTROL OVER TAKING OUT OF THE RUSSIAN FEDERATION
OF DUAL PURPOSE GOODS AND KNOW-HOW SUBJECT TO EXPORT CONTROL
(with the Amendments and Additions of December 11, 1997,
September 29, 1998)

Decision of the Government of the Russian Federation No. 580 of August 3, 2001 abolished this Decision

As per Item 5 the present Decision shall come into force from December 3, 1996

Order of the State Customs Committee of the Russian Federation No. 700 of November 20, 1996 was issued to implement the present Decision

Decision of the Government of the Russian Federation No. 1548 of December 11, 1997 replaced the words "the Commission for the Export Control of the Russian Federation under the Government of the Russian Federation" with relevant preposition, if any, with the words: "the Governmental Commission for the Export Control of the Russian Federation" with relevant preposition, if any, in the text of this Decision

In accordance with the Decree of the President of the Russian Federation No. 1268 of August 26, 1996 on the Control of Export from the Russian Federation of Dual Purpose Goods and Know-How the Government of the Russian Federation hereby resolves:

1. To approve the attached Regulations on the Procedure for Control of Taking Out of the Russian Federation of Dual Purpose Goods and Know-how Subject to Export Control.

2. The Governmental Commission for the Export Control of the Russian Federation, the Ministry of Foreign Economic Relations of the Russian Federation, the State Customs Committee of the Russian Federation and the Ministry of Foreign Affairs of the Russian Federation shall provide control of taking out of the Russian Federation of dual purpose goods and know-how subject to export control.

3. The following shall be considered invalid:

the Decision of the Government of the Russian Federation No. 197 of March 10, 1994 on the Approval of the Regulations on the Procedure for the Control of Export from the Russian Federation of Specific Kinds of Raw Materials, Materials, Equipment, Know-How and Scientific and Technical Information that May Be Used in Creation of Armaments and Military Machinery (Collection of Acts of the President and the Government of the Russian Federation Article 881, No. 12, 1994);

Item 4 of the amendments introduced in specific decisions of the Government of the Russian Federation adopted by the Decision of the Government of the Russian Federation No. 556 of June 3, 1995 (Collection of Legislation of the Russian Federation, Article 2283, No. 24, 1995).

4. The Ministry of Foreign Economic Relations of the Russian Federation and the State Customs Committee of the Russian Federation shall within one month bring their regulatory acts to conformity with the present Decision.

5. The present Decision (excluding Item 4) shall come into force simultaneously with the Decree of the President of the Russian Federation No. 1268 of August 26, 1996.

Chairman of the Government
of the Russian Federation

V.Chernomyrdin

REGULATIONS

**ON THE PROCEDURE FOR CONTROL OF TAKING OUT
OF THE RUSSIAN FEDERATION OF DUAL PURPOSE GOODS AND KNOW-HOW
SUBJECT TO EXPORT CONTROL**

**(Approved by the [Decision](#) of the Government of the Russian
Federation No. 1172 of October 7, 1996)**

On the strengthening of controls over the export of goods and services having double purposes relating to weapons of mass destruction and rocket powered means of their delivery see [Decision](#) of the Government of the Russian Federation No. 57 of January 22, 1998

1. The present Regulations determine the procedure for the performance of control of taking out of the Russian Federation (excluding transit) of the goods and know-how included in the List of Dual Purpose Goods and Know-How Subject to Export Control approved by the [Decree](#) of the President of the Russian Federation No. 1268 of August 26, 1996 (hereinafter referred to as "the List").

2. The present Regulations have been elaborated for the purpose of defending the national interests of the Russian Federation and ensuring the performance under international treaties ensuing the Vassenaar Accord on Export Control of Conventional Armaments and Dual Purpose Goods and Know-How (hereinafter referred to as "the Vassenaar Accord").

3. The provisions of the present Regulations shall be binding on all the agents in foreign economic activities under the jurisdiction of the Russian Federation with no regard to the organizational and legal form thereof in their executing foreign economic transactions with the goods and know-how included in the List (hereinafter referred to as "the dual purpose goods and know-how").

4. Export and temporary taking out of the dual purpose goods and know-how declared for the military use shall be performed in accordance with the procedure established by the legislation of the Russian Federation for the export of military purpose products, work and services.

5. The procedure for the control of taking out of the Russian Federation of the dual purpose goods and know-how declared for non-military use shall provide for the following:

obtaining approval for draft international treaties of the Russian Federation providing for the transfer of the dual purpose goods and know-how;

preparing and issuing a statement on the possibility of taking out the dual purpose goods and know-how;

licensing of export of the dual purpose goods and know-how;

customs control and customs processing of the dual purpose goods and know-how being carried out of the limits of the Russian Federation, if not provided otherwise by legislative acts of the Russian Federation, decisions of the President and the Government of the Russian Federation.

6. Draft international treaties of the Russian Federation (with no regard to the form and name thereof) providing for a transfer to foreign countries of the dual purpose goods and know-how declared for non-military use shall be subject to compulsory approval by the Governmental Commission for the Export Control of the Russian Federation, the Ministry of Foreign Economic Relations of the Russian Federation, the State Customs Committee of the Russian Federation and the Ministry of Foreign Affairs of the Russian Federation.

7. Taking out of the Russian Federation of the dual purpose goods and know-how in accordance with the international obligations for the non-proliferation of the mass destruction weapons and missile carriers thereof shall be performed in accordance with the procedure established by the legislation of the Russian Federation.

8. A contract (treaty, agreement) for exporting from the Russian Federation of the dual purpose goods and know-how shall include:

purpose and location of the use of the export object;

end user;

importer's obligations stating that the export object shall be used solely for the declared purposes and shall not be transferred to anybody without a written consent of the exporter. Should the importer be an intermediary, similar obligations shall be assumed in writing by the end user.

9. In exporting the goods and know-how listed under Part II "Sensitive" Goods and Know-How" and Part III "Very "Sensitive" Goods and Know-How" of the List (hereinafter referred to as "the sensitive dual purpose goods and know-how") to the states not parties to the Vassenaar Accord the end user's obligations provided for under [Item 8](#) of the present Regulations shall be confirmed by a special document - the import certificate (or an analogous document) executed by an authorized state organ of the country in which the end use will be made of the export object (hereinafter referred to as "the end user country") in accordance with the requirements established by the national legislation or a document of an arbitrary form, should there be no procedure for the issuance of the import certificate in the end user country.

10. In specific cases export deals with the dual purpose goods and know-how shall be executed on the terms and conditions whereby the following shall be provided to the Russian exporter by its foreign counterpart:

- the right to check-up the use by the end user of the export object in compliance with the declared purpose;

- a certificate confirming the delivery or another document issued by a customs organ of the end user country and certifying that the export object has been brought in the territory of the country.

The need for the fulfillment of the aforesaid terms shall be determined by the Governmental Commission for the Export Control of the Russian Federation according to the results of an inter-departmental work-out in respect to the circumstances of a specific export deal as well as on the basis of assessing the risks relating to this deal.

11. Export of the dual purpose goods and know-how shall be performed on one-time licenses granted by the Ministry of Foreign Economic Relations of the Russian Federation in accordance with the established procedure. Ground for the issuing of such license is a statement of the Governmental Commission for the Export Control of the Russian Federation on the possibility of exporting the dual purpose goods or know-how.

For the purpose of enhancing the control the effective term of the licenses granted for exporting the sensitive dual purpose goods and know-how shall be set proceeding from the terms and conditions of a specific export deal.

Should the importer (end user) be in breach of the obligations provided for in [Items 8](#) and [10](#) of the present Regulations, the Ministry of Foreign Economic Relations of the Russian Federation on proposal of the Governmental Commission for the Export Control of the Russian Federation shall suspend the effect of the license or cancel the license with notification of this being forwarded to the State Customs Committee of the Russian Federation and the exporter. In such a case any deliveries from the Russian Federation of the dual purpose goods and know-how to this importer (end user) shall be terminated until the aforesaid breach is eliminated.

The suspended license shall be resumed by the Ministry of Foreign Economic Relations of the Russian Federation, provided the approval is granted by the Governmental Commission for the Export Control of the Russian Federation.

12. In order to obtain the statement from the Governmental Commission for the Export Control of the Russian Federation on the possibility of exporting the dual purpose goods and know-how the exporter shall send the following to the Federal Currency and Export Control Service of the Russian Federation:

- application for the statement, in the form as per [Appendix 1](#);

- a copy of the exporter's state registration certificate attested by notary public;

- a copy of the contract (treaty, agreement) for exporting of the dual purpose goods and know-how. The copy of the contract (treaty, agreement) shall be attested by the signature of the head or authorized official and the seal of the exporter organization. The copy of the contract (treaty, agreement) shall also bear the date of the issuance thereof and a notation indicating where the original is kept;

- abstract from the trade register or another document confirming the registration of the importer (end user) in accordance with the legislation of the country where it is located;

- documents setting forth the importer's (end user's) obligations as provided for under [Item 8](#) of the present Regulations, should such obligations be missing in the text of the contract;

import certificate or another document specified under [Item 9](#) of the present Regulations.

Decision of the Government of the Russian Federation No. 1132 of September 29, 1998 reworded paragraph 8 of Item 12 of these Regulations

[See the previous text of the paragraph](#)

An application for the issuance of a decision on the possibility of the export of goods or technology of dual purpose is subject to mandatory approval of the ministry (department) of the Russian Federation that is implementing the functions of a state customer and by the Ministry of Justice of the Russian Federation.

See the [Instructions](#) on the Procedure for Filing Documents Required to Obtain the Approval of the Ministry of Justice of the Russian Federation of the Applications for the Issuance of Statements on the Possibility of the Exports of Goods and Services Used to Create Missiles; Dual-Purpose Chemicals, Equipment and Know-How That Can Be Applied in the Creation of Chemical Weapons; Dual-Purpose Critical Nuclear Products, Equipment, Materials or Know-How Applied for Nuclear Purposes; Dual-Purpose Goods and Know-How, approved by [Order](#) of the Ministry of Justice of the Russian Federation No. 157 of November 4, 1998

Documents in foreign languages shall be submitted by the exporter with attested translation to Russian attached.

13. The decision on the possibility of exporting the dual purpose goods and know-how shall be taken by the Governmental Commission for the Export Control of the Russian Federation according to the results of inter-departmental work-out in respect to the circumstances of a specific deal with the obligatory participation of the Ministry of Defense of the Russian Federation proceeding from the interests of the national security and international obligations of the Russian Federation ensuing the Vassenaar Accord with due regard to the appropriate factors, including but not limited to:

whether the exported dual purpose goods and know-how correspond to the declared end use and whether the declared end use correspond to the sphere of activities of the end user;

whether the export deal will exert effect on the build-up of the military/industrial potential of the end user country and which possible consequences it may cause for the international peace and security on the global and regional levels;

whether the importer (end user) was engaged in clandestine or illegal acquisition of the dual purpose goods and know-how;

whether the importer (end user) has been denied by any Vassenaar Accord member-state a similar transfer and whether the importer (end user) has been using any dual purpose goods and know-how for the purposes other than declared.

The questions relating to exporting of the goods and know-how included in Part III "Very Sensitive" Goods and Know-How of the List shall be subject to be scrutinized with special attention.

14. The statement of the Governmental Commission for the Export Control of the Russian Federation on the possibility of exporting the dual purpose goods and know-how shall be forwarded by the Federal Currency and Export Control Service of the Russian Federation to the Ministry of Foreign Economic Relations of the Russian Federation and to the exporter which shall within six months from the date of the aforesaid statement submit it to the Ministry of Foreign Economic Relations of the Russian Federation for the granting of the licence in accordance with the established procedure. The statement submitted by the exporter later than the established date shall be deemed invalid.

15. Should the contract (treaty, agreement) for exporting the dual purpose goods and know-how be amended so as to affect the export object, the end user, the declared purpose and location of the use of the exported goods and know-how, the effect of the license granted by the Ministry of Foreign Economic Relations of the Russian Federation shall be suspended and the statement issued earlier by the Governmental Commission for the Export Control of the Russian Federation on the possibility of exporting the aforesaid goods and know-how shall be subject to be re-made with the submittal of the documents as provided for under [Item 12](#) of the present Regulations.

16. The requirements established under [Items 8 - 15](#) of the present Regulations for exporting the dual purpose goods and know-how shall also cover the taking out of the Russian Federation of the aforesaid goods and know-how relating to the transfer thereof into temporary use of any foreign person or entity and subsequent return thereof to the territory of the Russian Federation.

In order to obtain the respective statement from the Governmental Commission for the Export Control of the Russian Federation a foreign trade agent performing such export shall forward to the Federal Currency and Export Control Service of the Russian Federation the documents stipulated by [Item 12](#) of the present Regulations (excluding the import certificate or the document in place thereof) as well as a document containing the obligations to return the object or product (products) of processing thereof within the established term in accordance with the legislation of the Russian Federation.

Prolongation of the term of the dual purpose goods and know-how stay outside the customs territory of the Russian Federation specified under the present Item shall be done by the customs organs in accordance with the procedure determined by the State Customs Committee of the Russian Federation. In such a case the condition upon which the customs organs take the decision to extend the term of the dual purpose goods and know-how stay outside the customs territory of the Russian Federation shall be the availability of the documents confirming the consent of the Governmental Commission for the Export Control of the Russian Federation and the Ministry of Foreign Economic Relations of the Russian Federation to extend the said term.

17. Taking out of the Russian Federation of the dual purpose goods being a product of processing of foreign goods brought into the territory of the Russian Federation specially for the purpose of processing thereof shall be performed in accordance with the customs legislation of the Russian Federation in accordance with the procedure established by the present Regulations for exporting such goods. For that matter the condition upon which the customs clearing of the foreign goods brought to the territory of the Russian Federation with the purpose of processing shall be the availability of the license granted by the Ministry of Foreign Economic Relations of the Russian Federation for exporting the products of processing thereof.

18. Taking out of the Russian Federation of the dual purpose goods and know-how for temporary use on the territory of foreign states without the transfer thereof to any foreign person or entity with subsequent return to the territory of the Russian Federation shall be performed without a license on the basis of the statement of the Governmental Commission for the Export Control of the Russian Federation on the possibility of exporting in accordance with the procedure as provided for in the legislation of the Russian Federation.

In order to obtain the respective statement a foreign trade agent performing the aforesaid export (hereinafter referred to as "the applicant") shall forward the following to the Federal Currency and Export Control Service of the Russian Federation:

application for the statement in the form as per [Appendix 1](#);

a copy of its state registration attested by notary public;

obligation to bring back the dual purpose goods or know-how or the product (products) of processing thereof within the established term in accordance with the legislation of the Russian Federation.

The statement of the Governmental Commission for the Export Control of the Russian Federation provided for under the present Item and made in the form as per [Appendix 2](#) shall be forwarded by the Federal Currency and Export Control Service of the Russian Federation to the applicant and to the State Customs Committee of the Russian Federation.

Prolongation of the term of the dual purpose goods and know-how stay outside the customs territory of the Russian Federation specified under the present Item shall be done by the customs organs in accordance with the procedure determined by the State Customs Committee of the Russian Federation. In such a case the condition upon which the customs organs take the decision to extend the term of the dual purpose goods and know-how stay outside the customs territory of the Russian Federation shall be the availability of the documents confirming the consent of the Governmental Commission for the Export Control of the Russian Federation to extend the said term.

19. Sale and other foreign economic deals relating to changing the right of possession,

disposition or use in respect to the dual purpose goods and know-how taken out in accordance with [Items 16](#) and [18](#) of the present Regulations and being outside the limits of the Russian Federation shall be performed in accordance with the procedure established by the present Regulations for exporting the aforesaid goods and know-how without them being brought in (returned) to the territory of the Russian Federation.

20. The decision to transfer to a third person (including re-export) the dual purpose goods or know-how exported from the Russian Federation shall be taken:

by the Government of the Russian Federation - should the aforesaid goods or know-how be used for military purposes;

by the Governmental Commission for the Export Control of the Russian Federation - should the aforesaid goods or know-how be used for non-military purposes.

21. Draft decision of the Government of the Russian Federation on the issue of transfer to a third person of the dual purpose goods or know-how declared for a military use shall be introduced in accordance with the established procedure to the Government of the Russian Federation by the Ministry of Foreign Economic Relations of the Russian Federation upon the approval by the Governmental Commission for the Export Control of the Russian Federation.

22. Permit by the Governmental Commission for the Export Control of the Russian Federation to transfer to a third person the dual purpose goods or know-how declared for non-military use shall be granted in the form of appropriate statement. In order to obtain the aforesaid statement a Russian exporter shall forward to the Federal Currency and Export Control Service of the Russian Federation:

letter requesting the issue of the appropriate statement with the indication of characteristics, aim and location of the use, the end user of the re-export (transfer) object, reference number of the statement of the Governmental Commission for the Export Control of the Russian Federation and the reference number of the license on the basis of which export (taking out) has been effected as well as the reference number of the contract under which the transfer of the dual purpose goods or know-how to a third person is going to be done;

document (a copy attested by notary public) containing obligations of the end user of the transfer object as provided for under Item 8 of the present Regulations;

import certificate (a copy attested by notary public) or another document specified under Item 9 of the present Regulations.

Documents in foreign languages shall be submitted by the exporter with attested translation in Russian attached.

23. The decision to grant or deny the statements provided for under [Items 12](#), [16](#), [18](#) and [22](#) of the present Regulations shall be taken by the Governmental Commission for the Export Control of the Russian Federation within 45 days after the receipt by the Federal Currency and Export Control Service of the Russian Federation of all the required documents properly executed.

In exceptional cases relating to the deed of carrying out a comprehensive inter-departmental expert examinations of considerable scope and complexity of materials submitted for scrutiny the term for the decision taking may be extended by not more than 45 days, with obligatory notification of the exporter (applicant).

The notification of a denial of the statement shall be forwarded to the applicant in writing by the Federal Currency and Export Control Service of the Russian Federation within 5 days after the taking by the Governmental Commission for the Export Control of the Russian Federation of respective decision with the indication of the reasons for the denial.

The Governmental Commission for the Export Control of the Russian Federation has the right to request and to receive in accordance with the established procedure from the exporter (applicant), other Russian participants to the foreign economic deal involving the dual purpose goods or know-how as well as from the state organs the information and documents required for the preparation of the respective statement.

Russian foreign trade agents and the officials of the state organs shall be held liable for the trustworthiness of the information provided by them in accordance with the legislation of the Russian Federation.

24. Should the dual purpose goods and know-how be carried across the border of the Russian

Federation, they shall be subject to customs control and customs clearance in accordance with the procedure established by the customs legislation of the Russian Federation.

The condition upon which the customs clearance of the aforesaid goods and know-how is going to be done shall be the availability with the foreign trade agent performing the taking out thereof of the license granted by the Ministry of Foreign Economic Relations of the Russian Federation and in the cases provided for under Item 18 of the present Regulations of an appropriate statement of the Governmental Commission for the Export Control of the Russian Federation.

25. The Ministry of Foreign Economic Relations of the Russian Federation shall quarterly submit to the Federal Currency and Export Control Service of the Russian Federation information (according to an agreed form) on the licenses granted on the basis of the statements of the Governmental Commission for the Export Control of the Russian Federation for exporting the dual purpose goods and know-how. The aforesaid information shall be submitted at the latest 10 days after the end of a quarter and in relation to the licenses for export of the sensitive dual purpose goods and know-how which in actually analogous to a transfer which earlier has been denied by any of the Vassenaar Accord member-states at the latest 10 days after the license date.

The State Customs Committee of the Russian Federation shall submit to the Federal Currency and Export Control Service of the Russian Federation information (according to the agreed form) on the exporting from the Russian Federation of the dual purpose goods and know-how. The aforesaid information shall be submitted quarterly within 20 days after the end of a quarter.

On the basis of generalization of the information received the Federal Currency and Export Control Service of the Russian Federation shall prepare and submit upon obtaining approval from the ministries and departments concerned to the Ministry of Foreign Affairs of the Russian Federation for subsequent forwarding to the Vassenaar Accord member-states in accordance with the procedure and within the terms provided for by the Vassenaar Accord:

general information ("information on generalized basis") on the denials of export license for the dual purpose goods and know-how listed in Part I of the List for exporting them to the states not being party to the Vassenaar Accord, when the reasons for the denial correspond to the aims of the Vassenaar Accords;

information on specific denials ("information of the denials on individual bases") of licenses for exporting the sensitive dual purpose goods and know-how to the states not being party to the Vassenaar Accord when the reasons for the denials correspond to the aims of the Vassenaar Accord;

general information ("information on generalized basis") on the export of the sensitive dual purpose goods and know-how to the states not being party to the Vassenaar Accord;

information on each license granted ("information on individual basis on the licenses granted") for exporting the sensitive dual purpose goods and know-how to the states not being party to the Vassenaar Accord, should a similar transfer occur which has been earlier denied by any of the Vassenaar Accord member-states.

26. Taking out the dual purpose goods and know-how being the carriers of the information which is a state secret shall be performed in accordance with the legislation of the Russian Federation on the state secret and the present Regulations.

27. The issues of control of the taking out of the Russian Federation of the dual purpose goods and know-how not regulated by the present Regulations shall be resolved by the Governmental Commission for the Export Control of the Russian Federation within its competence in accordance with the international obligations of the Russian Federation in the sphere of non-proliferation of the mass destruction weapons and other most dangerous kinds of weapons as well as the legislation of the Russian Federation.

28. Persons/entities taking out the dual purpose goods and know-how in breach of the procedure established by the present Regulations shall be liable in accordance with the legislation of the Russian Federation.

**on the Procedure for Control of Taking Out
of the Russian Federation of Dual Purpose Goods
and Know-how Subject to Export Control**

**Application for Statement
of the Governmental Commission for the Export Control of
the Russian Federation**

No. _____ of _____

1. Applicant *OKPO Code
2. Owner (Possessor) of the goods (know-how) *OKPO Code
3. Country of origin of the goods (know-how)
4. Customs regimen of carrying the goods (know-how)
5. Customs organ which will perform custom clearance of the goods
(know-how)
Address
Phone
Fax
6. Contract No.
7. Importer (Buyer)
Address
Phone
Fax
8. Country of the importer (buyer)
9. End user
Address
Phone
Fax
10. Country of the end user
11. Name and full characteristics of the goods (know-how)
12. Goods Code (know-how code) by the foreign economic activities
nomenclature
13. Number of Part and number of item of the goods (know-how)
according to the control list
14. Unit
15. Quantity
16. Price
17. Currency of payment
18. Declared purpose and location for the use of the goods
(know-how)
19. Transit country and intermediate consignees
20. Information on the availability of information being classified
as state secret
21. Approved

Name and Position
Signature and Seal

Date

22. Name of the head of the applicant organization

Position
Signature and Seal

Date

23. Special remarks

Appendix 2
to the [Regulations](#)
on the Procedure for Control of Taking Out
of the Russian Federation of Dual Purpose Goods and Know-how
Subject to Export Control

Governmental Commission for the Export Control
of the Russian Federation

Statement
on the Possibility of Temporary Export
of the Dual Purpose Goods (Know-How)
Subject to Export Control
No. _____ of _____

The Commission for Export Control of the Russian Federation with the Government of the Russian Federation having considered the application by _____

(full name of the organization effecting temporary export)

on the possibility of temporary exporting to _____
(destination country)

of _____
(name and full characteristics of the goods (know-how) temporarily exported, with the indication of the code by the foreign economic activities nomenclature)

the quantity being _____ for the term beginning " " _____ 19__
and ending " " _____ 19__

for the purpose of _____
(purpose of the use of the temporarily exported goods (know-how))

in accordance with _____
(name of the document confirming the purpose and the term of the temporary export)
considers the effecting of the aforesaid export possible.

(position)

(signature)

(full name)

Seal

Date