

AMENDING RESOLUTION NO 932 OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA OF 22 JULY 2004 ON THE APPROVAL OF THE LICENSING RULES FOR EXPORT, IMPORT, TRANSIT AND BROKERING OF STRATEGIC GOODS AND THE RULES ON THE IMPLEMENTATION OF CONTROL OF STRATEGIC GOODS

No 617, 29 May 2012
Vilnius

The Government of the Republic of Lithuania has resolved:

1. To amend Resolution No 932 of the Government of the Republic of Lithuania of 22 July 2004 on the approval of the Licensing Rules for the export, import, transit and brokering of strategic goods and the Rules on the implementation of control of strategic goods (Official Gazette 2004, No [115-4305](#); 2006, No [73-2785](#); 2008, No [85-3373](#); 2009, No [84-3513](#); 2010, No [77-3941](#), No [133-6797](#)) and to recast it as follows:

‘GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

ON THE APPROVAL OF THE LICENSING RULES FOR EXPORT, IMPORT, TRANSIT, BROKERING AND INTRA-EU TRANSFER OF STRATEGIC GOODS, THE RULES ON THE IMPLEMENTATION OF CONTROL OF STRATEGIC GOODS AND THE RULES ON THE CERTIFICATION OF RECIPIENT UNDERTAKINGS MANUFACTURING MILITARY EQUIPMENT

Pursuant to Articles 4, 5(2), 6(2), 6(12), 6(13), 8(3), 8(4), 9(2), 11(1) and 14(1) of the Law of the Republic of Lithuania on the Control of Strategic Goods (Official Gazette 1995, No 61-1533; 2011, No 128-6052) and in implementing Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (as last amended by Commission Directive 2010/80/EU of 22 November 2010 (OJ 2010 L 308, p. 11), Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ 2009 L 134, p. 1), as last amended by Council Regulation (EC) No 1232/2001 of 16 November 2011 (OJ 2011 L 326, p. 26) (hereinafter referred to as ‘Council Regulation (EC) No 428/2009’), Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (hereinafter referred to as ‘Council Common Position 2008/944/CFSP’), and Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering, the Government of the Republic of Lithuania has resolved:

1. To approve:

1.1. Licensing Rules for export, import, transit, brokering and intra-EU transfer of strategic goods;

- 1.2. Rules for the implementation of control of strategic goods;
 - 1.3. Rules on the certification of recipient undertakings manufacturing military equipment.
2. To form a Commission for the Resolution of Issues Relating to the Licensing of Strategic Goods (hereinafter referred to as 'Commission'), consisting of:
 - Vice Minister of Economy (Commission Chairperson);
 - representative of the Ministry of the Environment;
 - representative of the Ministry of Energy;
 - representative of the Information Society Development Committee under the Ministry of Transport and Communications;
 - representative of the Ministry of National Defence;
 - representative of the Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania;
 - representative of the Customs Department of the Ministry of Finance of the Republic of Lithuania;
 - representative of the Police Department under the Ministry of the Interior of the Republic of Lithuania;
 - representative of the Ministry of Transport and Communications;
 - representative of the Ministry of Health;
 - representative of the Ministry of Foreign Affairs;
 - representatives of the Ministry of Economy;
 - representative of the State Nuclear Power Safety Inspectorate;
 - representative of the State Food and Veterinary Service.
 3. To establish that:
 - 3.1. the control of export, import, transit, brokering and intra-EU transfer of strategic goods shall be carried out by the Ministry of Economy, Ministry of Environment, Ministry of Energy, Information Society Development Committee under the Ministry of Transport and Communications, Ministry of National Defence, State Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania, National Security Department of the Republic of Lithuania, Customs Department under the Ministry of Finance of the Republic of Lithuania, Police Department under the Ministry of the Interior of the Republic of Lithuania, Ministry of Environment, Ministry of Health, Ministry of Foreign Affairs, State Nuclear Power Safety Inspectorate, and State Food and Veterinary Service;
 - 3.2. licences for the export, import, transit and brokering of military equipment as well as dual-use export licences and import certificates issued prior to entry into force of this Resolution shall remain valid until the expiry of these licences or import certificates.
 4. To authorise the Minister of Economy:

4.1. to approve the personal composition of the Commission and its Working Procedure;

4.2. to adopt the forms of applications for licences and import certificates as well as the forms of licences and import certificates;

4.3. in coordination with the Ministry of Foreign Affairs, to adopt a model form of the end-use certificate;

4.4. in coordination with the Ministry of National Defence and the Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania, to approve the general intra-EU transfer licences and the categories under the Common Military List applicable to those licences established with regard to the transfer risk and end-use conditions;

4.5. to adopt the form of the certificate referred to in the Rules on the certification of recipient undertakings manufacturing military equipment, as approved by paragraph 1.3 of this Resolution;

4.6. to approve a questionnaire concerning the description and evaluation of the transfer and export management system introduced in the undertaking;

5. To instruct:

5.1. the Ministry of National Defence to evaluate the categorisation of goods according to the Common Military List referred to in Article 4 of the Law of the Republic of Lithuania on the Control of Strategic Goods (Official Gazette 1995, No 61-1533; 2011, No 128-6052);

5.2. the Ministry of Foreign Affairs:

5.2.1. in coordination with other public authorities according to their respective remits, to develop Lithuania's position concerning international non-proliferation instruments: Wassenaar Arrangement (WA), Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), and Australian Group (AG);

5.2.2. to evaluate compliance by submitted applications for licences with the criteria listed in Council Common Position 2008/944/CFSP;

5.2.3. to supply the Working Group on Arms Control of the Council of the European Union (COARM) with the data referred to in paragraph 5.5 of this Resolution;

5.3. the Ministry of the Economy:

5.3.1. to provide the European Commission and Member States with information in the cases specified in Council Regulation (EC) No 428/2009;

5.3.2. to supply the competent authorities of Member States with available information on risks related to the reliability of a recipient of military equipment certified by a Member State;

5.3.3. to prepare and publish Lithuania's annual reports based on the provisions of Council Common Position 2008/944/CFSP on the website of the Ministry of Economy;

5.4. the public authorities specified in paragraph 3.1 of this Regulation, within their respective remits, to provide the Ministry of Economy with information necessary for the implementation of the provisions of Council Regulation (EC) No 428/2009 and international non-proliferation agreements;

5.5. the Ministry of Economy, Ministry of National Defence, Police Department under the Ministry of the Interior of the Republic of Lithuania and the Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania, within their respective remits, to prepare and provide the Ministry of Foreign Affairs with data for the European Union's annual report under the provisions of Council Common Position 2008/944/CFSP.'

2. This Resolution, except for paragraph 4 of the Resolution set out in paragraph 1, shall enter into force on 30 June 2012.

Prime Minister

Andrius Kubilius

Minister of Economy

Rimantas Žylius

APPROVED by:
Resolution No 932 of the Government of
the Republic of Lithuania of 22 July 2004
(as amended by Resolution No 617 of the
Government of the Republic of Lithuania of
29 May 2012)

LICENSING RULES FOR EXPORT, IMPORT, TRANSIT, BROKERING AND INTRA-EU TRANSFER OF STRATEGIC GOODS

I. GENERAL PROVISIONS

1. The Licensing Rules for export, import, transit, brokering and intra-EU transfer of strategic goods (hereinafter referred to as 'Rules') regulate the types of licences for export, import, transit, brokering and transfer within the European Union (hereinafter referred to as 'intra-EU transfer') of strategic goods and the procedures for licence issue, amendment, suspension, lifting of suspension or revocation and for the issuance of documents attesting the end-use of strategic goods.

2. Definitions for the purposes of the Rules:

Import certificate shall mean a document of the form approved by the Minister of Economy confirming that a legal or natural person or a branch of a foreign legal person or another organisation is authorised to import or bring in a specified quantity of strategic goods and attesting the end-use of such goods, the commitments of the end-user and non-transfer controls, which is to be submitted to the competent national authority of the exporting country or Member State.

End-use confirmation note shall mean a document attesting the end-use of strategic goods imported or brought in, end-user commitments and non-transfer controls, which is issued or certified with regard to the requirements of the exporting country or Member State and is to be submitted to a competent national authority of the exporting country or Member State.

End-use certificate shall mean a document attesting the end-use of exported or transferred strategic goods, end-user commitments and non-transfer controls, which is to be filled out by the end-user from a third country or Member State in accordance with the model end-use certificate approved by the Minister of Economy and submitted to the Ministry of Economy together with the application for the export or intra-EU transfer licence.

Other terms used in the Rules are defined in the Law of the Republic of Lithuania on the Control of Strategic Goods (Official Gazette 1995, No 61-1533; 2011, No 128-6052) (hereinafter referred to as 'Law on the Control of Strategic Goods') and in EU legislation.

II. TYPES OF LICENCES

3. The types of licences for dual-use items regulated under Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ 2009 L 134, p. 1), as last amended by Regulation (EU) No 1232/2001 of the European Parliament and of the Council of 16 November 2011 (OJ 2011 L 326, p. 26) (hereinafter referred to as 'Regulation'), shall be as follows:

3.1. individual export licence, global export licence, and individual brokering service licence;

3.2. EU general export authorisations specified in Article 9(1) of the Regulation;

3.3. the Ministry of Economy authorisation (note) for the transfer of dual-use items specified in Article 22(1) of the Regulation.

4. Types of licences for the export, import, transit and brokering of military equipment:

4.1. individual export licence, i.e. an authorization granting an exporter the right to export a certain quantity of military equipment specified in the licence in one or several shipments to one end-user or recipient in a third country;

4.2. individual licence for temporary export (for the purposes of repair, exhibition, inspection or temporary use), i.e. an authorization granting an exporter the right to temporarily export a certain quantity of military equipment as specified in the licence to the specified importer or recipient in a third country and to bring it back (to re-import);

4.3. global export licence, i.e. an authorization granting an exporter the right to export military equipment of a certain type as specified in the licence to one end-user in a third country;

4.4. individual import licence, i.e. an authorization granting an importer the right to import a certain quantity of military equipment as specified in the licence in one or several shipments from a third-country exporter;

4.5. individual licence for temporary import (for the purposes of repair, exhibition, inspection or temporary use), i.e. an authorization granting an importer the right to temporarily import a certain quantity of military equipment as specified in the licence from a third-country exporter or end-user and to return (re-export) this equipment to the specified third-country exporter or end-user;

4.6. global import licence, i.e. an authorization granting an importer the right to import military equipment of a certain type specified in the licence from one or several exporters from one or several third countries;

4.7. transit licence an authorization granting a carrier the right to transport in transit over the territory of the Republic of Lithuania the quantity of military equipment specified in

the licence in one shipment sent by the specified third-country exporter to the specified importer from a different third country;

4.8. brokering licence, an authorization granting a broker the right to negotiate, prepare or implement a transaction between the buyer and the seller specified in the licence on the transfer of the specified military equipment from the territory of the Republic of Lithuania or the territory of another Member State or third country to any other third country.

5. Types of licences for intra-EU transfer of military equipment:

5.1. general licence for intra-EU transfer of military equipment to the armed forces of other Member States, i.e. an authorisation for suppliers established in the Republic of Lithuania and compliant with the conditions set out in the licence to transfer the military equipment specified in the licence to the armed forces of another Member State or to a contracting authority in the field of defence purchasing for the exclusive use by the armed forces of a Member State;

5.2. general licence for intra-EU transfer of military equipment to certified undertakings in other Member States, i.e. an authorisation for suppliers established in the Republic of Lithuania and compliant with the conditions set out in the licence, to transfer the military equipment specified in the licence to a recipient certified undertaking located in another Member State;

5.3. general licence for intra-EU transfer of military equipment for demonstration, evaluation or exhibition purposes, i.e. an authorisation for suppliers established in the Republic of Lithuania and compliant with the conditions set out in the licence to transfer the military equipment specified in the licence to another Member State for the purposes of demonstration, evaluation or exhibition on condition that this equipment will be returned after the demonstration, evaluation or exhibition;

5.4. general licence for intra-EU transfer of military equipment for technical maintenance or repairs, i.e. an authorisation for suppliers established in the Republic of Lithuania and compliant with the conditions set out in the licence to transfer the military equipment specified in the licence for the purposes of technical maintenance or repairs to a recipient of military equipment located in another Member State, which is the originating supplier or producer of the military equipment, on condition that the equipment will be returned following technical maintenance or repairs;

5.5. global intra-EU transfer licence, i.e. an authorisation granting a supplier the right to transfer military equipment of a certain type specified in the licence to one or several recipients in other Member States;

5.6. individual intra-EU transfer licence, i.e. an authorisation granting a supplier the right to make one transfer of the quantity of military equipment specified in the licence in one or several shipments to one recipient in another Member State; the individual intra-EU transfer licence shall be issued when it is requested for a single transfer, where that is

necessitated by security interests, the protection of public order or international commitments or where the supplier cannot conform to all the conditions for the issue of the global intra-EU transfer licence;

5.7. individual licence for entrance from another Member State, i.e. an authorisation granting a recipient the right to bring in the quantity of military equipment specified in the licence from a supplier in another Member State; this authorisation shall be applicable only in case of entering of the military equipment listed under category ML7 of the Common Military List.

6. The licences listed in paragraphs 4 and 5 of the Rules, depending on their type, shall specify:

6.1. name of the national authority that issued the licence;

6.2. number of the application for the licence;

6.3. license number;

6.4. type of licence;

6.5. exporter (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.6. supplier (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.7. importer (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.8. recipient (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.9. end-user (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.10. carrier (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the identification document);

6.11. broker (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

6.12. representative (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the identification document);

6.13. State of origin;

6.14. names of military equipment (short description, model, type or other equipment identification data (where applicable), codes of the Combined Nomenclature adopted by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2004 *Special Edition*, Ch. 2, Vol. 2, p. 357) as last amended by Commission Regulation (EU) No 1006/2011 of 24 September 2011 (OJ 2011 L 282, p. 1) (hereinafter referred to as 'CN codes'), sequential numbers of military equipment on the Common Military List, its quantity and value;

6.15. Republic of Lithuania customs posts through which military equipment may be exported, imported or carried in transit;

6.16. obligations of the exporter, supplier, importer, recipient or broker as well as additional requirements it must fulfil (if applicable);

6.17. term of validity of the licence;

6.18. seal of the institution issuing the licence and signatures of the authorised persons;

6.19. date of issue of the licence.

7. An individual licence, except for the individual intra-EU transfer licence, shall be valid for one year from the date of licence issue. The global export licence and the global import licence shall be valid for two years from the date of licence issue. The global intra-EU transfer licence shall be valid for three years from the date of licence issue.

8. Issued licences shall be registered with the Ministry of Economy.

III. DOCUMENTS ATTESTING END-USE OF STRATEGIC GOODS

9. Documents attesting end-use shall be the import certificate or the end-use confirmation note issued at the request of the competent authority of the exporting country or Member State.

10. The Ministry of Economy shall issue the import certificate or end-use confirmation note. The Ministry of Economy shall approve the end-use confirmation note if the competent national authority of the exporting country or Member State has requested the approval of such a note. In those cases when:

10.1. the importer and end-user of military equipment is the Ministry of National Defence or Lithuanian Armed Forces, the end-use confirmation note shall be approved by the Ministry of National Defence;

10.2. civil circulation of the weapons and ammunition included in the Common Military List is authorised, the end-use confirmation note shall be issued by the Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania in accordance with the procedure prescribed in other legal acts;

10.3. the nuclear materials, equipment and installations listed in Annex I to the Regulation are imported or brought in, the end-use confirmation note shall be issued by the Ministry of Economy together with the State Nuclear Power Safety Inspectorate.

11. The import certificate shall contain the following information:

11.1. name of the national authority that issued the import certificate;

11.2. number of the application;

11.3. number of the import certificate;

11.4. importer or recipient (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

11.5. exporter or supplier (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

11.6. end-user (name of the company or branch, company code, office address; for natural persons – first and last names, address of the residence, number of the personal identification document);

11.7. names of imported strategic goods (short description, model, type or other data identifying these goods, if applicable), reference number on the List of Dual-use Items or sequential numbers of these goods on the Common Military List, CN codes, and the quantity and value of these goods;

11.8. number and date of the sales contract;

11.9. end-use of the strategic goods and obligations regarding their use for the purposes identified;

11.10. obligations and signature of the importer or the person authorized by it;

11.11. seal of the authority issuing the import certificate and signatures of the authorised persons;

11.12. date of issue of the import certificate;

11.13. time limit for import certificate submission.

12. The import certificate must be submitted to the competent national authority of the exporting country or Member State within six months of the issue thereof.

13. Issued import certificates shall be registered with the Ministry of Economy.

IV. DOCUMENTS REQUIRED TO RECEIVE THE LICENCE OR THE DOCUMENT ATTESTING END-USE

14. A legal or natural person or a branch of a foreign legal person or another organisation applying for the licence or document attesting end-use must present the following documents to the Ministry of Economy:

14.1. a completed application in the form established by the Ministry of Economy;

14.2. a copy of the personal identification document certified in accordance with the procedure prescribed by the legislation (only natural persons);

14.3. a permit/licence for activities if the activities related to the export, import, transit, brokering or transfer of strategic goods are subject to licensing, or a copy of the document mentioned in this paragraph certified in accordance with the procedure prescribed in the legislation;

14.4. the safety data sheet of the chemical substance or preparation (where applicable), the number of the chemical substance, whether separate or contained in a preparation, assigned by the Chemical Abstracts Service (CAS number), where the application for a licence or end-use confirmation document concerns chemicals or preparations.

15. Together with the documents specified in paragraph 14 of the Rules, a legal or natural person or a branch of a foreign legal person or another organisation must submit:

15.1. applicants for the individual export licence to export dual-use items listed in Annex I to the Regulation as well as dual-use items non-listed in Annex I that are regulated under the provisions of Article 4 of the Regulation:

15.1.1. a contract or other documents attesting to the sale and purchase of dual-use items or copies of the said documents certified in accordance with the legislation;

15.1.2. end-use confirmation statement providing information on the end-user, the objective of the end-use of the item, final country of destination as well as the approval from the competent authority of the importing country;

15.2. applicants for the global export licence to export dual-use items listed in Annex I of the Regulation:

15.2.1. documents proving that the exporter has concluded or intends to conclude a sales contract with the end-user in a third country as specified in the application and has participated or intends to participate in the public procurement procedures held by this country for the supply of goods listed in Annex I of the Regulation.

15.2.2. information on the end-users of dual-use items as well as the objectives of end-use (should be supplied in writing);

15.2.3. documents signed by the head of the undertaking or branch specifying the export control officer of the undertaking, describing the undertaking's procedure for keeping records on dual-use items, and stating the obligation to provide the Ministry of Economy with information on the use of the global export licence in accordance with the procedure prescribed in paragraph 56 of the Rules;

15.3. applicants for the individual brokering services licence to provide services related to the dual-use items listed in Annex I to the Regulation:

15.3.1. documents attesting to ongoing negotiations, preparation of a sales contract or implementation of a sales transaction;

15.3.2. confirmation of the authorisation issued by the exporting country's competent authority to export dual-use items;

15.4. applicants for the individual export licence to export military equipment or individual intra-EU transfer licence authorising the transfer of military equipment:

15.4.1. a contract or other documents attesting to the sale and purchase of military equipment or copies of the said documents certified in accordance with the legislation;

15.4.2. a document attesting the end-use of military equipment, end-user obligations and non-transfer controls, issued or confirmed by a competent authority. Where the importer and/or end-user are state institutions, a document issued or confirmed by a competent national authority to attest the end-use of military equipment, end-user obligations and non-transfer controls should be presented. End-use of military equipment, end-user obligations and non-transfer controls may be confirmed using the model end-use certificate form specified in paragraph 2 of the Rules;

15.4.3. a document held by a supplier in another Member State on military equipment export restrictions, where the military equipment to be exported has been brought in from another Member State;

15.5. applicants for the global export licence to export military equipment or global intra-EU transfer licence authorising the transfer of military equipment:

15.5.1. documents showing that the exporter or supplier has concluded or intends to conclude contracts with the end user in a third-country or Member State as specified in the application concerning the sale of military equipment and has competed or intends to compete in the military equipment supply procedures held by that country;

15.5.2. information on the end user of military equipment, its end-use, end user obligations and non-transfer controls (should be submitted in writing);

15.5.3. documents signed by the head of the undertaking or branch specifying the export control officer of the undertaking, describing the undertaking's procedure for keeping records on military equipment export and transfer data, and stating the obligation to provide the Ministry of Economy with information on the use of the global export licence and global intra-EU transfer licence in accordance with the procedure prescribed in paragraph 56 of the Rules;

15.6. applicants for the individual licence for temporary export of military equipment – an agreement for temporary export or other documents attesting to the temporary export of military equipment (for the purposes of repair, exhibition, inspection or temporary use) or copies of the documents listed in this paragraph certified in accordance with the legislation;

15.7. applicants for the individual import licence to import military equipment or individual entrance licence to transfer military equipment from a Member State:

15.7.1. a contract or other documents attesting to the sale and purchase of military equipment or copies of the said documents certified in accordance with the legislation;

15.7.2. information on the end-user and end-use of military equipment (should be submitted in writing);

15.8. an applicant for the global import licence to import military equipment:

15.8.1. documents demonstrating that the applicant has signed or intends to sign military equipment sales contracts with undertakings in the third country (countries) specified in the application;

15.8.2. information on the end-users of military equipment, end-use and obligations (should be submitted in writing);

15.8.3. documents signed by the head of the undertaking or branch specifying the import control officer of the undertaking, describing the undertaking's procedure for keeping records on military equipment import, and stating the obligation to provide the Ministry of Economy with information on the use of the global import licence in accordance with the procedure prescribed in paragraph 56 of the Rules;

15.9. applicants for the individual licence for temporary import of military equipment – an agreement for temporary import and export or other documents attesting to the temporary import of military equipment (for the purposes of repair, exhibition, inspection or temporary use) or copies of the documents listed in this paragraph certified in accordance with the legislation;

15.10. applicants for the transit licence to carry military equipment in transit – a copy of the export licence issued by a competent authority in the exporting country;

15.11. applicants for the brokering licence to transfer military equipment to a third country:

15.11.1. documents attesting to ongoing negotiations, preparation of a contract or implementation of a transaction;

15.11.2. the broker's registration certificate or its copy certified in accordance with the legislation when, in compliance with the Law on Weapons and Ammunition Control of the Republic of Lithuania (Official Gazette 2002, No 13-467; 2010, No 142-7261), the broker must register with the Police Department under the Ministry of the Interior of the Republic of Lithuania.

15.11.3. a copy of the licence to export military equipment issued by the exporting country's competent authority (if applicable and if already issued);

15.12. applicants for the document attesting end-use of strategic goods:

15.12.1. a contract or other documents attesting to the sale and purchase of strategic goods or copies of the said documents certified in accordance with the legislation;

15.12.2. information on the end-use of strategic goods, end-user obligations and non-transfer controls (should be submitted in writing).

16. In order to transfer dual-use items listed in Annex IV to the Regulation to the Member States, a legal or natural person or a branch of a foreign legal person or another organisation must submit the following to the Ministry of Economy:

16.1. an application specifying the recipient in the Member State, the names of transferred items, the control number on the List of Dual-use Items, CN codes and the quantity of goods.

16.2. a physical person shall present a copy of the personal identification document certified in accordance with the procedure prescribed in the legislation;

16.3. an authorisation (licence) to perform activities, if the activities related to the transfer of dual-use items are subject to licensing;

16.4. a contract or other documents attesting the sale and purchase of dual-use items or copies of the said documents certified in accordance with the legislation;

16.5. documents attesting end-use of dual-use items.

17. A supplier established in the Republic of Lithuania who meets the conditions set out in the general intra-EU transfer licences, shall be directly authorised to use the licences specified in paragraphs 5.1-5.4 of the Rules. General transfer licences shall be published in the Official Gazette.

18. All submitted documents should be written in Lithuanian. Otherwise, documents must be accompanied by their official translation into Lithuanian. Documents attesting end-use and documents submitted for a transit licence may be written in the Lithuanian, English or Russian languages.

V. PROCESSING OF APPLICATIONS AND ISSUANCE OF LICENCES AND DOCUMENTS ATTESTING END-USE

19. The Ministry of Economy, having examined, no later than within five working days, an application for a licence or document attesting end-use as well as the accompanying documents necessary to obtain the licence or document attesting end-use, shall transfer copies thereof to the public authorities performing the control of export, import, transit, brokering and intra-EU transfer of strategic goods in accordance with their respective remits.

20. Having examined the application and received documents, the public authorities, within their respective remits, shall present their conclusions to the Ministry of Economy within 15 working days from the receipt of the documents or, in case of an application for the transit licence, within seven working days from the receipt of the documents.

21. An individual export licence, individual intra-EU transfer licence, individual licence for temporary export, individual import licence, individual licence for entrance from a Member State, individual licence for temporary import, transit licence, individual brokering service licence and brokering licences may be issued on the basis of positive conclusions issued by public authorities or the Commission for the Resolution of Issues Relating to the

Licensing of Strategic Goods (hereinafter referred to as 'Commission'). Proposals on the necessity to consider a submitted application at a Commission's sitting shall be submitted by the public authorities that received the material necessary to make the conclusions from the Ministry of Economy according to paragraph 19 of these Rules. If the Ministry of Economy receives a negative conclusion from at least one authority, the question of licence issue shall also be submitted for consideration to the Commission.

22. Individual export licences, individual intra-EU transfer licences, individual licences for temporary export, individual import licences, individual licences for entrance from a Member State, individual licences for temporary import, individual brokering services licences and brokering licences, based on positive conclusions received from public authorities or the Commission, shall be issued by the Ministry of Economy within 30 working days from the receipt of the application.

23. A transit licence, on the basis of positive conclusions received from public authorities or the Commission, shall be issued by the Ministry of Economy within 15 working days after the receipt of the application.

24. An import certificate, on the basis of positive conclusions received from public authorities or the Commission, shall be issued by the Ministry of Economy within 30 working days after the receipt of an application.

25. Where the importer's application states that the national authority of the exporting country or transferring Member State requests end-use confirmation in accordance with the requirements laid down by the competent national authority of that country, the end-use confirmation note shall, on the basis of positive conclusions from public authorities or the Commission, be issued or approved within 30 working days from the receipt of the application.

26. An application for the global export licence, global intra-EU transfer licence or global import licence shall be considered at a sitting of the Commission. Based on positive conclusions from the Commission, the Ministry of Economy shall issue a global licence within 30 days from the receipt of the application, except where the Commission, in the course of the consideration of the application for a global export licence, global intra-EU transfer licence or global import licence, decides to inspect the record-keeping of strategic goods at the applying undertaking or branch. In the latter case, the question of licence issue shall be repeatedly considered at a Commission sitting and the time limit for licence issue shall be calculated from the date of drawing up of the inspection report on record-keeping at the undertaking.

27. An application for the individual export licence to export dual-use items not listed in Annex I to the Regulation and regulated under the provisions of Article 4 of the Regulation must be considered at a sitting of the Commission. The licence, on the basis of the conclusion of the Commission, shall be issued by the Ministry of Economy within 30 days after the

receipt of an application. A permit (note) authorising a legal or natural person or a branch of a foreign legal person or another organisation to forward the quantity, as specified in the permit (note), of dual-use items listed in Annex IV to the Regulation to the specified recipient in a Member State shall be issued by the Ministry of Economy within 30 working days from the receipt of the application in accordance with the procedure prescribed in paragraphs 19–21 of the Rules.

28. If certain documents necessary to obtain a licence or a document attesting end-use are missing or the submitted documents are incomplete (inaccurate), the time period of 30 working days for the issue of the licence or document attesting end-use shall begin on the day when all the documents have been received. Where national authorities or the Commission require additional guarantees or information to draw a conclusion on the issue of a licence or document attesting end-use, other than the information referred to Chapter IV of the Rules, the time period of 30 working days for licence issue shall begin on the day of receipt of this information.

29. An exporter, importer, carrier, broker, supplier or recipient who wishes to update the data on the issued licence for export, intra-EU transfer, import, entrance from a Member State, transit, brokering services or brokering or on the import certificate (office or residence address, company number, value of goods or technologies, CN code, control number on the List of Dual-use Items, sequential number of military equipment on the Common Military List or other data appearing on the licence) or to correct any errors must present to the Ministry of Economy a reasoned request and the documents confirming data changes or corrections and return the licence or import certificate issued to it.

30. Upon receipt of the request to update the data on an issued licence or import certificate, as specified in paragraph 29 of the Rules, or to correct typographical errors, the Ministry of Economy shall issue a new updated licence or import certificate within five working days of the receipt of the request to update the data. Where the request is to change the sequential number of military equipment on the Common Military List, the new updated licence or updated import certificate shall be issued within five working days from the receipt of the request to update data, after coordinating the equipment sequential number with the Ministry of National Defence by electronic means.

31. The individual export licence, the global export licence, the individual licence for temporary export, the individual import licence, the global import licence, the individual licence for temporary import and the transit licence shall be drawn up in 3 copies:

31.1. the original that should be presented to a customs office at the time of customs clearance for export, import and transit. Upon the expiry of a licence or after it has been used, the original should be returned to the Ministry of Economy within a period of 30 working days;

31.2. Copy A intended for the exporter, importer or carrier of strategic goods;

31.3. Copy B, to be kept at the Ministry of Economy.

32. The individual intra-EU transfer licence, global intra-EU transfer licence and individual licence for entrance from a Member State shall be drawn up in two copies:

32.1. the original, intended for the supplier or recipient;

32.2. Copy A, to be kept at the Ministry of Economy.

33. The quantity of military equipment specified in the individual licence for temporary export may be temporarily exported in the cases provided for by this licence and returned (re-imported) on the basis of the same individual export licence for temporary export.

34. The quantity of military equipment specified in the individual import licence for temporary import may be temporarily imported in the cases provided for by this licence and returned (re-exported) on the basis of the same individual licence for temporary import .

35. The strategic goods specified in the global export licence or global import licence shall be exported or imported by specifying the licence number in the customs declaration each time. The customs office performing the customs clearance procedure for export shall specify the name and quantity of the goods to be exported.

36. The brokering licence or brokering services licence shall be drawn up in two copies.

36.1. the original intended for the broker;

36.2. Copy A, to be kept at the Ministry of Economy.

37. Licences shall specify additional conditions and requirements concerning the licence use and export restrictions that must be followed by the exporter, importer, carrier, broker, supplier, recipient or end-user of strategic goods. The conditions of transferring the components included in the Common Military List shall be based on the assessment of the sensitivity of the transfer according to the following criteria: the nature and importance of the components in relation to the military equipment in which they are to be incorporated and any end-use of military equipment which might give rise to concern. Export restrictions shall not apply then the recipient from another Member State presents a document showing that the military equipment acquired under a specific transfer licence will be incorporated into the military equipment manufactured by this recipient.

38. The import certificate shall be drawn up in three copies:

38.1. the original, which shall be presented to the competent national authority of the exporting country;

38.2. Copy A intended for the importer;

38.3. Copy B, to be kept at the Ministry of Economy.

39. If the goods carried do not correspond to the description, technical data and application of the goods included in the Annexes to the Regulation or the Common Military List, the exporter, importer or carrier shall present to the customs offices a written explanation

specifying the technical data, description or application that prevent them from being classified as military equipment or dual-use items. A copy of this document shall be forwarded by the exporter, importer or carrier to the Ministry of Economy.

40. An exporter, importer, carrier, broker, supplier or recipient of strategic goods must return an unused licence to the Ministry of Economy no later than within 10 working days following its expiry.

41. Having lost or damaged the licence, the exporter, importer, carrier, broker, supplier or recipient of strategic goods must immediately present the following documents to the Ministry of Economy:

41.1. application for the duplicate of the licence;

41.2. details of the circumstances of licence loss or damage (in writing);

41.3. the damaged licence.

42. No later than within five working days from the receipt of the application referred to in paragraph 41.1 of the Rules, the Ministry of Economy shall verify the licence issue data and, having determined that the licence was issued in accordance with the procedure prescribed in the legislation and that the fee for issue of the licence duplicate has been paid, shall issue a duplicate of the respective licence.

43. Licences, updated licences, licence duplicates, import certificates and updated import certificates shall be issued to a legal or natural person or a branch of a foreign legal person or another organisation after it has paid a fee of the amount determined by the Government of the Republic of Lithuania.

VI. REFUSAL TO ISSUE A LICENCE OR DOCUMENT ATTESTING END-USE

44. A licence shall not be issued in the cases specified in Article 10(1) of the Law on the Control of Strategic Goods.

45. Should the Commission decide not to issue the licence, the Ministry of Economy shall, within five working days, inform the applying legal or natural person or branch of a foreign legal person or another organisation accordingly. If the Commission's decision not to issue the licence is related to classified information, the grounds for non-issuance of the licence shall not be stated.

46. Without delay, the Ministry of Economy shall notify the Commission's decision refusing the licence in writing to the Customs Department under the Ministry of Finance of the Republic of Lithuania (hereinafter referred to as 'Customs Department').

47. The applying legal or natural person or branch of a foreign legal person or another organisation that has been refused the licence shall be entitled to additional application to the Ministry of Economy for reconsideration of the application where the circumstances that prevented licence issue have disappeared or have been eliminated.

48. Having failed to obtain the licence or the document attesting end-use, the exporter, importer, carrier, broker, supplier or recipient, shall have the right to appeal against the decision according to the procedure established by the laws of the Republic of Lithuania.

VII. LICENCE SUSPENSION, LIFTING OF SUSPENSION AND REVOCATION

49. A licence shall be suspended in the cases specified in Article 10(2) of the Law on the Control of Strategic Goods.

50. Upon receipt of the information specified in Article 10(2) of the Law on the Control of Strategic Goods, the Ministry of Economy shall convene the Commission to a sitting immediately. Once the Commission adopts the decision to suspend a licence, the Ministry of Economy shall, within one working day, inform the exporter, importer, carrier, broker, supplier or recipient about the licence suspension in writing. Licence suspension may be initiated by any national authority performing the control of strategic goods.

51. Licence suspension shall be lifted if the circumstances that warranted the suspension have ceased to exist or have been eliminated within a period of six months. The decision lifting the suspension of a licence shall be taken by the Commission within four days following the verification of the information concerning the disappearance or elimination of the circumstances warranting licence suspension supplied by the exporter, importer, carrier, broker, supplier or recipient of strategic goods. On the basis of the Commission's conclusion, the Ministry of Economy shall inform the exporter, importer, carrier, broker, supplier or recipient of strategic goods about the decision within a day of its adoption.

52. A decision to revoke a licence shall be adopted by the Commission in those cases where the circumstances that warranted licence suspension have not disappeared and have not been eliminated within six months, also in the cases specified in paragraphs 2, 3 and 4 of Article 10(4) of the Law on the Control of Strategic Goods. On the basis of the Commission's conclusion, the Ministry of Economy shall inform the exporter, importer, carrier, broker, supplier or recipient of strategic goods about the decision within a day of its adoption.

53. The Ministry of Economy shall immediately, no later than on the next working day, inform the Customs Department about the decision to suspend a licence, to lift the suspension of a licence or to revoke a licence. Within 10 working days, the Ministry of Economy shall notify the European Commission and Member States of any cases of suspension of general intra-EU transfer licences.

54. An exporter, importer, carrier, broker, supplier or recipient of strategic goods whose licence has been suspended or revoked shall have the right to appeal against the relevant decisions in accordance with the procedure prescribed in the laws of the Republic of Lithuania.

VIII. SUPERVISION OF COMPLIANCE WITH LICENCE REQUIREMENTS AND THE DUTIES OF LICENCE HOLDER

55. At the request of the Ministry of Economy, an exporter, supplier, importer, recipient or broker of strategic goods or a transferor of dual-use items performing an intra-EU transfer of such goods, must, within 10 working days, specify in writing the names, quantities and values of the strategic goods actually exported, transferred, imported, brought in or brokered over a calendar year along with the names of the respective countries.

56. An exporter, supplier or importer holding a global export licence, global intra-EU transfer licence or global import licence must, within 20 working days of the end of a calendar half-year, provide the Ministry of Economy with written data on the quantities and values of strategic goods exported, transferred or imported under this licence.

57. An exporter of dual-use items, at least 10 working days before its first use of the general EU export authorisations provided for in Annexes IIa–IIf of the Regulation, must inform the Ministry of Economy of its intention to use this authorisation.

58. A supplier of military equipment must:

58.1. have a confirmation that the recipient of military equipment has been informed of the export restrictions applicable to the military equipment specified in the transfer licence;

58.2. at least 30 working days prior the first use of the general intra-EU transfer licences provided for in paragraphs 5.1–5.4 of the Rules, inform the Ministry of Economy in writing of the intention to use the licence .

58.3. when transferring military equipment to a contracting authority in the field of defence under the general intra-EU transfer licence specified in paragraph 5.1 of the Rules, obtain a document attesting the use of military equipment solely for the purposes of armed forces;

58.4. specify the type of general intra-EU transfer licence in the transportation documents.

59. An exporter, supplier, importer, recipient, carrier or broker of strategic goods shall be held liable for violations of the Rules in accordance with the procedure prescribed by the legislation.

APPROVED by:
Resolution No 932 of the Government of
the Republic of Lithuania of 22 July 2004
(as amended by Resolution No 617 of the
Government of the Republic of Lithuania of
29 May 2012)

RULES ON THE IMPLEMENTATION OF CONTROL OF STRATEGIC GOODS

1. The Rules on the implementation of control of strategic goods (hereinafter referred to as 'the Rules') shall regulate the performance of the control of strategic goods (hereinafter referred to as 'control') in order to check whether legal and natural persons and branches of foreign legal persons and other organisations exporting, importing or carrying in transit strategic goods, performing a transfer thereof in the European Union (hereinafter referred to as 'EU') or acting as brokers in sales contracts concerning such goods as well as end-users of such goods are compliance with EU legislation, Lithuania's international agreements, the Law of the Republic of Lithuania on the Control of Strategic Goods (Official Gazette 1995, No 61-1533; 2011, No 128-6052) and other legal acts regulating the control of strategic goods.

2. The scope of control shall cover those legal and natural persons, branches of foreign legal persons and other organisations whose activities relate to the export, import, transit, brokerage and intra-EU transfer of military equipment as well as the export, transferring to Member States, transit and brokering of dual-use items.

3. The Ministry of Economy shall supervise the control work and perform it in cooperation with other public authorities and bodies.

4. Control shall be performed:

4.1. according to the instructions of the Commission for the Resolution of Issues Relating to the Licensing of Strategic Goods;

4.2. based on the instructions from the heads of the public authorities or bodies performing control;

4.3. at the request of respective national authorities of exporting States, with the participation of representatives of these States;

5. Within their respective remits, control shall be performed by representatives of the Ministry of Economy, Ministry of Environment, Ministry of Energy, Information Society Development Committee under the Ministry of Transport and Communications, Ministry of National Defence, Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania, National Security Department of the Republic of Lithuania, Customs Department under the Ministry of Finance of the Republic of Lithuania, Police Department under the Ministry of the Interior of the Republic of Lithuania, Ministry of Transport and Communications, Ministry of Health, Ministry of Foreign Affairs, State

Nuclear Power Safety Inspectorate and State Food and Veterinary Service, who shall hold a service card and/or a written authorisation from their executive.

6. Control shall be performed in order to ensure that:

6.1. the type, form, quantity, country of origin and end-use of strategic goods match the type, form, quantity, country of origin and end-use of strategic goods specified in the licence issued to the relevant legal or natural person or branch of a foreign legal person or another organisation;

6.2. the holder of strategic goods has a good knowledge of their characteristics and threats posed by them and has specific measures in place for responding to possible accidents.

7. The representatives of public authorities and bodies performing control, upon presentation of their service card and/or a written authorization from their executive, shall have the right:

7.1. to enter the territories as well as industrial, administrative and other premises (except dwellings) that belong to legal and natural persons and branches of foreign legal persons and other organisations, together with a representative of that company, branch, body or organization, when that is necessary to inspect strategic goods and carry out control tests and measurements;

7.2. to demand the presentation of the necessary data and documents demonstrating that legal and natural persons and branches of foreign legal persons and other organisations carry out transactions with strategic goods, store them and use them legally. In particular, such documents shall include invoices, cargo declarations, transport and other shipment documents providing sufficient information on the type, form, quantity and country of origin of the strategic goods, the names and addresses of the exporter, importer, carrier, recipient and end-user, as well as end-use.

7.3. to carry out the examination of strategic goods;

7.4. to invite specialists and experts from other public authorities of the Republic of Lithuania and foreign States to participate in the control process if the identification of strategic goods requires conclusions from such specialists and experts;

7.5. to demand written explanations on the alleged violations detected during the control process from legal and natural persons and branches of foreign legal persons and other organizations.

8. Records of nuclear materials shall be kept according to the procedure for nuclear material accountancy established by the European Commission.

9. The use of imported goods in respect of which the Ministry of Economy and the State Nuclear Power Safety Inspectorate have issued the end-use confirmation note shall be inspected pursuant to the inspection plan approved by the State Nuclear Power Safety Inspectorate, at least once per year.

10. Representatives of the public authorities and bodies performing control must:

- 10.1. use the information obtained during inspection only for the purposes of control;
 - 10.2. ensure the protection of information obtained from legal and natural persons and branches of foreign legal persons and other organisations in accordance with the laws of the Republic of Lithuania;
 - 10.3. following the inspection, draw up an inspection report or another similar document in accordance with the procedure prescribed by the controlling public authority or body and present it to the public authority or body that issued the written authorisation to perform control, and deliver a copy of it to the Ministry of Economy;
11. Legal and natural persons and branches of foreign legal persons and organizations as well as the representatives of public authorities and bodies performing control shall be held liable for the violations of the Rules under the law of the Republic of Lithuania.
-

APPROVED by:
Resolution No 617 of the Government of the
Republic of Lithuania of 29 May 2012

RULES ON THE CERTIFICATION OF RECIPIENT UNDERTAKINGS MANUFACTURING MILITARY EQUIPMENT

I. GENERAL PROVISIONS

1. The Rules on the certification of recipient undertakings manufacturing military equipment (hereinafter referred to as 'the Rules') govern the procedure for the issue of certificates to recipient undertakings manufacturing military equipment (hereinafter referred to as 'undertaking'), certificate suspension, lifting of suspension and certificate revocation.

2. Undertakings intending to bring in military equipment under the general intra-EU transfer licences published by other Member States must obtain certificates. Certification shall cover an entire undertaking or the manufacturing units thereof.

3. An undertaking being certified must conform to the requirements laid down in Article 7(5) Law of the Republic of Lithuania on the Control of Strategic Goods (Official Gazette 1995, No 61-1533; 2011, No 128-6052) (hereinafter referred to as 'Law on the Control of Strategic Goods').

4. The terms used in the Rules are defined in the Law on the Control of Strategic Goods or European Union legislation.

II. DOCUMENTS NECESSARY FOR CERTIFICATION

5. An undertaking applying for certification must present the following documents to the Ministry of Economy:

5.1. an application for the certificate with the following details:

5.1.1. name and number of the undertaking and its office address;

5.1.2. names and addresses of the manufacturing units of the undertaking, if their certification is intended;

5.2. documents showing that the undertaking has an experience of at least two years in the area of military equipment manufacturing or copies of the documents specified in this paragraph, certified in accordance with the procedure prescribed in the legislation;

5.3. an authorisation/licence to carry out activities, where activities related to the transfer of military equipment are subject to licensing or a copy thereof certified in accordance with the procedure prescribed by the legislation;

5.4. a description of the introduced transfer and export management system in accordance with the requirements approved by the Ministry of Economy;

5.5. a written commitment to use the received military equipment under the general intra-EU transfer licences published by other Member States for its own manufacturing needs without transferring or exporting it, except for the purposes of technical maintenance or repairs;

5.6. a written confirmation that it has appointed its employee responsible for the transfer and export of military equipment;

5.7. a written commitment to provide the authorities performing the control of strategic goods with extensive information on the end-users of military equipment or end-use and to observe export restrictions.

III. EXAMINATION OF APPLICATIONS, ISSUANCE OF CERTIFICATES AND REFUSAL OF CERTIFICATES

6. Having examined an application for a certificate and the accompanying documents and having established that some of the documents required under paragraph 5 of the Rules have not been submitted or that the submitted documents contain incorrect or inaccurate data, the Ministry of Economy shall, within 10 working days from the receipt of the application for a certificate, inform the undertaking accordingly in writing or by electronic mail and shall provide 30 working days for elimination of any irregularities.

7. If the undertaking fails to eliminate the detected irregularities and to correct or submit the documents required under paragraph 5 of the Rules over the period specified in paragraph 6 of the Rules, the application for the certificate shall not be considered and the Ministry of Economy shall inform the relevant undertaking accordingly within three working days.

8. If the undertaking eliminates the irregularities, updates or submits the documents specified in paragraph 5 of the Rules during the prescribed period, the Ministry of Economy shall, within five working days from the receipt of all documents, examine them and transfer the copies of the application for a certificate and accompanying documents to the public authorities carrying out the control of strategic goods in accordance with their respective remits. Having examined the received file, the public authorities shall supply the Ministry of Economy with their findings within 30 working days of the receipt of the file.

9. Upon receipt of the conclusions from the authorities referred to in paragraph 8 of the Rules, the application for a certificate shall be considered at a sitting of the Commission for the Resolution of Issues Relating to the Licensing of Strategic Goods (hereinafter referred to as 'Commission'). On the basis of positive conclusions of the Commission, the Ministry of Economy shall issue the certificate no later than within 60 working days from the receipt of all the documents necessary for certificate issue.

10. The certificate shall include the following details.

10.1. name of the national authority that issued the certificate;

- 10.2. certificate number;
- 10.3. names of the certified undertaking or certified manufacturing units of the undertaking; company code and office address;
- 10.4. legal acts on the basis of which the certificate has been issued;
- 10.5. dates of issue and expiry of the certificate;
- 10.6. seal of the institution issuing the certificate and signatures of the authorised persons.

11. A certificate shall become valid on the day of issue and remain valid for five years. Issued certificates shall be registered with the Ministry of Economy.

12. A certificate shall be issued in two copies:

12.1. the original for the certified undertaking;

12.2. and a copy, which shall be kept at the Ministry of Economy.

13. A certificate shall not be issued in the case specified in Article 7(6) of the Law on the Control of Strategic Goods.

14. After the Commission has decided not to issue the certificate due to the reason identified in paragraph 13 of the Rules, the Ministry of Economy shall inform the applying undertaking accordingly within three working days.

15. An undertaking that has been refused the certificate shall have the right to re-apply to the Ministry of Economy for the certificate, provided that the reasons for the refusal have been eliminated.

16. An undertaking whose application for the certificate has been dismissed without examination or an undertaking that has been refused the certificate may bring an appeal against this decision in accordance with the procedure prescribed by the laws of the Republic of Lithuania.

17. Having lost or damaged the original certificate, the undertaking shall immediately lodge a request for a duplicate with the Ministry of Economy, specifying the circumstances of the certificate's loss or damage. Where the certificate has been damaged, the undertaking shall present the damaged certificate together with its request. No later than within five working days of the receipt of the request referred to in this paragraph, the Ministry of Economy shall check the data on certificate issue to the undertaking and, having determined that the undertaking requesting the duplicate of the certificate, was issued with a certificate in accordance with the procedure prescribed in the legislation, that it has not been terminated and that the fee for the issue of the duplicate has been paid, shall issue the duplicate of the relevant certificate.

18. A certificate or a duplicate shall be issued after the undertaking has paid a State charge in the amount determined by the Government of the Republic of Lithuania.

IV. MONITORING OF CERTIFIED UNDERTAKINGS' COMPLIANCE WITH RELIABILITY REQUIREMENTS

19. Inspection of certified undertakings' compliance with reliability requirements shall be performed at least once in three years. Verification of newly certified undertakings' compliance with reliability requirements shall be performed in the course of the first year after certificate issue. The dates of inspection of certified undertakings shall be set by the Ministry of Economy on the basis of certificate issue dates.

20. An extraordinary verification of certified undertakings' compliance with reliability requirements may be performed in the cases of:

20.1. changes in the manufacturing activity of a certified undertaking;

20.2. receipt of information that a certified undertaking no longer meets the requirements laid down in paragraphs 2–7 of Article 7(5) of the Law on the Control of Strategic Goods or has failed to fulfil the obligation imposed by Article 7(7) of the Law on the Control of Strategic Goods.

21. Verification of certified undertakings' compliance with reliability requirements shall be performed, within their respective remits, by representatives of the Ministry of Economy, the Ministry of National Defence, the Police Department under the Ministry of the Interior of the Republic of Lithuania and the Weaponry Fund of the Republic of Lithuania under the Ministry of the Interior of the Republic of Lithuania.

22. Representatives of national authorities performing a verification of certified undertakings' compliance with reliability requirements at an undertaking, upon presentation of their service card and/or written authorisation from their executive, shall have the right:

22.1. to enter the premises of the undertaking;

22.2. to obtain data and documents necessary for the verification that confirm the entrance and/or transfer of military equipment (contracts or other documents confirming the sale and purchase of military equipment, invoices, transportation or other transfer documents specifying the name of brought in and transferred military equipment, its short description, its sequential number in the Common Military list, its quantity and value, the names and addresses of the supplier, recipient and end-user, and the end-use of the goods) and request documents demonstrating compliance with export restrictions;

22.3. to request that undertakings present a written explanation of the irregularities detected during the verification.

23. The representatives of national authorities performing the verification must draw up a verification report.

24. If the verification finds that the undertaking has not complied with the reliability requirements, the Commission shall be convened to a sitting within five working days of the completion of the verification.

V. CERTIFICATE SUSPENSION, LIFTING OF SUSPENSION AND REVOCATION

25. The Commission, having found that an undertaking has failed to comply with the reliability requirements, shall adopt one of the following decisions:

25.1. to suspend the certificate in the cases specified in Article 7(8) of the Law on the Control of Strategic Goods;

25.2. to revoke the certificate in the cases specified in Article 7(10) of the Law on the Control of Strategic Goods;

26. A certificate shall be suspended on the same day when the Commission adopts the decision referred to in paragraph 25.1 of the Rules. When adopting the decision, the Commission shall prescribe a period no longer than six months for the undertaking to remove the identified non-compliance concerning the reliability requirements. The Ministry of Economy shall immediately notify this Commission decision to the undertaking in writing.

27. Upon the expiry of the prescribed period of certificate suspension, competent public authorities shall carry out a verification of the undertaking's compliance with the reliability requirements in accordance with the procedure laid down in Chapter IV of the Rules.

28. If the verification determines that the undertaking does meet the requirements laid down in paragraphs 2–7 of Article 7(5) of the Law on the Control of Strategic Goods, the Commission shall, within five working days of the completion of the verification, adopt a decision to lift the certificate suspension. The certificate shall become valid on the same day when the Commission adopts this decision. The Ministry of Economy shall immediately inform the undertaking in writing of the Commission's decision lifting the certificate suspension.

29. The suspension of the undertaking's certificate shall be lifted on the same day when the Commission adopts the decision referred to in paragraph 25.2 of the Rules. The Ministry of Economy shall immediately notify this Commission decision to the undertaking in writing.

VI. RIGHTS AND OBLIGATIONS OF A CERTIFIED UNDERTAKING

30. A certified undertaking shall have the right:

30.1. to demand from the Ministry of Economy extensive explanations in the cases of refusal to issue a certificate, certificate suspension and certificate revocation;

30.2. in accordance with the procedure established by the laws of the Republic of Lithuania, to appeal against decisions concerning refusal to issue a certificate, certificate suspension and certificate revocation.

31. A certified undertaking must, within five working days, inform the Ministry of Economy of any changes referred to in Article 7(7) of the Law on the Control of Strategic Goods that occur after the certificate issue.

VII. FINAL PROVISIONS

32. The Commission's decisions to issue a certificate to an undertaking, to suspend a certificate, to lift the suspension or to revoke a certificate shall be posted by the Ministry of Economy on its website, with the following details:

- 32.1. company name, number and office address;
- 32.2. certificate number of the company;
- 32.3. the dates of certificate issue, suspension, lifting of suspension and revocation.

33. The Ministry of Economy shall supply the information specified in paragraph 32 of the Rules to the European Commission without delay.
