

**REPUBLIC OF LITHUANIA**  
**LAW ON THE CONTROL OF STRATEGIC GOODS**

5 April 1995 No I-1022

(As amended on 6 April 2006 – No X-545)

Vilnius

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

1. The purpose of this Law shall be to implement international agreements and measures prohibiting the proliferation of weapons of mass destruction and missiles capable of delivering such weapons, to ensure that international commitments are complied with by developing in the Republic of Lithuania an effective system of the control of strategic goods to be integrated into the export control system of the EU and international non-proliferation regimes and to provide conditions for ensuring the security of the Republic of Lithuania, acquisition of modern technologies and growth of foreign trade.

2. This Law shall ensure the implementation of provisions of the legal acts of the European Union indicated in the Annex to this Law.

3. This Law shall establish the conditions of control of export, import and transit of military equipment and of brokering related thereto as well as of the activities that may contribute to the proliferation of weapons of mass destruction and conventional arms.

**Article 2. Scope of the Law**

This Law shall be applicable to legal and natural persons as well as subsidiaries of foreign persons and other organisations whose activities are connected with the export of dual-use items and technology, export, import and transit of military equipment as well as brokering related to the above-mentioned items.

**Article 3. Definitions**

1. **“Dual-use items and technology”** shall mean goods, software and technology which can be used for civil and military purposes and which have been listed in the annexes to the Regulation.

2. **“Military equipment”** shall mean machinery and components thereof, technology, software, arms, ammunition and parts thereof, explosives specially designed or modified for military use as included in the Common List of Military Equipment specified in Article 4 of this Law.

3. **“Export of military equipment”** shall mean transportation of the goods included in the Common List of Military Equipment outside the territory of the Republic of Lithuania, including re-export, transmission of software and technology by means of fax, telephone or any other mode and/or by other electronic media to the states or territories which form part or do not form part of the customs territory of the European Union. The concept shall also refer to oral transmission of technology by telephone where the technology is contained in a document the relevant part of which is read out over the telephone, or is described over the telephone.

4. **“Import of military equipment”** shall mean transportation of the goods included in the Common List of Military Equipment into the territory of the Republic of Lithuania, transmission of software and technology from the states or territories which form part or do not form part of the customs territory of the European Union by means of fax, telephone or any other mode and/or by other electronic media.

5. **“Transit of military equipment”** shall mean carriage of the goods included in the Common List of Military Equipment through the territory of the Republic of Lithuania.

6. **“Re-export”** shall mean export from the territory of the Republic of Lithuania of the goods included in the Common List of Military Equipment formerly imported into this territory.

7. **“Strategic goods”** shall mean dual-use items and technology and/or military equipment, also services related to the above-mentioned items.

8. **“Brokering”** shall mean the negotiations conducted, the arrangement and execution of the transactions by the natural and legal persons resident or registered in the Republic of Lithuania and by subsidiaries of foreign legal persons and other organisations under which the goods included in the Common List of Military Equipment can be transferred outside the territory of the Republic of Lithuania, the territory of another Member State of the European Union or a non-Member state to any other non-Member state.

9. **“International non-proliferation regimes”** shall mean the Wassenaar Arrangement (WA), the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australia Group (AG), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), the Nuclear Non-proliferation Treaty (NPT) and other agreements and international commitments of states the purpose whereof is prevention of the

proliferation of chemical, biological and nuclear weapons and conventional arms by political, economic, diplomatic and legal means.

10. **“Technology”** shall mean specific information which is required for development, production and use of goods and which may take the form of technical data and technical assistance.

11. Licence shall not mean in this Law a permission to engage in economic and commercial activities, but a permission issued by an authorised institution to export, import, carry in transit or broker in carriage, in the prescribed manner, solely of the strategic goods specified in the licence.

12. Other concepts of this Law shall be understood in the manner they are defined in relevant laws of the Republic of Lithuania or regulations of the European Union.

## **CHAPTER II**

### **EXPORT, IMPORT AND TRANSIT OF STRATEGIC GOODS, BROKERNG**

#### **Article 4. Compilation of the Common List of Military Equipment**

The Government or an institution authorised by it shall compile and approve the Common List of Military Equipment on the basis of the European Union Common List of Military Equipment, lists of international non-proliferation regimes and taking into consideration foreign policy and national security interests of the Republic of Lithuania.

#### **Article 5. Administration of Export, Import and Transit of Strategic Goods and of Brokering**

1. The Ministry of Economy shall be in charge of the control of export of dual-use items and technology and of export, import and transit of military equipment and brokering related thereto and shall exercise the control in conjunction with other State institutions and agencies in accordance with the procedure laid down by this Law and other legal acts.

2. The Government shall designate State institutions and agencies in charge of control of strategic goods, establish their powers and the procedure for exercising the control where this has not been provided for by the Regulation and this Law.

#### **Article 6. Requirement to Hold a Licence for Export, Import, Transit and Brokering**

1. Licences for export of dual-use items and technology shall be issued by the Ministry of Economy.

2. Export, import and transit of the goods included in the Common List of Military Equipment or brokering related thereto shall be subject to a licence for export, import, transit or brokering. The licences shall be issued by the Ministry of Economy.

3. Where the consignor and the consignee (or at least one of them) are military institutions of a foreign state or the consignor and the consignee act on the authorisation of the mentioned institutions, licences (authorisations) for transit of the goods included in the Common List of Military Equipment shall be issued by an institution authorised by the Government in accordance with the procedure established by other legal acts of the Republic of Lithuania.

4. Import of the goods included in the Common List of Military Equipment, where the goods are imported by the Ministry of National Defence of the Republic of Lithuania or the Weaponry Fund under the Government of the Republic of Lithuania, shall not be subject to a licence of the Ministry of Economy.

5. Export of the goods not included in the Common List of Military Equipment shall be subject to a licence for export where a natural or legal person or a subsidiary of foreign legal persons and other organisations has been notified in writing by the Ministry of Economy or other State institution or agency exercising control over strategic goods that the goods in question are or may be intended for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons or the above-mentioned goods are or may be intended for use in connection with the development or production of the goods included in the Common List of Military Equipment.

6. Export of the goods not included in the Common List of Military Equipment shall be subject to a licence for export where the importing country or the country of end-use is under an arms embargo imposed to enforce international sanctions provided for in the Republic of Lithuania Law on the Enforcement of Economic and Other International Sanctions and provided that the institutions specified in paragraph 5 of this Article have notified a natural or legal person or a subsidiary of foreign legal persons and other organisations in writing that the goods in question are or may be intended for use in the production of the goods included in the Common List of Military Equipment or the production of test or analytical equipment used for the development, production and maintenance of the goods in question or as unfinished product in a plant for the production of the goods included in the Common List of Military Equipment.

7. Where a legal or natural person or a subsidiary of foreign legal persons and other organisations is aware that the goods which are to be exported and are not included in the Common List of Military Equipment are intended for any of the uses referred to in paragraphs 5 and 6 of this

Article, the person or the subsidiary must notify the Ministry of Economy thereof in writing. In conjunction with the State institutions and agencies exercising control over strategic goods, the Ministry of Economy shall decide whether or not it is expedient to make the export concerned subject to a licence.

8. Export licences in the cases specified in paragraphs 5, 6 and 7 of this Article shall be issued by the Ministry of Economy.

9. Upon the request of State institutions of the exporting country, a legal or natural person or a subsidiary of foreign legal persons and other organisations importing the goods included in the Common List of Military Equipment shall be issued an import certificate or a document attesting the end-use of the above-mentioned goods.

10. The types of licences for export, import, transit and brokering, the procedure for and conditions of issuance, suspension and cancellation thereof and the procedure for issuing the documents attesting the end-use of strategic goods shall be established by the Government or an institution authorised by it.

#### **Article 7. Restrictions on Issuance of Licences for Export, Import and Transit of and for Brokering in Military Equipment, Suspension and Cancellation of the Licences**

1. Issuance of a licence shall be refused where:

1) the issuance thereof is in contravention of international treaties of the Republic of Lithuania, sanctions implemented under the Republic of Lithuania Law on the Enforcement of Economic and Other International Sanctions, criteria of the European Union Code of Conduct for Arms Exports, provisions of international non-proliferation regimes and foreign policy and state security interests of the Republic of Lithuania;

2) there is an effective court judgement, court ruling, decision of conviction and unspent or unexpunged conviction in respect of the war crimes, criminal acts against humanity, the independence, territorial integrity and constitutional order of the State of Lithuania as committed by an exporter, importer, carrier or broker;

3) the circumstances related to the risk of the end-use of military equipment or possible use thereof for the production of weapons of mass destruction transpire.

2. Issuance of a licence may be refused where:

1) there is an effective court judgement, court ruling, decision of conviction and unspent or unexpunged conviction in respect of the criminal acts against public security, property, property rights and property interests, the economy and business practice, the financial system and government order as committed by an exporter, importer, carrier or broker;

2) a pre-trial investigation is being conducted in respect of an exporter, importer, carrier or broker suspected of war crimes, criminal acts against humanity, the independence, territorial integrity and constitutional order of the State of Lithuania, public security, property, property rights and property interests, the economy and business practice, the financial system and government order, or a case related to these criminal acts has been referred to court;

3) an exporter, importer, carrier or broker has submitted misleading information, erroneous data to obtain the licence.

3. A licence shall be suspended and may be cancelled where:

1) information is received that an exporter, importer, carrier or broker does not fulfil the conditions specified in the licence or does not comply with the requirements set forth by the legal acts regulating control of strategic goods;

2) it transpires that the exporter, importer, carrier or broker has submitted misleading information, erroneous data;

3) information, other than declared, has been received in respect of the end-use of military equipment;

4) foreign policy, national economy and state security interests of the Republic of Lithuania may be violated;

5) a political and military conflict has broken out in an importing country;

6) a state to which military equipment is to be exported has been imposed international sanctions implemented under the Republic of Lithuania Law on the Enforcement of Economic and Other International Sanctions, where the licence has already been issued;

7) a pre-trial investigation is being conducted in respect of an exporter, importer, carrier or broker suspected of war crimes, criminal acts against humanity, the independence, territorial integrity and constitutional order of the State of Lithuania, public security, property, property rights and property interests, the economy and business practice, the financial system and government order, or a case related to these criminal acts has been referred to court, or there is an effective court judgement, court ruling, decision of conviction, or an administrative action has been taken against these persons;

8) relevant information, other than that indicated in subparagraphs 1 and 3 of paragraph 3 of this Article, has been received, where it was not known at the time of issuance of the licence.

**CHAPTER III**  
**SUPPLY, ACCUMULATION AND ACCOUNTING OF DATA**  
**ON STRATEGIC GOODS**

## **Article 8. Supply of Data on Strategic Goods**

1. Legal and natural persons as well as subsidiaries of foreign legal persons and other organisations engaged, in the manner prescribed, in export, import and transit of strategic goods and brokering related thereto or being the end-users of the goods must supply, according to the procedure determined by the Government or an institution authorised by it, all data required for exercising control over strategic goods to State institutions and agencies exercising control over the strategic goods.

2. Information on export, import, transit of military equipment and brokering related thereto shall be supplied to the institutions of the European Union, international non-proliferation regimes and international organisations in compliance with the provisions of international treaties of the Republic of Lithuania and implementing the commitments undertaken by the Republic of Lithuania.

3. Data on strategic goods constituting a State or official secret shall be supplied to State institutions and agencies exercising control over the goods and shall be accumulated and preserved at the mentioned institutions and agencies according to the procedure established by the Law on State and Official Secrets.

## **Article 9. Accumulation of Data on Strategic Goods**

1. The Ministry of Economy shall accumulate data on strategic goods and legal and natural persons as well as subsidiaries of foreign legal persons and other organisations engaged, in the prescribed manner, in exporting, importing or carrying in transit strategic goods and acting as brokers in transactions, on the end-users of the above-mentioned goods or other persons in any way connected with the goods and shall use the data for the purposes of control of export, import and transit of strategic goods and brokering related thereto.

2. Statistical data on the export, import and transit of strategic goods shall be collected, processed and supplied by customs offices according to the procedure established by legal acts.

## **Article 10. Accounting of Data on Strategic Goods**

1. Legal and natural persons as well as subsidiaries of foreign legal persons and other organisations who have been issued licences for export of dual-use items and technology and licences for export, import and transit of military equipment and brokering related thereto or who are the end-users of the above-mentioned items must keep, in accordance with the procedure established by legal acts, detailed records on the items containing sufficient information for the identification of the items, determination of the quantity, quality, type, value thereof, the names and

addresses of the exporter, importer, intermediary, and consignee, the end-use and the end-user of strategic goods.

2. Legal and natural persons as well as subsidiaries of foreign legal persons and other organisations must retain the accounting records of strategic goods specified in paragraph 1 of this Article for at least 5 years from the end of the calendar year in which the goods in question were exported, imported or carried in transit, unless the laws and other legal acts of the Republic of Lithuania establish otherwise.

## **CHAPTER IV CONTROL OF STRATEGIC GOODS**

### **Article 11. Exercise of Control over Strategic Goods**

1. The civil servants exercising control over strategic goods shall have the right to check whether or not legal and natural persons as well as subsidiaries of foreign legal persons and other organisations engaged in the export, import and transit of strategic goods and brokering related thereto or the end-users of the above-mentioned goods comply with the requirements of this Law and other legal acts regulating control of strategic goods, also to enter the territory or premises wherein the strategic goods are kept or used and to be granted access to accounting records of strategic goods and other information required for exercising the control. The procedure for exercising control shall be established by the Government or an institution authorised by it.

2. Strategic goods imported into the Republic of Lithuania in accordance with the procedure established by the international treaties of the Republic of Lithuania may be inspected, upon the application of the exporting countries, in the presence of representatives of the mentioned countries, whereas civil servants of the Republic of Lithuania may be authorised to carry out inspection of strategic goods exported from the Republic of Lithuania in the importing country.

3. Strategic goods imported into the Republic of Lithuania may be subject to examination by international inspections authorised under international treaties to exercise control over the implementation of non-proliferation regimes.

4. Civil servants exercising control over the export, import and transit of strategic goods and brokering related thereto must ensure protection of information received from legal and natural persons as well as subsidiaries of foreign legal persons and other organisations in the manner prescribed by laws of the Republic of Lithuania.

## **CHAPTER V FINAL PROVISIONS**



## **Article 12. Liability for Breaches of This Law**

Legal and natural persons as well as subsidiaries of foreign legal persons and other organisations in breach of the provisions of this Law shall be held liable under laws of the Republic of Lithuania.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC  
BRAZAUSKAS

ALGIRDAS

Annex to  
the Republic of Lithuania Law  
on the Control of Strategic Goods

## **EU LEGAL ACTS IMPLEMENTED BY THE LAW ON THE CONTROL OF STRATEGIC GOODS**

1. Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology, as last amended by Council Regulation (EC) No 394/2006 of 27 February 2006 amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology.

2. Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering.