

***LEGAL BASIS
FOR
REGIONAL EXPORT CONTROL
COOPERATION***

***International Standard,
Essential Legal Authorities and Framework,
and Regional Transit Agreement***

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I. International Standard: Multilateral Export Control Regimes and Catch-all

A. Multilateral export control regimes

- Agreements (not treaties) by supplier nations to:
 - Control the export of specified items (goods and technology) pursuant to general guidelines
 - Cover items that could be used to for weapons of mass destruction, delivery systems, and conventional arms
 - Nuclear Suppliers' Group
 - Australia Group
 - Missile Technology Control Regime
 - Wassenaar Arrangement
 - Implemented through national export control systems

B. Catch-all

- End use and end user based
- Control over export of items not on regimes' lists based on possible contribution to weapons of mass destruction program
- Control over activities based on possible contribution to weapons of mass destruction program

C. National export control system based on laws, decrees, and normative acts that authorize control of the export, reexport and transit of:

- All items on the regimes' lists
- Items and activities subject to catch-all
- Other “strategic” items

II. Essential Legal Authorities and Framework

A. Legal Authorities to:

- Control the export, reexport and transit of goods, technology, and activities
- Issue necessary implementing decrees, executive orders, regulations, and normative acts
- Enforce export controls
- Involve pertinent ministries
- Engage in international export control efforts
- Protect commercially-sensitive information

B. Legal Framework

- Presidential Decrees
- Governmental Decrees and Resolutions
- Ministry Regulations and Normative Acts
- Interministerial Agreements

III. Regional Transit Agreement

A. Goals

- Expand economic ties
- Promote international trade
- Facilitate authorized transit
- Prevent unauthorized transit
- Operate export control systems that meet the international standard

B. Legal Framework

- Agreement to enact necessary laws and regulations to provide for the essential authorities and framework
- Agreement to adopt the control lists of the multilateral regimes and establish catch-all controls
- Agreement to share information on and harmonize license requirements

C. Licensing Processes and Procedure

- Agreement to harmonize licensing policy and procedure for exports, reexports and transit of items and activities
- Agreement to share license approval and denial information

D. Information Sharing

- Notification to relevant parties
 - Authorized transit
 - Unauthorized transit
 - Attempted transit
- Coordinate and cooperate on enforcement efforts
- Confidentiality

E. Results

- Increased level of confidence by international trading partners
- Strengthened national, regional and international security
- Harmonized system in accordance with the international standard