

Control of foreign trade in dual-use items and technologies in the Republic of Hungary

The Role of Export Control

Hungary considers that control of the export of dual-use goods and technologies is an important addition to the implementation of the **international treaties (CWC, BTWC, NPT)** in fighting the proliferation of the weapons of mass destruction and the means of delivery thereof. In addition to their basically civil use, dual-use goods and technologies can be applied for the development and production of traditional weapons and weapons of mass destruction as well as means of delivery thereof. Therefore control of international trade in goods of this kind is required by several international agreements known as **non-proliferation and export control** regimes (Australia Group, Wassenaar Arrangement, Missile Technology Control Regime, Nuclear Suppliers' Group), in which Hungary has been actively participating for a long time. The political undertakings adopted in these regimes are translated into national or community implementation measures.

Legal Background

The main source of legislation for the export control of dual use goods and technologies is provided by Regulation No. 1334/2000 of the European Community (EU Dual-Use Regulations). National implementation measures are provided by Government Decree No 50/2004 (III.23.), which regulates the import of dual-use items and technology as well, from outside the territory of European Community from third countries to the territory of the Republic of Hungary.

The EU regulation demands adoption of appropriate national penal provisions against the violation thereof. This is provided by §287 of the Hungarian Penal Code, under which violation of the provisions of the Regulation is considered a crime which might be punished by up to five years imprisonment.

There are other national and community laws, such as the Community Customs Code, or the Hungarian National Security Act, which are also important but impacts the implementation of the control less directly.

Cooperation Among Authorities

Interagency cooperation in export control matters is facilitated by the Interagency Committee for Non-Proliferation, in which all competent ministries and authorities are involved. A smaller core of these authorities is directly involved in the decision-making procedure itself.

Licensing

Licensing of the foreign trade in dual-use goods and technologies is done by the Office of Export Control and Prohibition of Chemical and Biological Weapons, in the Framework of the Hungarian Trade Licensing Office, an autonomous organisation under the supervision of the minister of economy and transport.

Besides the Community General Authorisation, individual, global and national general licenses can also be issued by the Office, under the detailed procedures stipulated by the national legislation.

All licensing decision is made in co-operation with the Ministry of Foreign Affairs. Licenses for the export of nuclear items are issued with the approval of the National Atomic Energy Organisation.

License applications are paper-based, but processed electronically. Our electronic system is based on the US-origine „Tracker“ software.

Cooperation with Industry

Exporters are required to nominate a *contact person*, who facilitates the exchange of information with the export control authorities. This person is regularly briefed by the staff of the Office about the changes in the regulations.

Training seminars for the representatives of selected branches of the exporters are regularly organised, with the aim of raising their awareness.

The *WEB site of the Office*, besides links to the relevant legislation, provides a lot of useful piece of information concerning the implementation of the regulations.

The issue of a series of *Export Control News Letters* has been recently decided by the Office. It is intended to address a wide range of export control issues, ranging from non-proliferation policy to the control of intangible technology. Potential readers are exporters, senior leaders of the universities, scientific institutions and the administration.