

## SEVENTH INTERNATIONAL EXPORT CONTROL CONFERENCE

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### Latvia – experience of the first year in the EU

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#### 1. Legislation

On the day of joining EU, May 1<sup>st</sup>, 2004, the new “Law on Circulation of Strategic Goods” and Regulations of the Cabinet of Ministers “On Order of Issuance, Refusal or Annulment of Documents of Control of Strategic Goods” came into force.

The new legislation was based on principle to eliminate from the existing legislation anything already stated by EU Regulation 1334/2000 and anything contrary to this Regulation. So the remainder was duties and rights of institutions involved in export, import and transit control, licensing procedures and controls of EU Common Military List and Latvian National List items.

Latvian National List contains:

- rimfire weapons, ammunition and air guns with energy higher than 12 Joules;
- spare parts and components of military, dual use and civilian aircraft;
- infra-red vision devices (other than mentioned in Annex 1 of EU Regulation 1334/2000 or EU Common Military List);
- handcuffs and leg irons (export and transit forbidden);
- pyrotechnical devices of classes 2, 3 and 4;
- tools, equipment and components designed or modified for special clandestine operations (burglar, spying and hacker hardware and software).

Control of intangible transfer of technologies has been included into the new law, but licensing of brokers and transit control (UN Resolution 1540/2004) has been into Latvian legislation since the beginnings of export control in 1996 and those issues required no changes in law. Nevertheless after one year of practice some legal flaws become evident and so a number of draft amendments are prepared:

- EU Code of Conduct in Arms Exports shall be included into law;
- Latvian national Lists shall be adopted by decision of the Cabinet of Ministers instead of decision of the Control Committee of Strategic Goods;
- military technical assistance shall be included as an item into Latvian National Lists;
- article related to procedure of technical expertise shall be included into Regulations;

## **2. Licensing**

Before joining EU the number of control documents were limited to export, import and transit licenses, international import certificates, end use certificates and delivery verification certificates – 6 documents altogether. Now there are 9 types of licenses (all of the same form with different headers), forms for Inter-Community Transfers of Explosives and Prior Consent to Transfer Arms and Munitions which together with certificates makes a total of 14 documents. So the computerised licensing system underwent considerable changes, but regardless of that the system allows to find information on any transaction since 1996.

## **3. International co-operation and information**

Since joining the EU Latvia benefits from improved international co-operation and information exchange. Besides already well established information exchange with Estonia and Lithuania now Latvia has good working contacts with export control authorities of Austria, Finland, Germany, United Kingdom and other EU Member States. Ministry of Defence of UK even was kind enough to send its technical expert to Latvia to evaluate some military items in transit.

Most valuable is EU information exchange on denial notifications (DN). Latvian Export Controls developed a database of DN already containing more than 3 500 DN and this database together with information in the “Risk Report” and US Denied Persons List proves to be a perfect tool for licensing officers. Latvia is taking part in the Article 18 Restricted Working Group developing the database of EU DN and hopefully this new tool with easy access for all MS will considerably increase efficiency of information sharing within EU.

## **4. Development of government – industry relations**

The requirement of the law is that subjects dealing with strategic goods must have internal control programs. To facilitate this requirement Latvian private company “Microlink” customized software of Internal Control Program developed by the US company “Commonwealth Partners, Ltd.” and other private company “Komin” organized a seminar for industry to launch this software as a commercial product.