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## **RECENT DEVELOPMENTS IN POLAND'S EXPORT CONTROL SYSTEM**

After Poland's accession to the European Union, the government has undertaken intensive measures to stimulate rapid growth of the whole economy.

A number of initiatives and projects have been undertaken with an aim to facilitate the development of small and medium sized enterprises, to promote regional development and to encourage foreign investors to initiate a lasting cooperation with Polish industry.

The removal of trade barriers and investment restrictions, along with a decrease in administrative burdens, has created new possibilities for Polish businesses, and new sales markets have opened for Polish technology.

The development of international free trade has created an increased risk that technologically advanced products and the research and development achievements might get into the hands of organisations or people who may try to use them in ways which threaten the security of the State or even international peace and security.

Under current international trade conditions, the development of Polish enterprises must be coupled with an assessment of risks and threats which could be posed by their activity, and must be accompanied by actions aimed at maintaining international peace and security.

The role of self-control mechanisms in companies which trade in dual-use goods and weapons on international markets has been constantly increasing.

Currently, the top priority is to raise awareness of Polish businessmen of possible threats related to the liberalisation of trade and of the risk that modern goods and technologies can be used by unauthorized persons.

In Poland, basic controls are organised in-house by manufactures, exporters, users, research and development institutes etc., who are producing, using and

exporting dual-use goods, military equipment and arms covered by international control regimes.

The Internal Compliance Program (ICP) is the basic tool of this self-control in Polish companies, and it is a key element of the Polish export control system.

ICP is the most important tool allowing for the assessment of the risk of transferring arms, military equipment and dual-use goods and technologies to inappropriate recipients.

ICP allows companies to build cooperation with the export control authority, to gather and verify information related to partners and goods as well as to gather documentation and submit it for inspection.

Internal compliance programs are constantly being improved. Until July 2006, internal compliance program functioning in companies required a certificate of compliance with the ISO 9000 series of international standards and additional principles defined by the Ministry of the Economy.

Based on many years of experience and practice, the Polish standard PN-N-19001 was prepared and published under the title “Internal compliance programme (ICP) – Requirements”.

This standard is based on the structure of the requirements of ISO 9001:2001. It includes all the conditions of this standard as well as additional conditions relevant to the specific nature of internal compliance programs.

The Polish Standard PN-N-19001 defines, amongst other things:

- General provisions regarding internal compliance programs of foreign trade in goods of strategic significance,
- Conditions regarding the supervision of documents relating to trade controls,
- Conditions regarding ICP accounts,
- Management responsibilities,
- Responsibilities, awareness and staff training,
- Staff management
- ICP analysis and monitoring methods,
- Corrections and improvements.

As for documentation, the following requirements are essential:

- Proof of sale of strategically significant goods,
- Classification list of the company’s products and a data base containing the classification,
- List of warning signs,

- List of refusals,
- List of customers who received a refusal for trade, with complete information,
- Documents arising from currently binding international and national legislation.

The Polish administration constantly analyzes the functioning of the Polish export control system, gains new experience, consults with other countries, observes the changes occurring in the field of non-proliferation and the initiatives discussed and adopted by international forums.

Our aim is to further improve the system by using solutions, which have been tested in practice as well as experiences arising from operating within the framework of the EU.

The Law of November 29, 2000 on international trade in goods, technologies and services with a strategic significance for the security of the state, and also for maintenance of international peace and security, is Poland's basic legal act regulating export controls. The law will be amended in 2007.

The aim is:

- To further decrease the administrative burden for businesses,
- To simplify the procedures and mechanisms of export control,
- To improve regulations, and make them more precise in order to increase their understanding and eliminate problems with their interpretation in practice,
- To broaden the scope of application of general licenses.

Under Polish conditions, the increase of productivity, and the opening of new markets for Polish producers and exporters must be accompanied by better understanding of the issues related to international security, and the company business plans, and actions undertaken to increase company's profits must take into account this important issue.

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