

Brief information on amendments to the Polish export control system

At the beginning it is worth reminding that preparations of Poland to the accession to the EU, already at the end of the 90-ties drove the process of adjustment of legal regulations, mechanisms and procedures pertaining to the control of foreign trade in dual-use goods and technologies and arms with view to their harmonization with the European legal framework. In that connection on 1 January 2001, the *Law on the international trade in goods, technologies and services of strategic relevance for the national security and maintenance of international peace and security* came into force, which was adjusted to the EU requirements to an extent attainable at that time.

The recent amendments of the Polish legislation took place this year. The law amending previous regulation was adopted on 2 July 2004. The amendments mainly resulted from the fact that starting from 1 May 2004 the *Council Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology* is directly binding in the Polish legal system. It means that our national legislation can not contain provisions, which repeat provisions of the Community Regulation or which are contrary to them. In view of that we had to remove from our law all such provisions as well as to introduce articles enabling implementation of some rules provided in the above mentioned Community legal instrument.

Generally speaking, in our amended law we have maintained all so far existing provisions concerning foreign trade in arms which fully meet requirements of the EU Code of Conduct on arms export as well as Council Declaration of 13 June 2000, issued on the occasion of the adoption of the common list of military equipment.

As far as control of foreign trade in dual-use goods is concerned the following changes were adopted:

- withdrawing from licensing of import of dual-use goods and introduction of import monitoring for some items connected with telecommunications and “information security”, included in the category 5 of the Community dual-use control list (Annex I to the Council Regulation No 1334/2000), due to national security reasons;
- direct application of the control list included Annex I to the Regulation 1334/2000;

- inclusion of control of technical assistance and brokering into provisions covering control of services related to all goods of strategic relevance following the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering and Joint Action of 22 June 2000 concerning control of technical assistance related to certain military end-uses;
- introduction provisions enabling use of the Community General Export Authorization;
- issuing of national general authorizations in the form of regulation in accordance with indications set out in Annex IIIb to the Regulation 1334/2000;
- issuing individual and global licenses on forms consistent with Annex IIIa to the Regulation 1334/2000;
- possibility of granting global licenses for export of spare-parts and some kinds of services (mainly for forwarding services);
- application of prior registration of companies before the use of the Community General Export Authorization and general national authorizations;
- removing all charges for granting licenses and all certificates provided in the law.

Summing up we would like to express conviction that recent amendments to the Poland's control system of international trade in goods, technologies and services strategically relevant for state security will help Poland to live up to the expectations of its EU partners as well as requirements of international export control regimes and create a conducive environment to the attainment of the following long term key objectives:

- To involve Poland's manufacturers, merchants, service providers and scientific research facilities in the actions aimed against those organisations who seek to instigate local or regional armed conflicts.
- To involve Poland's industry in joint efforts against identified or possible terrorist organisations in pursuit of international peace and stability.
- To harmonize actions taken by the Poland's industry and the Polish administration with those taken by the Member States of the EU to prevent proliferation of weapons of mass destruction and preclude the destabilizing effects of stockpiling of conventional weapons, as well as to forestall uncontrolled transfers of dual-use goods and technologies that can be detrimental to regional and global peace and stability.
- Following the example set by the EU and NATO Member States, to create an environment conducive to a dialog and information exchange between the industry and governmental administration in the field of control of international trade in strategically relevant goods.