



## Morning Breakout Sessions I

# Risk assessment in Licensing

*10th International Export Control Conference  
Istanbul 2009*

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- 1. assessment of risk – basic approach**
2. licensing process- how to handle the risk
3. special focus – end use verification
4. conclusion



## Criteria for Decisions on Export Authorisations

### EU legislation (Art. 12 EC Dual Use Reg.)

- Obligations/commitments from international regimes or treaties
- Obligations under sanctions
- Considerations of national foreign and security policy, including those covered by the EU Code of Conduct on arms exports

### German legislation ( Sect. 7 AWG)

- Considerations about intended end-use and the risk of diversion
- Protection of vital security interests of Germany
- Prevention of disturbances of peaceful coexistence between nations
- Prevention of mayor disruption of the foreign relations of Germany



## Objectives of licensing assessment

Finding on all elements to the following  
questions:

- **Who** (exports)
- (to) **Whom**
- **Which** (items)
- (for) **What** (purpose)



## Information about

- Countries of concern
- Purchasers, consignees and endusers worldwide
- Military or civil projects in countries all over the world
- Applicants in Germany

## Sources:

- Secret services
- Ministries, German embassies abroad
- Federal criminal office, customs criminal office
- Nonproliferation-regimes
- Own perceptions
- Exporters examinations
- Media



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### Central Service - Section

- Receipt (via Post) of Application Form (AF)
- First formal check

**Three Stages Mechanism:** 1st stage (licensing section) - checking completeness of AF

- pre-check of statements and submitted data
- documentation of information esp. on parties involved, acc. to application
- leading instructions to 2nd stage
- request for documents and I information

2nd stage (technical section) - technical check of items

- documentation of result

3rd stage (licensing section) - final legal and procedural review

- final documentation
- issuing licence or denial

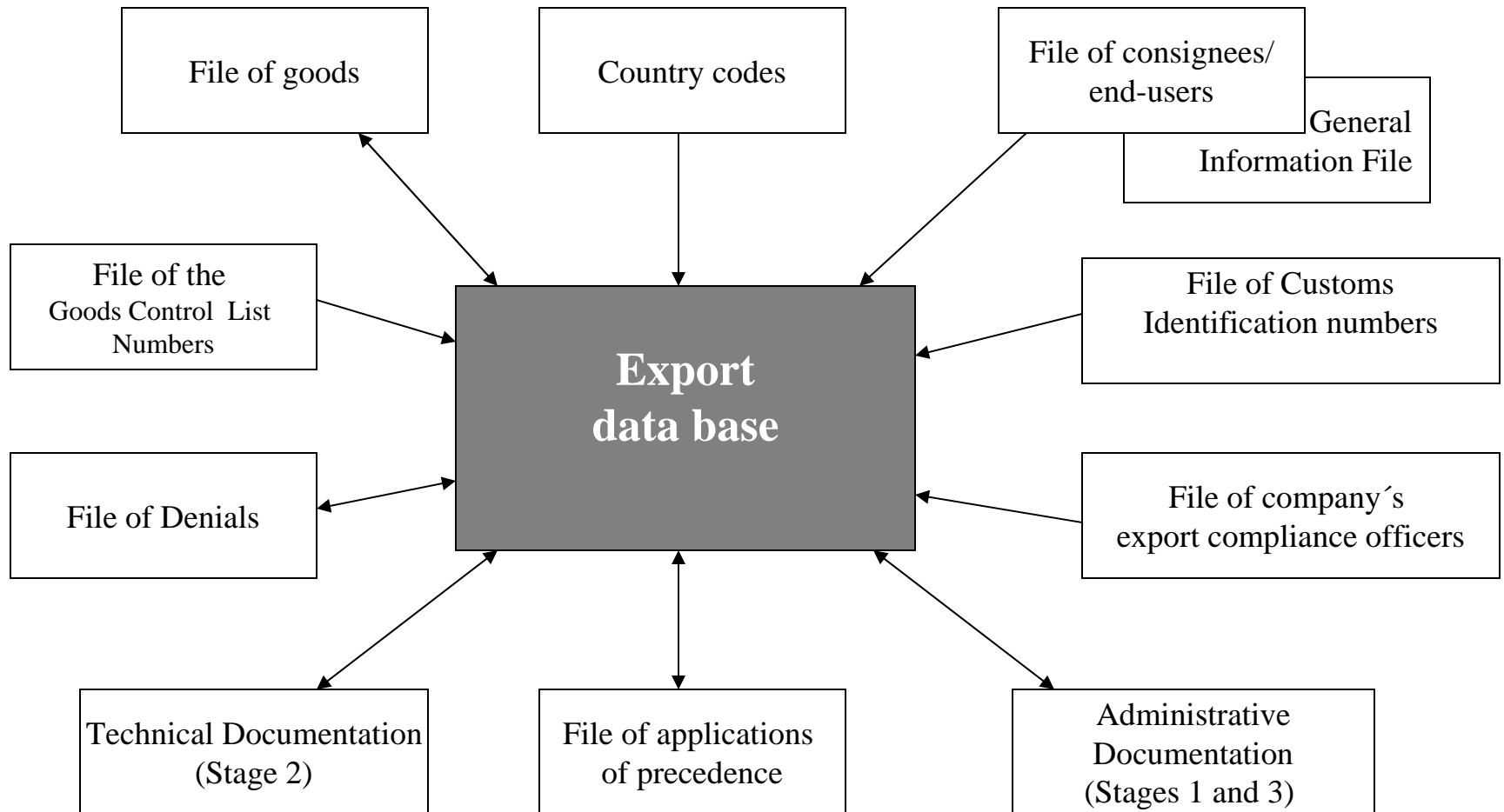


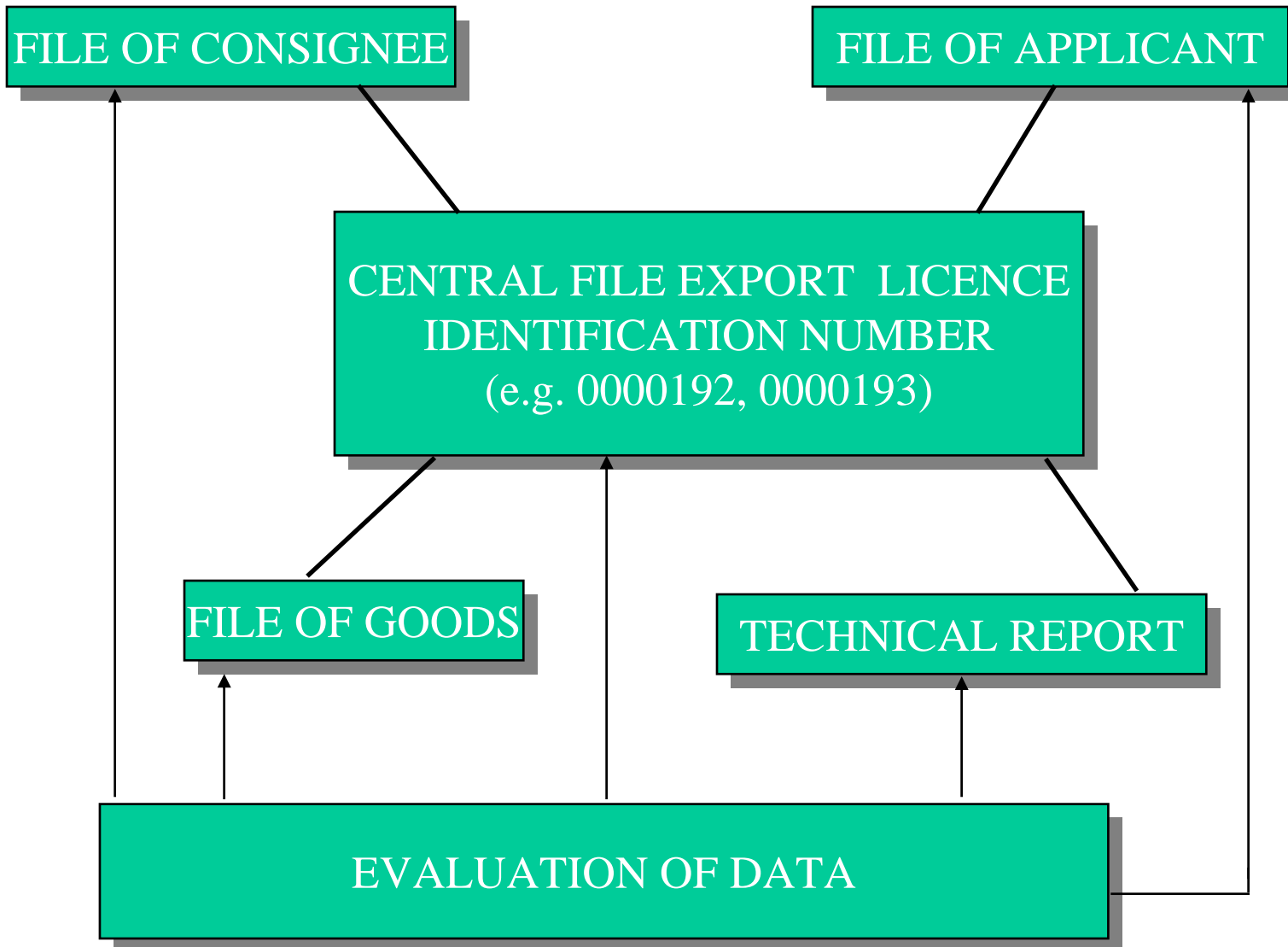
### Central Service - Section

- Dispatch of mail
- Final registration



## Overview of the most important files







## Verification of information provided

- Information by intelligence services
- Check up with reference data-base
- Plausibility check of the application



## BAFA's Licensing Processing Procedure

### Method:

Checking process

Provisional result  
after investigation  
of facts

Decision

### Check: Is the stated end-use plausible?

- Check whether or not data given by applicant are complete and conclusive
- Evaluation of all available information (or enquiries to other government agencies) and comparing with information provided by applicant as to credibility/comprehensibility
  
- An application is plausible, if information given by the applicant is substantiated and conclusive and if no information casts doubt on correctness of the applicant's data.
  
- Legal analysis and evaluation (forecasting decision) against legally binding criteria (Sect. 7 AWG or Art. 8 EC-Dual-Use-REG)



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## End-use Verification as part of risk assessment

### Covers:

- comprehensive assessment of applications

and

- end-use certificates (EUC)

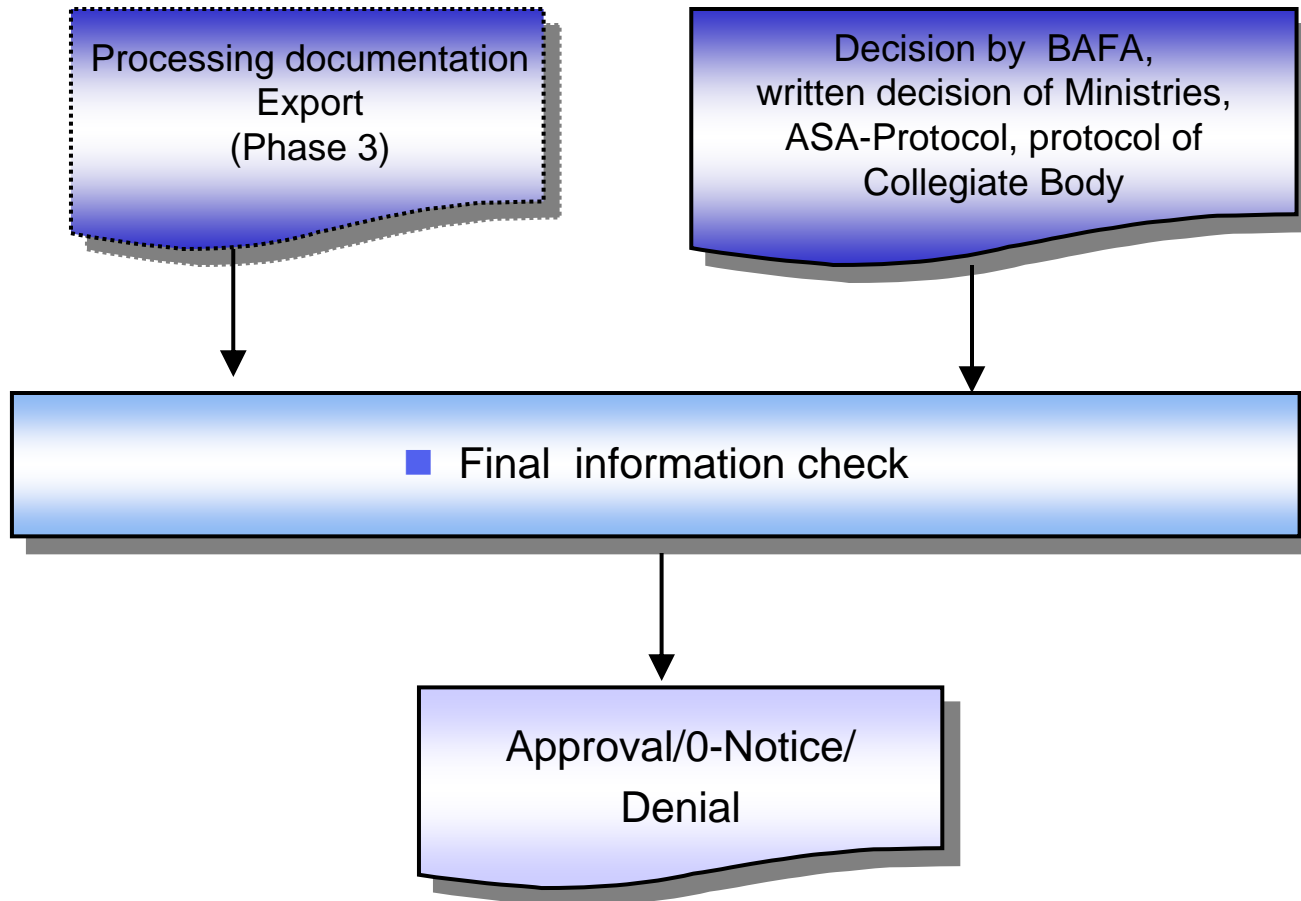
and

- other core and optional elements of end-use safeguards



## License Processing - detailed

### Decision





# Thank you for your attention

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