

Translation from Lithuanian

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

R E S O L U T I O N No. 573

On Implementation of Import, Transit and Export Control of Strategic Goods and Technologies

Vilnius, 6 June 1997

Enacting the Law on Control of Import, Transit and Export of Strategic Goods and Technologies of the Republic of Lithuania (Records, 1995, No. 61 - 1533), the Law "On Enforcement of the Law on Import, Transit and Export Control of Strategic Goods and Technologies" of the Republic of Lithuania (Records, 1995, No. 61 - 1534), law on temporary suspension of Article 2 of the law of the Republic of Lithuania "On Enforcement of the Law of Import, Transit and Export Control of Strategic Goods and Technologies of the Republic of Lithuania" (Records, 1996, No. 66 - 1578) and enforcing Resolution No. 392 of the Republic of Lithuania approved on 24 April 1997 "On the Approval of the Provisions of the Ministry of National Economy of the Republic of Lithuania" (Records, 1997, No. 37 - 911), the Government of the Republic of Lithuania r e s o l v e s:

1. To outline the terms used in this resolution as follows:

1.1 import licence - single permit to import the established amount of controlled goods into the territory of the Republic of Lithuania;

1.2 import certificate - document, certifying that the importer holds the import licence, the aim of which is to present for state institutions, implementing export control of controlled goods, of the country from which controlled goods are exported;

1.3. transit licence - single permit to transport the established amount of controlled goods through the territory of the Republic of Lithuania;

1.4. export licence - single permit to transfer controlled goods which are in the territory of the Republic of Lithuania or outside it, to transfer controlled goods which are in the territory of the Republic of Lithuania taking into account that they will be exported out of the territory of the Republic of Lithuania or that they are intended to be exported, to transfer controlled goods to the embassy, consulate or representative office of another state or transfer controlled goods which are in the territory of the Republic of Lithuania to a citizen of another state, if it is not established otherwise by the Government of the Republic of Lithuania;

1.5. delivery certificate - document certifying that controlled goods specified in the import certificate were legally imported into the territory of the Republic of Lithuania;

2. To form a group of experts resolving the issues of issuance of licences for the import, transit and export of strategic goods and technologies and import certificates, and approve its composition (attached).

The composition of expert group shall include the Ministry of Environmental Protection, Ministry of National Economy, Ministry of National Defence, Ministry of Communications and Information Technology, Ministry of Transport, Ministry of Health Care, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Customs Department under the Ministry of Finance, State Security Department of the Republic of Lithuania, representatives of the State

Nuclear Energy Safety Inspectorate and State Veterinary Service holding a written authorisation of a state institution to resolve the issues related to the sphere of their activities. A member of the expert group shall be replaced only upon the receipt of a written authorisation of the relevant ministry or another state institution. Terms of reference of the expert group shall be established and approved by the Ministry of National Economy.

3. To establish that:

3.1. the general list of controlled goods shall include six groups of goods, the import, transit and export of which is controlled by international control institutions:

1 group - (goods and technologies of double purpose - civil and military);

2 group (goods and technologies aimed or modified for military purposes) international ammunition list;

3 group (nuclear substances and facilities used in nuclear activities);

4 group (goods of double purpose which can be used in nuclear activities) - list of goods of double purpose which can be used in nuclear activities;

5 group (rocket technologies used in rocket production) - list of rocket technology control regime;

6 group - (chemical and biological agents, facilities of double purpose used for the production of chemical and biological weapon) - list of chemical and biological agents, facilities of double purpose used for the production of chemical and biological weapons;

3.2. the following groups of controlled goods shall be applicable to ministries and other state institutions subject to the sphere of their activities:

1 group - to the Ministry of the Interior, Ministry of Communications and Information Technology, Ministry of National Economy, Ministry of Environmental Protection, Ministry of National Defence, Ministry of Health Care, State Security Department of the Republic of Lithuania;

3.2.2. 2 and 5 group - to the Ministry of National Defence and Ministry of the Interior;

3.2.3. 3 and 4 group - to the State Nuclear Energy Safety Inspectorate, Ministry of National Economy, Ministry of the Interior, Ministry of Health Care and Ministry of Environmental Protection;

3.2.4. 6 group - to the Ministry of Environmental Protection, Ministry of National Defence, Ministry of the Interior, Ministry of National Economy, Ministry of Health Care and State Veterinary Service;

3.3. while importing controlled goods import licence shall be required;

3.4. import certificate shall be issued, if it is required by the country issuing export licence out of which controlled goods shall be exported into the Republic of Lithuania;

3.5. while transporting controlled goods in transit through the territory of the Republic of Lithuania transit licence shall be required;

3.6. while exporting controlled goods export licence shall be required;

3.7. the decision on issuance licences for import, transit (except for military transit) and export as well as import certificate shall be taken by the Ministry of National Economy, in accordance with the conclusion of the expert group approved by this resolution. In case the conclusion of relevant ministries or other state institutions is required in order to take a final decision, the Ministry of National Economy shall have the right to receive their conclusions. The conclusion of the expert group shall be presented upon the receipt of written conclusions of relevant ministries and state institutions for the sphere of activities of which controlled goods are applicable;

3.8. import, transit (except for the military transit) export licences and import certificate shall be issued by the Ministry of National Economy, according to the procedure established by the Government of the Republic of Lithuania;

3.9. import, transit and export licences and import certificate shall include:

detailed conditions of import and storage of controlled goods until they are transferred to the final consumer of these goods;

detailed conditions of transportation of controlled goods through the territory of the Republic of Lithuania;

detailed conditions of export of controlled goods.

Besides, import licence and import certificate shall include the obligations of the final consumer of controlled goods subject to the final application of controlled goods. The export licence shall outline requirements raised for the exporter of the controlled goods;

3.10. import, transit and export licences as well as import certificate shall not be issued, if:

3.10. economic entities, natural persons and state institutions hold no relevant permits to import, transport in transit and export controlled goods, while the receipt procedure of these permits is established by laws of the Republic of Lithuania and foreign states;

3.10.2. it is in the interest of national economy, state safety and national defence, it is required by international agreements and commitments of the Republic of Lithuania. The refusal to issue import, transit and export licences as well as import certificate subject to the reasons specified in this paragraph shall not require any justification;

3.11. The Ministry of National Economy of the Republic of Lithuania according to the procedure established by the Government may suspend or revoke (provided that is in the interest of national economy, state safety and national defence, international agreements and commitments of the Republic of Lithuania, and if it turns out that the data provided is false and (or) important changes of transportation conditions of the controlled goods are not reported):

3.11.1. import and transit licences as well as import certificate issued by the date of import of the controlled goods specified in the licences or the certificate;

3.11.2. export licence issued by the date of export of the controlled goods

specified in this licence.

4. Ministries and state institutions outlined in paragraphs 3.2.1. - 3.2.4. of this resolution, enacting the decision of the sitting of 10 January 1997 of the Government of the Republic of Lithuania (Protocol No. 5 issue 3) and taking into consideration the Combined Commodity Nomenclature, shall prepare by 16 June 1997 and co-ordinate with the Ministry of National Economy and Customs Department under the Ministry of Finance lists of groups of controlled goods ascribed to them.

5. Customs Department under the Ministry of Finance jointly with the Ministry of National Economy, other ministries and other state institutions described in paragraphs 3.2.1. - 3.2.4. of this resolution shall prepare the draft of the final list of the controlled goods and by 23 June 1997 present it for the approval of the Government of the Republic of Lithuania.

6. To instruct:

6.1. The Ministry of Environmental Protection, Ministry of Health Care, Ministry of the Interior to prepare and by 16 June 1997 present proposals on the procedure of initial and permanent (import and export transactions, location and use of goods) control of controlled goods assigned in line with the field of their activities, procedure on realisation of controlled goods that have been confiscated;

6.2. The Ministry of National Economy to present by 25 June 1997 for the approval of the Government of the Republic of Lithuania the following:

6.2.1. the procedure of initial and permanent (import and export transactions, location and use of goods) control of controlled goods;

6.2.2. the procedure of realisation of controlled goods that have been confiscated;

6.3. The Ministry of National Economy jointly with the Customs Department under the Ministry of Finance to prepare and present by 20 June 1997 for the approval by the Government of the Republic of Lithuania the following:

6.3.1. applications to issue import, transit and export licences or import

certificates;

6.3.2. list of documents necessary to be presented along with the application as described in paragraph 6.3.1. of this resolution;

6.3.3. copies of import, transit and export licences as well as copies of certificates approving import and delivery;

6.3.4. the procedure of licence issuance, suspension or revocation, the procedure of issuance of certificates on approval of delivery and the procedure of provision of information of controlled goods to ministries and other state institutions participating in the process of licence issuance;

6.4. The Ministry of Foreign Affairs to prepare by 16 June 1997 in line with the Ministry of National Economy the list of states into which controlled goods are prohibited to be exported as well as the list of states out of which the controlled goods are prohibited to be imported;

6.5. The Ministry of Justice jointly with the Ministry of National Economy to prepare drafts of the Code of Administrative Law Violations of the Republic of Lithuania and drafts of amendments and supplements to the Criminal Code of the Republic of Lithuania related to the enforcement of the Law on the Control of Import, Transit and Export of Strategic Goods and Technologies, and by 20 June 1997 present them to the Government of the Republic of Lithuania.

7. This resolution except for paragraphs 4 - 6 shall enter into force by 1 July 1997.

Prime Minister

Gediminas Vagnorius

Minister of National Economy

Vincas Babilius

APPROVED

by Resolution No. 573
of 6 June 1997
of the Government of the
Republic of Lithuania

Group of Experts on the Matters of Issuance of Licences for the Import, Transit
and Export of Strategic Goods and Technologies, and Import Certificates

G.Miškinis - Deputy Minister of the Ministry of National Economy
(head of the group);

R.Ališauskas - Second Secretary of Foreign Trade Policy Division of the

Ministry of Foreign Affairs;

K.Andrijauskas - Head of the State Register Office of the Ministry of
Communications and Information Technology;

R.Briedytė - Head of Environmental Protection and Dangerous Goods
Transport Division of the Ministry of Communications;

S.Butkus - Representative of the Ministry of Defence;

V.Gailius - Director of the National Specialised Hygiene Centre
under the Ministry of Health Care;

K.Gedrimas - Deputy Director of the State Veterinary Agency;

D.Jasulaitis - Senior Specialist of the Division of Nuclear Energy of the

Department of Energy Development of the Ministry of
National Economy;

R.Jurgaitis - Senior Economist of the Division of Customs Procedures

and Nomenclatures of the Customs Department under the Ministry of Finance;

S.Kuršėlis - Nuclear Safety Inspector of the State Nuclear Energy Safety Inspectorate;

Č.Norinkevičius - Senior Inspector of the State Security Department of the Republic of Lithuania;

I.Rastinienė - Senior Engineer of the Chemical Substances Division of the Ministry of Environmental Protection;

R.Rauckis - Deputy Director of the Department of Export and Import Supervision of the Ministry of National Economy;

R.Sakalauskienė - Head of the Division of Export Control of Strategic Goods of the Department of Export and Import Supervision of the Ministry of National Economy;

S.Survila - Commissar Inspector of the Division of Non-proliferate Substance Control of the Office of Organised Crime Investigation of the Police Department of the Ministry of the Interior.

Translation from Lithuanian

Government of the Republic of Lithuania

R E S O L U T I O N No. 743

On the Procedure of Implementation of Import, Transit and Export Licencing and Control of Strategic Goods and Technologies

Vilnius, 8 July 1997

Following the Republic of Lithuania Law on Control of Import, Transit and Export of Strategic Goods and Technologies (Records, 1995, No. 61 - 1533), the Republic of Lithuania Law "On Enforcement of the Law on Import, Transit and Export Control of Strategic Goods and Technologies" (Records, 1995, No. 61 - 1534) and Resolution No. 573 of the Government of the Republic of Lithuania approved on 6 June 1997 "On Exercising Import, Transit and Export Control of Strategic Goods and Technologies" (Records, 1997, No. 55 - 1272), the Government of the Republic of Lithuania r e s o l v e s:

1. To approve the procedure of issuing, suspending and revoking licences, issuing import certificates and delivery verification certificates, providing information about controlled goods to Ministries and other state institutions

engaged in issuance of licences (attached).

2. To instruct:

- 2.1. The Ministry of National Economy to establish the procedure of printing import, transit and export licences, the import certificate;
- 2.2. The Customs Department under the Ministry of Finance to establish the procedure of printing the delivery verification certificate.

Prime Minister

Gediminas Vagnorius

Minister of National Economy

Vincas Babilius

Approved

by Resolution No. 743
of 8 July 1997
of the Government of
the Republic of Lithuania

The Procedure of Issuing, Suspending and Revoking Licences, Issuing Import Certificate and Delivery Verification Certificate, Providing Information about Controlled Goods to Ministries and Other State Institutions Engaged in Issuance of Licences

General Provisions

1. The present Procedure regulates:
 - 1.1. issuance of import, transit, export licences, the import certificate and the delivery verification certificate;
 - 1.2. the use of licences;
 - 1.3. special regulations of carrying out Customs procedures of import, transit and export of strategic goods and technologies.

Issuance of Import, Transit, Export Licences and Import Certificates

2. The importer, carrier, exporter or the authorized person wishing to obtain an import, transit, export licence or an import certificate must apply to the Ministry of National Economy and submit a filled in application of the established form (according to the attached forms EK-1, EK-4 and EK-7 prepared by the Ministry of National Economy), a certificate of enterprise registration and a permit (licence) to engage in a licencing activity. The authorized person shall submit a power of attorney.

3. In case the import certificate issued by the state institutions of the Republic of Lithuania is required to make a decision of the institutions exercising export control of strategic goods from the exporting state, the importer or the authorized person must apply to the Ministry of National Economy to issue the certificate.

4. The following documents shall be submitted along with the application:

- 4.1. to obtain an import licence or an import certificate:
 - 4.1.1. an agreement (contract);
 - 4.1.2. a permit issued by competent state institutions of the exporting state;
 - 4.1.3. the list of consumers currently using these goods (technologies);
 - 4.1.4 the list of requirements set by the exporter or producer;

- 4.2. to obtain a transit licence:
- 4.2.1. an agreement (contract);
- 4.2.2. a copy of the international import certificate (or an analogous document) issued by the importing state;
- 4.3. to obtain an export licence:
- 4.3.1. an agreement (contract);
- 4.3.2. an international import certificate (or an analogous document) issued by state institutions of the importing state implementing control of controlled goods;
- 4.3.3. an end use statement.
5. Licences shall be issued upon submitting a confirmation receipt on the stamp tax paid.
6. Other additional documents can be required to be submitted to facilitate the consideration of applications.

7. All documents must be presented in the Lithuanian language. An international import certificate or a corresponding document can be filled in Lithuanian, English or Russian languages. In other cases an authorized translation into the Lithuanian language shall be presented.

8. The documents and data submitted shall be considered in the procedure established by the Government of the Republic of Lithuania. Within 50 days the Ministry of National Economy, following the conclusion of the group of experts resolving the issues of issuance licences for import, transit and export of strategic goods and technologies and import certificates (hereafter referred to as the group of experts), shall inform about it the importer, exporter, carrier or the authorized person who has submitted the application to issue an import, transit, export licence or the import certificate. Providing additional information is required to make a decision, on the decision of the expert group the importer, carrier, exporter or the authorized person shall be informed about it. Upon receiving additional information, the Ministry of National Economy, on

the basis of the conclusion of the expert group shall adopt a decision within 30 days.

9. Following the regulations of the present Procedure, an application to issue a licence shall be registered. The application, documents submitted thereto and the information shall be considered at the Ministry of National Economy.

10. In each case the Ministry of Economy shall deliver copies of applications and documents submitted thereto to the Ministries and state institutions whose sphere of activity covers controlled goods.

11. Ministries and state institutions, indicated in Article 10 of the present Procedure, having considered the copies of applications and documents submitted, must present their conclusion in writing to the Ministry of National Economy within 30 days.

12. The Ministry of National Economy has the right to apply to all Ministries and state institutions indicated in Article 10 of the present Procedure, to hold consultations with them and receive their conclusions.

13. The importer, carrier, exporter of the authorized person, upon receiving a negative decision on issuance of licence, has the right, within 10 days, to appeal to the Ministry of National Economy with the request to consider the application to issue a licence again.

14. Import, transit and export licences (in accordance with the attached forms EK-2, EK-8 and EK-5 prepared by the Ministry of National Economy) shall be issued in four copies:

14.1. the original;

14.2. copy A;

14.3. copy B;

14.4. copy C;

15. The original and copy B must be submitted to the Customs.

16. Copy A shall be given to the importer, carrier, exporter or the authorized person.

17. Copy C must be kept with the Ministry of National Economy.
18. The Customs returns the original licence to the Ministry of National Economy within 30 calendar days after import, transit or export of goods by a registered letter.
19. The Ministry of National Economy must immediately inform the Customs Department under the Ministry of Finance about the decision not to issue, suspend or revoke the licence.
20. Copy B of import, transit and export licences must be kept with the territorial Customs, where the inland Customs offices accomplished the customs clearance procedure of import, transit and export control of controlled goods according the procedure established by the Customs Department under the Ministry of Finance.
21. The Ministry of National Economy has the right to suspend or revoke the issued licence in the cases provided for in the Republic of Lithuania Law on Control of Import, Transit and Export of Strategic Goods and Technologies and Resolution No. 573 of the Government of the Republic of Lithuania approved on 6 June 1997.
22. In the event of suspending or revoking the licence, the importer, carrier, exporter or the authorized person shall be immediately informed about it and he must return the issued licence to the Ministry of National Economy.
23. The import certificate (in accordance with the attached form EK-3 prepared by the Ministry of National Economy) shall be issued in four copies:
 - 23.1. the original;
 - 23.2. copy A;
 - 23.3. copy B;
 - 23.4. copy C.
24. The original must be submitted to the state institutions of the importing state exercising control of controlled goods.
25. Copy A shall be given to the importer or the authorized person.
26. Copy B must be submitted to the Customs.

27. Copy C must be kept with the Ministry of National Economy.

Use of Import, Transit, Export Licences and Import Certificate

28. The licence shall be valid for 6 months.

29. The import certificate becomes invalid providing it is not presented to competent state institutions of the exporting state within 6 months from the day of its issuance.

30. The Ministry of National Economy, following the decision of the expert group, can extend the term of validity of the licence.

31. An application to extend the validity of a licence must be submitted in writing to the Ministry of National Economy 20 days prior to the end of the expiry date of the licence. In submitting the application all the documents, indicated in Article 3 of the present Procedure, shall be filled in again.

32. The importer, carrier, exporter or the authorized person, in possession of the licence which has not been used and which is past the expiry date, must immediately return the unused import, transit and export licence together with a written explanation why the licence has not been used.

33. In the event of loss of an import, transit or export licence, the importer, carrier, exporter or the authorized person must immediately inform about it in writing the Ministry of National Economy.

34. Economic entities must store information about the concluded contracts relating to import, transit and export of controlled goods for five or more years, if this is provided for in legal acts of the Republic of Lithuania.

Special Regulations of Carrying out Customs Procedure and Issuance of Delivery Verification Certificate

35. Customs control and registration of the documents of controlled goods being imported, carried in transit or exported are carried out in the procedure

established by the Republic of Lithuania laws and other legal acts. The importer, carrier, exporter or the authorized person must inform the territorial Customs (where the controlled goods are planned to be submitted to the inland Customs office) not later than two working days in advance.

36. Controlled goods can be brought into the Customs territory of the Republic of Lithuania, taken out of the Customs territory of the Republic of Lithuania or carried in transit through the Customs territory of the Republic of Lithuania at the following territorial Customs points:

Vilnius territorial Customs point of Medininkai Road, Vilnius Airport point, Vaidotai Railway point, Kaunas territorial Customs of Kaunas Airport point, Klaipėda territorial Customs of Vitė Sea Port point, Smeltė Sea Port point, Kuršiai Sea Port point, Alytus territorial Customs of Šeštokai Railway point, Marijampolė territorial Customs of Kalvarija Road point, Kybartai Road point, Kybartai Railway point, Panevėžys territorial Customs of Solačiai Road point, Tauragė territorial Customs of Panemunė Road point.

37. Controlled goods are permitted to be transported via other territorial Customs points upon a separate decision made by the Government of the Republic of Lithuania.

38. Customs procedure of import, transit and export of controlled goods shall be carried out only upon producing the import, transit or export licence issued by the Ministry of National Economy. Import and export procedures of these goods shall be performed only at Customs Offices established by the Customs Department under the Ministry of Finance and located within the Customs territory of the Republic of Lithuania.

39. Clearance of exported strategic goods at the Customs Office located within the Customs territory of the Republic of Lithuania shall be carried out only upon producing the export licence.

40. A delivery verification certificate shall be issued at the territorial Customs the activity zone of which includes the importer of controlled goods.

41. A delivery verification certificate (according to the attached form

prepared by the Customs Department under the Ministry of Finance) shall be issued in three copies:

A - to the importer;

B - to be presented to the Ministry of National Economy;

C - to be left with the territorial Customs which issued the delivery verification certificate.

42. The importer of controlled goods or his authorized person must apply, within 5 working days after the import procedure of controlled goods has been carried out, to the territorial Customs where the inland Customs office accomplished the clearance procedure, with the request to issue a delivery verification certificate

43. The application to issue a delivery verification certificate shall be written in a free form and submitted to the Head of the territorial Customs.

44. The Customs shall forward copy B of the delivery verification certificate to the Ministry of National Economy by a registered letter within 30 calendar days from the day of its issuance.

45. In the procedure established by the Customs Department under the Ministry of Finance the territorial Customs shall submit to the Customs Department the list of delivery verification certificates issued during the past month and their copies by the 10th of each month.

46. The Customs Department under the Ministry of Finance shall present the data on delivery verification certificates issued during the past quarter by the 20th of the first month of each quarter.