

O2 The Regulation of the Government of Estonia No. 218 of September 28, 1999

Unofficial Translation

Regulation No. 281 of the Government of the Republic of Estonia
of 28. September 1999

PROCEDURE FOR IMPORT, EXPORT AND TRANSIT OF STRATEGIC GOODS

I. GENERAL PROVISIONS

1. This Procedure regulates applying for, issuing, extending and revoking documents related to the import, export and transit of strategic goods, the terms for the processing of applications and the procedure and terms for the carriage of strategic goods across the customs frontier.

2. The Strategic Goods Import, Export and Transit Control Commission (hereinafter – commission) shall issue, extend and revoke import, export and transit licences necessary for the import of strategic goods into and export thereof from the customs territory of Estonia and transit thereof into third countries via the customs territory of Estonia.

3. Upon the import of goods included in the list of strategic goods established by the Government of the Republic or goods considered as strategic goods in a foreign state into the customs territory of Estonia, the commission shall issue upon request International Import Certificates, Delivery Verification Certificates and End-Use Certificates to be submitted to the appropriate agency in the country of consignment.

4. If documents specified in clause 2 are applied for in respect of goods which are not strategic goods or goods concerning which an exception has been established, the commission shall issue a corresponding approval to the applicant to be submitted to the Customs Board.

5. The commission shall issue documents related to import, export and transit of strategic goods pursuant to the Strategic Goods Import, Export and Transit Act, this regulation, statutes of the commission and other legislation and to international agreements of the Republic of Estonia.

II. APPLYING FOR AND ISSUING IMPORT, EXPORT AND TRANSIT LICENCES

6. Information concerning the exporter, importer and/or the principal and the applicant, the country of origin and of destination of the goods being carried, description of the goods, the term of validity of the licence and special conditions concerning the amount and/or use of the goods, if necessary, are specified in an import, export or transit licence.

7. In order to obtain an import, export or transit licence for goods included in the list of strategic goods or for services connected with the development, production, use or maintenance of strategic goods or with military planning, the importer or exporter of the goods or the principal shall submit an application to the commission to which the following documents shall be appended:

- 1) identity document or a copy of the document certifying registration;
- 2) an activity licence (if the area of activity involves licensing);
- 3) documents certifying the origin of the goods;
- 4) documents specifying the quality or technical characteristics of the goods (in the case of chemicals, the structural formula and the Chemicals Abstracts Service (CAS) Registry Number, if exists);
- 5) contract or a copy of the contract entered into with the foreign company which exports or imports the goods.

8. A contract submitted by an applicant for an import, export or transit licence shall include the following information:

- 1) the name and address of the end-user of the goods;
- 2) the field of end-use, location where the end-use operations shall be carried out and quantity of the goods;
- 3) name of the goods (structural formula in the case of chemicals).

9. Documents in foreign languages appended to an application for an import, export or transit licence, except documents in English, German or Russian, shall be submitted together with a notarised translation into Estonian, English, German or Russian.

10. Upon reviewing an application for an export or transit licence, the commission may request from an exporter or a principal an International Import Certificate, an End-Use Certificate or a Delivery Verification Certificate issued to the final user of the goods which is approved by the appropriate agency in the country of destination. Thus the importer assures that:

- 1) goods shall be stored at the address specified in the aforementioned certificates;
- 2) goods shall be used for the purpose specified in the aforementioned certificates;
- 3) goods shall not be diverted, re-exported or trans-shipped without the authorisation of the commission;
- 4) the commission through the agencies which participate in the activities may monitor the use of goods for their intended purpose.

11. Upon reviewing an application for an import, export or transit licence, the commission may request from the applicant, if necessary, additional information concerning the application.

12. An applicant for an import, export or transit licence has the right to submit additional information, if it helps facilitate reviewing the application.

13. The commission shall make a decision concerning the issue or refusal to issue an import, export or transit licence and notify the applicant for the import, export or transit licence thereof within thirty calendar days after the receipt of all documents necessary to apply for the import, export or transit licence.

14. If the information submitted to apply for an import, export or transit licence needs further examination, the commission may extend the period of applying for an import, export or transit licence by thirty days, whereupon the commission shall inform the applicant for the licence thereof immediately.

15. The term of validity of an import and export licence is up to one year, the term of validity of a transit licence is up to one month. On the basis of the information submitted, the commission determines the term of validity of every licence issued.

16. A written application to extend the term of validity of an import, export or transit licence shall be submitted to the commission together with an appropriate explanation. The commission shall make a decision on the matter within thirty calendar days.

III. APPLYING FOR AND ISSUING INTERNATIONAL IMPORT CERTIFICATES, DELIVERY VERIFICATION CERTIFICATES AND END-USE CERTIFICATES

17. In order to obtain an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate, the importer of the goods shall submit an application to the commission to which the following documents shall be appended:

- 1) a copy of the document certifying registration;
- 2) an activity licence (if the area of activity involves licensing);

3) documents specifying the quality or technical characteristics of the goods (in the case of chemicals, the structural formula and the Chemicals Abstracts Service (CAS) Registry Number, if exists);

4) a copy of the contract entered into with the foreign company which exports the goods or a certificate issued by the foreign company, which exports the goods, certifying the existence of a contract;

5) upon applying for a Delivery Verification Certificate, also the customs documents of the goods imported.

18. Upon reviewing an application for an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate, the commission may request from the applicant, if necessary, additional information concerning the application.

19. The commission shall make a decision concerning the issue or refusal to issue an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate and notify the applicant for the International Import Certificate, Delivery Verification Certificate or End-Use Certificate thereof within fourteen calendar days after the receipt of all documents necessary to apply for an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate.

20. The term of validity of an International Import Certificate, a Delivery Verification Certificate and an End-Use Certificate, to be submitted to the appropriate agency in the country exporting the goods, is up to six months. On the basis of the information submitted, the commission determines the term of validity of every document issued.

IV. IMPORT, EXPORT AND TRANSIT OF GOODS USED FOR MILITARY PURPOSES, WEAPONS AND AMMUNITION AND RELATED MATERIALS

21. In order to obtain an import, export or transit licence for goods used for military and paarmilitary purposes and related materials (category ML in the list of strategic goods) included in the list of strategic goods, the importer or exporter of the goods or the principal shall submit an application to the commission to which, besides documents specified in clause 7, also the following shall be appended:

1) copies of state activity licences which grant the importer and exporter the right to engage in business in areas of activity connected with weapons and ammunition;

2) upon the export or transit of weapons and ammunition, an International Import Certificate or an End-Use Certificate approved by the appropriate agency in the country of destination.

V. IMPORT, EXPORT AND TRANSIT OF NUCLEAR MATERIALS AND RADIOACTIVE SUBSTANCES AND RELATED SYSTEMS, EQUIPMENT AND COMPONENTS

22. In order to obtain an import, export or transit licence for nuclear materials and radioactive substances included in the list of strategic goods, and for systems, equipment and components related thereto (category 0 of the list of strategic goods and nuclear materials, radioactive chemical elements, radio-isotopes and compounds thereof; mixtures and residues, which contain these products, listed in group C of category 1 of the list of strategic goods) included in the list of strategic goods, the importer or exporter of the goods or the principal shall submit an application to the commission to which, besides documents specified in clause 7, also the following shall be appended:

1) copies of state radiation practice licences which grant the importer and exporter the right to carry nuclear materials and radioactive substances and systems, equipment and components related thereto;

2) upon the export or transit of nuclear materials and radioactive substances and systems, equipment and components related thereto, an End-Use Certificate and an International Import Certificate approved by the appropriate agency in the country of destination, shall be submitted.

VI. IMPORT, EXPORT AND TRANSIT OF CHEMICALS, MICRO-ORGANISMS OR OTHER BIOLOGICALLY ACTIVE SUBSTANCES OR TOXINS

23. In order to obtain an import, export or transit licence for toxic chemical agents and their precursors, micro-organisms or other biologically active substances or toxins and for systems, equipment and components related thereto (clause ML7 of category ML of the list of strategic goods and chemicals, micro-organisms, biologically active substances and toxins listed in group C of category 1 of the list of strategic goods) which may be used for the production of chemical, bacteriological (biological) or toxin weapons and which are included in the list of strategic goods, the importer or exporter of the goods or the principal shall submit an application to the commission to which, in the case of export or transit, besides documents specified in clause 7, an End-Use Certificate approved by the appropriate agency in the country of destination shall be appended.

24. For the import, export and transit of toxic chemical agents and their precursors, which are listed in clauses 1C450.a and 1C450.b of the list of strategic goods and included in List 1 of the convention on banning the development, production, storing and use of chemical weapons and on the destruction of the chemical weapons (hereinafter – CWC), the following requirements have been established:

1) toxic chemical agents and their precursors listed in clauses 1C450.a and 1C450.b may only be imported from and exported to a Contracting State to the CWC, solely for scientific, medical or pharmaceutical purposes or purposes of individual protection, whereupon the types and quantities of the chemicals are strictly restricted by the possible justified need to use the chemicals for the corresponding purpose;

2) imported chemicals may not be re-exported or trans-shipped to third countries;

3) procedures of import or export may commence not earlier than thirty days after the issue of an import or export licence;

4) transit of the chemicals specified through the customs territory of Estonia is prohibited.

25. For the import, export and transit of toxic chemical agents and their precursors, which are listed in clauses 1C450.c and 1C450.d of the list of strategic goods and included in List 2 of the CWC, the following requirements have been established:

1) toxic chemical agents and their precursors listed in clauses 1C450.c and 1C450.d may only be imported from, exported to and carried as transit to a Contracting State to the CWC;

2) within three years after the entry into force of the CWC in respect of Estonia, the export and transit of toxic chemical agents and their precursors included in List 2 of the CWC into a state which is not a contracting party to the CWC is allowed, if the government of the country of destination of the goods has issued a certificate assuring that the chemicals specified shall be used solely for purposes not banned by the convention on banning the development, production, storing and use of chemical weapons and on the destruction of chemical weapons and they shall not be re-exported or trans-shipped.

26. The export and transit of toxic chemical agents and their precursors, which are listed in clauses 1C450.e and 1C450.f of the list of strategic goods and included in List 3 of the CWC, into a state which is not a contracting party to the CWC is allowed only, if the country of destination of the goods has issued a certificate assuring that the chemicals specified shall be used solely for purposes not banned by the convention on banning the development, production, storing and use of chemical weapons and on the destruction of chemical weapons and they shall not be re-exported or trans-shipped.

VII. IMPORT, EXPORT AND TRANSIT OF DUAL-USE GOODS

27. The issue of an import, export or transit licence necessary for the import, export and transit of dual-use goods grants the right, in the extent of the special conditions provided for in the licence, for the import, export and transit to the same end-user of the minimum amount of software and technology necessary for the use of the goods imported, exported or carried as transit.

28. Temporary import and export of dual-use goods, if it involves a change in the ownership of the goods, may only be carried out on the basis of an appropriate import or export licence.

VIII. IMPORT, EXPORT AND TRANSIT OF SOFTWARE, TECHNOLOGY AND SERVICES

29. The import and export of software and technologies included in the list of strategic goods and of services connected with the development, production, use or maintenance of strategic goods or with military planning may be carried out, regardless of the manner of import or export, on the basis of a single import or export licence and in order to obtain the import or export licence, the importer or exporter of goods shall submit a standard format application to the commission to which documents specified in clause 7 of this Procedure shall be appended.

30. The issue of an import, export or transit licence necessary for the import, export and transit of software or technology described in the list of strategic goods grants the right, in the extent of the special conditions provided for in the licence, for the import, export and transit to the same end-user of the minimum amount of strategic goods necessary for the use of the software or technology imported, exported or carried as transit.

IX. OBLIGATIONS OF EXPORTERS, IMPORTERS AND PRINCIPALS

31. Exporter, importers or principals shall be obligated to:

1) the compliance of the strategic goods imported, exported or carried as transit with the description on the import, export or transit licence;

2) the compliance of the quantity of the strategic goods imported, exported or carried as transit with the quantity indicated on the import, export or transit licence;

3) the import, export or transit being carried out during the term of validity of the import, export or transit licence;

4) the transportation of the strategic goods imported, exported or carried as transit to the destination indicated on the import, export or transit licence;

5) the fulfilment of the special conditions provided for in the import, export or transit licence.

32. Importers of goods into the customs territory of Estonia on the basis of an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate shall be obligated to:

1) the compliance of the goods imported with the description on the International Import Certificate or the End-Use Certificate;

2) the compliance of the quantity of the goods imported with the quantity indicated on the International Import Certificate or the End-Use Certificate;

3) import being carried out during the term of validity of the International Import Certificate;

4) the transportation of the goods imported to the destination indicated on the International Import Certificate or the End-Use Certificate;

5) the goods imported not being diverted, re-exported or trans-shipped without the written authorisation of the commission.

33. Upon changes in the information indicated on an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate, the certificate shall be returned to the commission and the commission shall revoke the certificate.

34. The person who has obtained an import, export or transit licence shall return the import, export or transit licence, if it is not used during its term of validity, to the commission within two weeks after the expiry of the licence together with a written explanation concerning the reasons for not carrying out import, export or transit.

35. The person who has obtained an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate shall return the certificate, if it is not used during its term of validity, to the commission immediately together with a written explanation concerning the reasons for not carrying out import of goods.

36. An applicant for an import, export or transit licence, an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate is required to notify the commission immediately in writing of any changes to or inaccuracies that have occurred in the documents submitted to apply for the licence or certificate.

37. If an import, export or transit licence, an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate is lost, the person who had been issued the licence or certificate is required to notify the commission thereof immediately in writing.

X. REVOKING IMPORT, EXPORT AND TRANSIT LICENCES, INTERNATIONAL IMPORT CERTIFICATES, DELIVERY VERIFICATION CERTIFICATES AND END-USE CERTIFICATES

38. The commission shall revoke an import, export or transit licence, an International Import Certificate, a Delivery Verification Certificate or an End-Use Certificate, which has not been used, in the following cases:

1) if the import, export or transit licence, International Import Certificate, Delivery Verification Certificate or End-Use Certificate is lost;

2) if new facts become evident, the knowledge of which at the time of reviewing the application for the import, export or transit licence, International Import Certificate, Delivery Verification Certificate or End-Use Certificate would have caused refusal to issue the import, export or transit licence, International Import Certificate, Delivery Verification Certificate or End-Use Certificate.

XI. CARRIAGE OF GOODS INCLUDED IN THE LIST OF STRATEGIC GOODS ACROSS THE CUSTOMS FRONTIER

39. Upon importing goods subject to import licence, the original import licence and a copy of the import licence shall be presented to the customs authorities in the course of customs clearance. A customs officer shall make a notation concerning the actual quantity of the goods imported on the original import licence and also on the copy, indicate the date of import and the number of the declaration of goods and

confirm this information by his or her signature and personal stamp. If goods are imported in several consignments based on one import licence, a customs officer shall verify that the sum of quantities of the goods does not exceed the quantity specified on the import licence.

The customs officer shall return the original import licence to the importer; however, the copy of the import licence shall be kept by the customs authorities as an appendix to the first original copy of the declaration of goods.

40. Upon exporting goods subject to export licence, the original export licence and a copy of the export licence shall be presented to the customs authorities in the course of customs clearance. A customs officer shall make a notation concerning the actual quantity of the goods exported on the original export licence and also on the copy, indicate the date of export and the number of the declaration of goods and confirm this information by his or her signature and personal stamp. If goods are exported in several consignments based on one export licence, a customs officer shall verify that the sum of quantities of the goods does not exceed the quantity specified on the export licence.

The customs officer shall return the original export licence to the exporter; however, the copy of the export licence shall be kept by the customs authorities as an appendix to the first original copy of the declaration of goods.

41. A declarant shall present a transit licence for strategic goods through Estonia to the customs authorities together with a declaration of customs transit procedure upon conveying the goods into the customs territory or in the course of customs clearance prior thereto. A transit licence is to be used only once and is an appendix to the original copy of the transit declaration accompanying the goods. A customs officer shall register the transit licence, if the goods are permitted to enter the customs territory and shall cancel the licence when goods leave the customs territory, and confirm this by his or her signature and personal stamp.

42. Customs transit procedure of strategic goods together with storage in a customs warehouse may take up to thirty calendar days. Keeping strategic goods in customs transit in the customs territory for longer than thirty calendar days shall be co-ordinated with the commission.

43. Customs Board accounts for goods imported into, exported from and carried as transit through the customs territory of Estonia on the basis of import, export and transit licences, the Customs Board shall forward the corresponding information to the commission.

44. The person who has obtained an import or export licence shall return the licence to the commission within thirty calendar days after the import or export of goods.