



Print

The Missile Technology Control Regime

FREQUENTLY ASKED QUESTIONS (FAQs)

1) What is the MTCR?

The Missile Technology Control Regime (MTCR) is an informal political understanding among states that seek to limit the proliferation of missiles and missile technology.

2) When was the MTCR established?

The regime was formed in 1987 by the G-7 industrialized countries (Canada, France, Germany, Italy, Japan, the UK, and the United States).

3) Who belongs to the MTCR?

There are currently 34 countries that are members (Partners) of the MTCR: Argentina (1993); Australia (1990); Austria (1991); Belgium (1990); Brazil (1995); Bulgaria (2004); Canada (1987); Czech Republic (1998); Denmark (1990); Finland (1991); France (1987); Germany (1987); Greece (1992); Hungary (1993); Iceland (1993); Ireland (1992); Italy (1987); Japan (1987); Luxemburg (1990); Netherlands (1990); New Zealand (1991); Norway (1990); Poland (1998); Portugal (1992); Republic of Korea (2001); Russian Federation (1995); South Africa (1995); Spain (1990); Sweden (1991); Switzerland (1992); Turkey (1997); Ukraine (1998); United Kingdom (1987); United States of America (1987). The date in brackets represents the initial year of membership.

4) What is the purpose of the MTCR?

The MTCR was initiated by like-minded countries to address the increasing proliferation of nuclear weapons by addressing the most destabilizing delivery system for such weapons. In 1992, the MTCR's original focus on missiles for nuclear weapons delivery was extended to a focus on the proliferation of missiles for the delivery of all types of weapons of mass destruction (WMD), i.e., nuclear, chemical and biological weapons. Such proliferation has been identified as a threat to international peace and security. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD.

5) What is the relationship between the MTCR and the UN?

While there is no formal linkage, the activities of the MTCR are consistent with the UN's non-proliferation and export control efforts. For example, applying the MTCR Guidelines and Annex on a national basis helps countries to meet their export control obligations under UN Security Council Resolution 1540.

6) Is the MTCR a treaty?

No. The MTCR is not a treaty and does not impose any legally binding obligations on Partners (members). Rather, it is an informal political understanding among states that seek to limit the proliferation of missiles and missile technology.

7) What are the main objectives of the MTCR?

The MTCR seeks to limit the risks of proliferation of weapons of mass destruction (WMD) by controlling exports of goods and technologies that could make a contribution to delivery systems (other than manned aircraft) for such weapons. In this context, the Regime places particular focus on rockets and unmanned aerial

vehicles capable of delivering a payload of at least 500 kg to a range of at least 300 km and on equipment, software, and technology for such systems.

8) How does the MTCR achieve its objectives?

Export Controls The Regime rests on adherence to common export policy (the Guidelines) applied to an integral common list of items (the MTCR Equipment, Software, and Technology Annex.)

Meetings MTCR Partners regularly exchange information about relevant missile non-proliferation issues in the context of the Regime's overall aims.

Dialogue and Outreach The MTCR Chair and MTCR Partners undertake outreach activities to non-Partners in order to keep them informed about the group's activities and to provide practical assistance regarding efforts to prevent the proliferation of WMD delivery systems.

9) What are the MTCR Guidelines?

The MTCR Guidelines are the common export control policy adhered to by the MTCR Partners, and to which all countries are encouraged to adhere unilaterally. The Guidelines define the purpose of the MTCR and provide the overall structure and rules to guide the member countries and those adhering unilaterally to the Guidelines.

10) What is the MTCR Annex?

The MTCR Annex is the Regime's list of controlled items including virtually all key equipment, materials, software, and technology needed for missile development, production, and operation - that are controlled by MTCR Partners and adherents. The Annex is divided into two parts: Category I and Category II items.

11) How are Annex items controlled?

Consistent with the MTCR Guidelines, MTCR Partners and adherents are to implement license authorization requirements prior to export of items listed in the MTCR Annex.

12) Are there provisions to control non-Annex items?

In 2003, MTCR Partners amended the Guidelines to require all Partners to have catch-all export controls. These controls form the basis for controlling the export of items not included on a control list when they may be intended for use in connection with delivery systems for WMD other than manned aircraft. Additionally, consistent with the Guidelines, Partners are to exercise particular restraint in consideration of any items on the Annex or of any missiles (whether or not on the Annex) if the exporting government judges that they are intended to be used for WMD delivery – and such exports are to be subject to a strong presumption of denial.

13) What is the difference between MTCR Category I and Category II Items?

Category I items include complete rocket and unmanned aerial vehicle systems (including ballistic missiles, space launch vehicles, sounding rockets, cruise missiles, target drones, and reconnaissance drones), capable of delivering a payload of at least 500 kg to a range of at least 300 km, their major complete subsystems (such as rocket stages, engines, guidance sets, and re-entry vehicles), and related software and technology, as well as specially designed production facilities for these items. Pursuant to the MTCR Guidelines, exports of Category I items are subject to an unconditional **strong presumption of denial** regardless of the purpose of the export and are licensed for export only on rare occasions. Additionally, exports of production facilities for Category I items are prohibited absolutely.

Category II items include other less-sensitive and dual-use missile related components, as well as other complete missile systems capable of a range of at least 300 km, regardless of payload. Their export is subject to licensing requirements taking into consideration the non-proliferation factors specified in the MTCR Guidelines. Exports judged by the exporting country to be intended for use in WMD delivery are to be subjected to a strong presumption of denial.

14) Are exports to Partners treated differently than exports to non Partners?

The MTCR Guidelines do not distinguish between exports to Partners and exports to non-Partners.

Moreover, the MTCR Partners have explicitly affirmed that membership in the Regime provides no entitlement to obtain technology from another Partner and no obligation to supply it. Partners are expected to exercise appropriate accountability and restraint in trade among Partners, just as they would in trade between Partners and non-Partners. Partners are bound by a “no-undercut” policy to consult each other before considering exporting an item on the list that has been notified as denied by another Partner pursuant to the MTCR Guidelines.

15) Are the MTCR’s Guidelines binding?

No – the MTCR is not a treaty and does not impose any legally binding obligations on Partners. The only activity prohibited absolutely by the Guidelines, to which all 34 Partner countries voluntarily subscribe, is the export of production facilities for Category I MTCR Annex items.

16) What obligations do Partners have?

There are no legally binding obligations imposed on MTCR Partners. However, Partners are expected to act responsibly and practice restraint with regard to exports of items that could contribute to the proliferation of missiles capable of delivering WMD and to abide by all consensus decisions of the Regime. They set the standard for responsible non-proliferation behaviour and help shape the international missile non-proliferation effort while conducting their missile non-proliferation policies in a manner consistent with the Regime’s overall goals and activities. Partners also are expected to control all exports of equipment and technology controlled on the MTCR Annex according to the stipulations of the MTCR Guidelines.

17) How are export decisions taken?

Export licensing decisions are made by individual countries according to their national export control laws and regulations, and not as group. However, Partners regularly exchange information on relevant licensing matters in order to ensure consistency with the Regime’s overall non-proliferation goals.

18) How is compliance enforced?

Each individual Partner implements the MTCR Guidelines and Annex in accordance with national legislation and practice and on the basis of sovereign national discretion. The MTCR has no regime-wide compliance or verification provisions. When questions arise, Partners consult bilaterally to promote a common understanding of the issue.

19) What benefits do Partners get by becoming members of the MTCR?

Partners can play an active role in curbing the global missile non-proliferation threat. MTCR Partners participate in decision-making on the orientation and future of the MTCR, thereby setting the international standard for responsible missile non-proliferation behaviour and helping to guide the international missile non-proliferation effort. Partners also benefit from discussions and exchanges of information on licensing, interdiction, best practices, and cooperate to impede specific shipments of concern with regards to missile proliferation.

20) Can a country adhere to the Guidelines without joining the MTCR?

The MTCR Partners encourage all countries to observe the Guidelines as a contribution to international peace and security. Countries can apply the Guidelines on a national basis without being obligated to join the Regime.

21) Does the MTCR have an observer status?

No. However, Regime members encourage all countries to adhere unilaterally to the MTCR Guidelines and Annex.

22) When and how often do the MTCR Partners meet?

The MTCR’s main meeting is the annual policy-level Plenary meeting, held to discuss and take decisions on all relevant Regime issues. Three Regime sub-groups hold meetings in conjunction with the annual Plenary - the Information Exchange (IE), the Licensing and Enforcement Experts Meeting (LEEM), and the Technical Experts Meetings (TEM). Additionally, there are periodic Reinforced Point of Contact (RPOC) and Monthly Point of Contact (POC) meetings.

23) Is there a central administrative body for the MTCR?

The MTCR has no formal secretariat. France serves as the Regime's Point of Contact (POC). The POC receives and distributes all Regime documents. The POC also participates in outreach activities and hosts intersessional meetings.

24) What is the Reinforced Point of Contact (RPOC) Meeting?

The RPOC is the MTCR's intersessional policy-level meeting. It is hosted by France and is normally held in Paris in April or May. RPOC meetings are used primarily to follow up on issues from the previous Plenary and plan for the next Plenary.

25) What is a Point of Contact (POC) Meeting?

POC meetings facilitate the exchange of information among Partners. They are regularly held in Paris, hosted by the French MTCR POC, and include the participation of Embassy Representatives of MTCR countries.

26) Who is the MTCR Chair? How are they chosen?

The MTCR Chairmanship rotates on an ad hoc basis. Normally the country that hosts the Plenary then serves as Chair for the ensuing year.

27) How are decisions made in the MTCR?

All MTCR decisions including decisions on membership require a consensus decision by all current Regime members.

28) How often does the MTCR meet with non-members?

The MTCR Partners engage in a robust outreach program to promote the Regime's goals and encourage broad support for its activities. The Regime also uses its outreach efforts to encourage countries to unilaterally adhere to the MTCR Guidelines. In 2009, following the MTCR RPOC meeting, the Partners held a Technical Outreach Meeting (TOM) for non-Partners to make them aware of the changes to the MTCR Annex that had taken place at the 2007 and 2008 plenaries and to explain how these changes would affect licensing reviews. Fifteen non-MTCR countries participated in the TOM.