

Wassenaar Arrangement
on
Export Controls for Conventional Arms and
Dual-Use Goods and Technologies



BASIC DOCUMENTS

Compiled by the Wassenaar Arrangement Secretariat

January 2012

***Wassenaar Arrangement
on
Export Controls for Conventional Arms and
Dual-Use Goods and Technologies***

Secretariat

***Mahlerstrasse 12 / Stg. 5
1010 Vienna, Austria
Tel: +43 1 96003 Fax: +43 1 960031 or 2***

***Website: <http://www.wassenaar.org>
Email: secretariat@wassenaar.org***

This compilation was first issued in July 2003 and then updated in February and July 2004, January and September 2005, January 2006, February 2007, February 2008, January 2009, January 2010, January 2011 and January 2012.

Preface

This is the twelfth issue of the compilation of public documents updated by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The compilation is intended to outline the history and objectives of the Wassenaar Arrangement and to provide easy access to its basic documents. The List of Dual-use Goods and Technologies, and the Munitions List are not included in this compilation but the latest updated version is available on the Wassenaar Arrangement website at www.wassenaar.org.

The Wassenaar Arrangement Secretariat will update this compilation regularly, so as to take into account decisions that may have been taken by the Plenary meeting the preceding year and made public.

Vienna, January 2012

TABLE OF CONTENTS

Preface

I. Background Documents	Page
• What is the Wassenaar Arrangement?.....	1
• Genesis of the Wassenaar Arrangement.....	3
• December 1995, Declaration at the Peace Palace, The Hague.....	5
II. Guidelines & Procedures, including the Initial Elements	
• Initial Elements.....	8
- Appendix 1: General Information Exchange – Indicative Contents.....	13
- Appendix 2: Specific Information Exchange on Dual-Use Goods & Technologies – Indicative Content of Notifications.....	14
- Appendix 3: Specific Information Exchange on Arms – Content by Category.....	15
- Appendix 4: Participation – Criteria.....	18
- Appendix 5: Dual-Use List and Munitions List (not attached – for the current Lists, see WA website – www.wassenaar.org).....	19
(List of endnotes relating to amendments made to the Initial Elements).....	20
• Elements for Objective Analysis and Advice concerning Potentially Destabilising Accumulations of Conventional Weapons (adopted 1998 and amended 2004 and 2011).....	21
• Best Practice Guidelines for Exports of SALW (adopted 2002 & amended 2007).....	27
• Elements for Export Controls of MANPADS (adopted 2003 & amended 2007).....	31
• Elements for Effective Legislation on Arms Brokering (adopted in 2003).....	35
• Statement of Understanding on Control of Non-Listed Dual-Use Items (2003).....	37
• Best Practices for Implementing Intangible Transfers of Technology Controls (adopted 2006).....	39
• Best Practices to Prevent Destabilising Transfers of SALW through Air Transport (adopted 2007).....	41
• Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies (adopted December 2011).....	43
• Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the WA Initial Elements (adopted December 2011).....	51
• Elements for Controlling Transportation of Conventional Arms Between Third Countries (adopted December 2011).....	53

III. Other public documents adopted by WA Plenary Meetings

• End-Use Assurances Commonly Used – Consolidated Indicative List (1999 and 2005).....	55
• Best Practices for Disposal of Surplus/Demilitarised Military Equipment (2000).....	57
• Best Practices regarding VSL items (2000).....	59
• Best Practices for Effective Enforcement (2000).....	61
• Statement of Understanding on Arms Brokerage (2002).....	63
• List of Advisory Questions for Industry (2003).....	65
• Criteria for the Selection of Dual-use Goods, including Sensitive and Very Sensitive items (2004 and 2005).....	67
• Best Practice Guidelines for the Licensing of Items on the Basic List and Sensitive List of Dual-Use Goods and Technologies (2006).....	71
• Statement of Understanding on Implementation of End-Use Controls for Dual-Use Items (2007).....	73
• Press/Public Statements from WA Plenary Meetings	
- 12 July 1996.....	79
- 13 December 1996.....	81
- 10 December 1997.....	83
- 3 December 1998.....	85
- 3 December 1999.....	89
- 1 December 2000.....	93
- 7 December 2001.....	95
- 12 December 2002.....	97
- 12 December 2003.....	99
- 9 December 2004.....	101
- 14 December 2005.....	103
- 6 December 2006.....	105
- 6 December 2007.....	107
- 3 December 2008.....	109
- 3 December 2009.....	111
- 10 December 2010.....	113
- 14 December 2011.....	115
• New WA Members: Statement by the Plenary Chair (June 2005).....	117
• New WA Member: Statement by the Plenary Chair (January 2012).....	119
• Outreach Seminar: Press Statement (October 2004).....	121
• Outreach Seminar: Press Statement (October 2005).....	123

IV. Ministerial Statements

- Ministerial Statement (December 2003)..... **125**
- Ministerial Statement (December 2006)..... **127**

V. Index..... 129

THE WASSENAAR ARRANGEMENT

(Agreed at the WA Plenary, December 1998)

The Wassenaar Arrangement (WA), the first global multilateral arrangement on export controls for conventional weapons and sensitive dual-use goods and technologies, received final approval by 33 co-founding countries in July 1996 and began operations in September 1996.

The WA was designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. It complements and reinforces, without duplication, the existing regimes for non-proliferation of weapons of mass destruction and their delivery systems, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest. This arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.

The Participating States seek through their national policies to ensure that transfers of arms and dual-use goods and technologies do not contribute to the development or enhancement of military capabilities that undermine international and regional security and stability and are not diverted to support such capabilities. The Arrangement does not impede bona fide civil transactions and is not directed against any state or group of states. All measures undertaken with respect to the Arrangement are in accordance with member countries' national legislation and policies and are implemented on the basis of national discretion.

The WA countries maintain effective export controls for the items on the agreed lists, which are reviewed periodically to take into account technological developments and experience gained. Through transparency and exchange of views and information, suppliers of arms and dual-use items can develop common understandings of the risks associated with their transfer and assess the scope for coordinating national control policies to combat these risks.

The Arrangement's specific information exchange requirements involve semi-annual notifications of arms transfers, currently covering seven categories derived from the UN Register of Conventional Arms. Members are also required to report transfers or denials of transfers of certain controlled dual-use items. Denial reporting helps to bring to the attention of members the transfers that may undermine the objectives of the Arrangement.

Information exchanged in the Arrangement can also include any other matters relevant to the WA goals that individual Participating States wish to bring to the attention of other members.

Participating States meet on a regular basis in Vienna, where the Arrangement has established its headquarters and a small Secretariat. Decisions are made by consensus.

The Arrangement is open on a global and non-discriminatory basis to prospective adherents that comply with the agreed criteria. To be admitted, a state must: be a producer/exporter of arms or industrial equipment respectively; maintain non-proliferation policies and appropriate national policies, including adherence to relevant non-proliferation regimes and treaties; and maintain fully effective export controls. Although the Arrangement does not have an observer category, a diverse outreach policy is envisaged in order to inform non-member countries about the WA objectives and activities and to encourage non-members to adopt national policies consistent with the objectives of greater transparency and responsibility in transfers of conventional arms and dual-use goods and technologies, maintain fully effective export controls and adhere to relevant non-proliferation treaties and regimes.

Genesis of the Wassenaar Arrangement

(Agreed at the 1998 Plenary, title amended at the 2005 Plenary)

In light of the end of the Cold War, members of the former COCOM export control regime recognised that COCOM's East-West focus was no longer the appropriate basis for export controls. There was a need to establish a new arrangement to deal with risks to regional and international security and stability related to the spread of conventional weapons and dual-use goods and technologies. Accordingly, on the 16th of November 1993, in The Hague, at a High Level Meeting (HLM), representatives of the 17 COCOM member states agreed to terminate COCOM, and establish a new multilateral arrangement, temporarily known as the "New Forum".

This decision was confirmed at a further HLM in Wassenaar, Netherlands on 29-30 March 1994. COCOM ceased to exist March 31, 1994. Participating States also agreed to continue the use of the COCOM control lists as a basis for global export controls on a national level until the new arrangement could be established. At this time the former COCOM cooperating countries, namely, Austria, Finland, Ireland, New Zealand, Sweden and Switzerland, were included as participating states in the "New Forum". With the objective of starting a new arrangement as soon as possible, three Working Groups were established. Working Group 1 was mandated to develop goals, rules and procedures for the new arrangement. Working Group 2 was tasked with developing the lists of goods and technologies that would be controlled, while the third Working Group was tasked to deal with administrative matters.

The Russian Federation, Czech Republic, Hungary, Poland, and the Slovak Republic were welcomed as participating states at the High Level Meeting held on 11-12 September 1995 in Wassenaar. With this major milestone accomplished, the Working Groups were urged to expedite their work.

Agreement to establish the "Wassenaar Arrangement" was reached at the HLM held on 19 December 1995, again in Wassenaar and this was announced with a declaration issued at the Peace Palace in The Hague. At this time there was also agreement to locate the Secretariat in Vienna and establish a Preparatory Committee of the Whole to prepare for the first plenary meeting.

The inaugural Plenary Meeting of the Wassenaar Arrangement was held 2-3 April 1996 in Vienna, Austria. Argentina, the Republic of Korea and Romania were welcomed as additional founding members. Consensus could not be reached on all issues, so the meeting was suspended to provide time to resolve the outstanding issues.

On 11-12 July 1996, the Plenary Meeting resumed, with Bulgaria and Ukraine participating, to make a total of 33 founding members. Final consensus on the "Initial Elements", the basic document of the WA, was reached and it was established that the new Control Lists and Information Exchange would be implemented from 1 November 1996. The first Plenary Meeting of the now operational Wassenaar Arrangement was held on 12-13 December 1996 in Vienna.

The Wassenaar Arrangement

on

Export Controls for Conventional Arms and

Dual-Use Goods and Technologies

Final Declaration

1. Representatives of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States met in Wassenaar, the Netherlands, on 18 and 19 December 1995.
2. The representatives agreed to establish *The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies*.
3. The representatives established initial elements of the new arrangement, to be submitted to their respective Governments for approval.
4. They also established a Preparatory Committee of the Whole to start work in January 1996.
5. The representatives agreed to locate the Secretariat of *The Wassenaar Arrangement* in Vienna, Austria. The first plenary meeting will take place in Vienna on 2 and 3 April 1996.

The Peace Palace in The Hague, the Netherlands, on 19 December 1995.

**Wassenaar Arrangement
on
Export Controls for Conventional Arms and
Dual-Use Goods and Technologies**

**Guidelines & Procedures,
including the
Initial Elements^(A)**

December 2011

Note: Amendments made to the Initial Elements since their adoption on 12 July 1996 are indicated by lettered endnotes following Appendix 5 of the Initial Elements.

Initial Elements

I. Purposes

As originally established in the Initial Elements adopted by the Plenary of 11-12 July 1996 and as exceptionally amended by the Plenary of 6-7 December 2001.^(B)

1. The *Wassenaar Arrangement* has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. Participating States will seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.
2. It will complement and reinforce, without duplication, the existing control regimes for weapons of mass destruction and their delivery systems, as well as other internationally recognised measures designed to promote transparency and greater responsibility, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest.
3. This Arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.
4. This Arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations.
5. In line with the paragraphs above, Participating States will continue to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as by individual terrorists. Such efforts are an integral part of the global fight against terrorism.^(C)

II. Scope

1. Participating States will meet on a regular basis to ensure that transfers of conventional arms and transfers in dual-use goods and technologies are carried out responsibly and in furtherance of international and regional peace and security.
2. To this end, Participating States will exchange, on a voluntary basis, information that will enhance transparency, will lead to discussions among all Participating States on arms transfers, as well as on sensitive dual-use goods and technologies, and will assist in developing common understandings of the risks associated with the transfer of these items. On the basis of this information they will assess the scope for co-ordinating national control policies to combat these risks. The information to be exchanged will include any matters which individual Participating States wish to bring to the attention of others, including, for those wishing to do so, notifications which go beyond those agreed upon.
3. The decision to transfer or deny transfer of any item will be the sole responsibility of each Participating State. All measures undertaken with respect to the Arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.
4. In accordance with the provisions of this Arrangement, Participating States agree to notify transfers and denials. These notifications will apply to all non-participating states. However, in the light of the general and specific information exchange, the scope of these notifications, as well as their relevance for the purposes of the Arrangement, will be reviewed. Notification of a denial will not impose an obligation on other Participating States to deny similar transfers. However, a Participating State will notify, preferably within 30 days, but no later than within 60 days, all other Participating States of an approval of a licence which has been denied by another Participating State for an essentially identical transaction during the last three years.¹
5. Participating States agree to work expeditiously on guidelines and procedures that take into account experience acquired. This work continues and will include, in particular, a continuing review^(D) of the scope of conventional arms to be covered with a view to extending information and notifications beyond the categories described in Appendix 3. Participating States agree to discuss further how to deal with any areas of overlap between the various lists.
6. Participating States agree to assess, on a regular basis, the overall functioning of this Arrangement.^(E)

¹ This notification is applicable to items in the Sensitive List and the Very Sensitive List.

II. Scope (contd.)

7. ^(F)In fulfilling the purposes of this Arrangement as defined in Section I, Participating States have, *inter alia*, agreed to the following guidelines, elements and procedures* as a basis for decision making through the application of their own national legislation and policies:
- “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” - adopted December 1998 **and amended in 2004 and 2011**;
 - “Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW)” - adopted December 2002 and amended December 2007;
 - “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” - adopted December 2003 and amended December 2007;
 - “Elements for Effective Legislation on Arms Brokering” – adopted December 2003;
 - “Statement of Understanding on Control of Non-Listed Dual-Use Items” – adopted December 2003;
 - “Best Practices for Implementing Intangible Transfers of Technology Controls” - adopted December 2006;
 - “Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons (SALW) through Air Transport” – adopted December 2007;
 - **“Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies” – adopted December 2011**;
 - **“Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the WA Initial Elements” – adopted December 2011**;
 - **“Elements for Controlling Transportation of Conventional Arms Between Third Countries” – adopted December 2011.**^(G)

III. Control Lists

1. Participating States will control all items set forth in the Lists of Dual-Use Goods and Technologies and in the Munitions List ^{2 (H)} (see [Appendix 5](#)), with the objective of preventing unauthorised transfers or re-transfers of those items.
2. The List of Dual-Use Goods and Technologies (Dual-Use List) has two annexes: 1) sensitive items (Sensitive List) and 2) very sensitive items (Very Sensitive List).^(I)
3. The lists will be reviewed regularly to reflect technological developments and experience gained by Participating States, including in the field of dual-use goods and technologies which are critical for indigenous military capabilities. In this respect, studies shall be completed to coincide with the first revision to the lists to establish an appropriate level of transparency for pertinent items.

* As amended by the December 2011 Plenary. Amendments are shown in bold.

² The Russian Federation and Ukraine view this list as a reference list drawn up to help in the selection of dual-use goods which could contribute to the indigenous development, production or enhancement of conventional munitions capabilities.

IV. Procedures for the General Information Exchange

1. Participating States agree to exchange general information on risks associated with transfers of conventional arms and dual-use goods and technologies in order to consider, where necessary, the scope for co-ordinating national control policies to combat these risks.
2. In furtherance of this objective, and in keeping with the commitment to maximum restraint as a matter of national policy when considering applications for the export of arms and sensitive dual-use goods to all destinations where the risks are judged greatest, in particular to regions where conflict is occurring, Participating States also agree to exchange information on regions they consider relevant to the purposes of the Arrangement. These Regional Views should be based on, but not limited to, Section 2 of the “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” (adopted by the 1998 Plenary).^(J)
3. A list of possible elements of the general information exchange on non-participating states is contained in Appendix 1.

V. Procedures for the Exchange of Information on Dual-Use Goods and Technology

1. Participating States will notify licences denied to non-participants with respect to items on the List of Dual-Use Goods and Technologies, where the reasons for denial are relevant to the purposes of the Arrangement.
2. For the Dual-Use List, Participating States will notify all licences denied relevant to the purposes of the Arrangement to non-participating states, on an aggregate basis, twice per year. The indicative content of these denial notifications is described in Appendix 2.
3. For items in the Sensitive List and Very Sensitive List, Participating States will notify, on an individual basis, all licences denied pursuant to the purposes of the Arrangement to non-participating states. Participating States agree that notification shall be made on an early and timely basis, that is, preferably within 30 days but no later than within 60 days, of the date of the denial. The indicative content of these denial notifications is described in Appendix 2.
4. For items in the Sensitive List and Very Sensitive List, Participating States will notify licences issued or transfers made relevant to the purposes of the Arrangement to non-participants, on an aggregate basis, twice per year. The indicative content of these licence/transfer notifications is described in Appendix 2.
5. Participating States will exert extreme vigilance for items included in the Very Sensitive List by applying to those exports national conditions and criteria. They will discuss and compare national practices at a later stage.
6. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VI. Procedures for the Exchange of Information on Arms

1. Participating States agree that the information to be exchanged on arms will include any matters which individual Participating States wish to bring to the attention of others, such as emerging trends in weapons programmes and the accumulation of particular weapons systems, where they are of concern, for achieving the objectives of the Arrangement.
2. As an initial stage in the evolution of the new Arrangement, Participating States will exchange information every six months on deliveries to non-participating states of conventional arms set forth in Appendix 3, derived from the categories of the UN Register of Conventional Arms. The information should include the quantity and the name of the recipient state and, except in the category of missiles and missile launchers, details of model and type.
3. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VII. Meetings and Administration

1. Participating States will meet periodically to take decisions regarding this Arrangement, its purposes and its further elaboration, to review the lists of controlled items, to consider ways of co-ordinating efforts to promote the development of effective export control systems, and to discuss other relevant matters of mutual interest, including information to be made public.
2. Plenary meetings will be held at least once a year and chaired by a Participating State on the basis of annual rotation. Financial needs of the Arrangement will be covered under annual budgets, to be adopted by Plenary Meetings.
3. Working Groups may be established, if the Plenary meeting so decides.
4. There will be a secretariat with a staff necessary to undertake the tasks entrusted to it.
5. All decisions in the framework of this Arrangement will be reached by consensus of the Participating States.

VIII. Participation

The new Arrangement will be open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria in Appendix 4. Admission of new participants will be based on consensus.

IX. Confidentiality

Information exchanged will remain confidential and be treated as privileged diplomatic communications. This confidentiality will extend to any use made of the information and any discussion among Participating States.

General Information Exchange

Indicative Contents

The following is a list of possible principal elements of the general information exchange on non-participating states, pursuant to the purposes of the agreement (not all elements necessarily applying to both arms and dual-use goods and technology):

1. Acquisition activities

- Companies/organisations
- Routes and methods of acquisition
- Acquisition networks inside/outside the country
- Use of foreign expertise
- Sensitive end-users
- Acquisition patterns
- Conclusions.

2. Export policy

- Export control policy
- Trade in critical goods and technology
- Conclusions.

3. Projects of Concern

- Description of the project
- Level of technology
- Present status of development
- Future plans
- Missing technology (development and production)
- Companies/organisations involved, including end-user(s)
- Diversion activities
- Conclusions.

4. Other matters

Specific Information Exchange on Dual-Use Goods and Technologies

Indicative Content of Notifications

The content of denial notifications for the Dual-Use List will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Country of destination
- Item number on the Control List
- Short description
- Number of licences denied
- Number of units (quantity)
- Reason for denial.

Denial notification for items in the Sensitive List and the Very Sensitive List will be on the basis of, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Consignee(s)
 - Intermediate consignee(s) and/or agent(s):
 - Name
 - Address
 - Country
 - Ultimate consignee(s) and/or end-user(s):
 - Name
 - Address
 - Country
- Stated end-use
- Reason for the denial
- Other relevant information.

The content of notifications for licences/transfers in the Sensitive List and the Very Sensitive List^(K) will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Destination (country).

Specific Information Exchange on Arms
Content by Category

1. Battle Tanks

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tonnes unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre.

2. Armoured Combat Vehicles

2.1 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability designed, or modified and equipped:

2.1.1 to transport a squad of four or more infantrymen, or

2.1.2 with an integral or organic weapon of at least 12.5 mm calibre, or

2.1.3 with a missile launcher.

2.2 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability specially designed, or modified and equipped:

2.2.1 with organic technical means for observation, reconnaissance, target indication, and designed to perform reconnaissance missions, or

2.2.2 with integral organic technical means for command of troops, or

2.2.3 with integral organic electronic and technical means designed for electronic warfare.

2.3 Armoured bridge-launching vehicles.^(M)

3. Large Calibre Artillery Systems^(N)

3.1 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm to 155 mm, inclusive.

3.2 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre above 155 mm.

3.3 Multiple-launch rocket systems capable of engaging surface targets, including armour, by delivering primarily indirect fire with the calibre of 75 mm and above.

3.4 Gun-carriers specifically designed for towing artillery.^(O)

4. Military Aircraft/Unmanned Aerial Vehicles

4.1 Military Aircraft:

Fixed-wing or variable-geometry wing aircraft which are designed, equipped or modified:

4.1.1 to engage targets by employing guided missiles, unguided rockets, bombs, guns, machine guns, cannons or other weapons of destruction.

4.1.2. to perform reconnaissance, command of troops, electronic warfare, electronic and fire suppression of air defence systems, refuelling or airdrop missions.

4.2 Unmanned Aerial Vehicles:

Unmanned aerial vehicles, specially designed, modified, or equipped for military use including electronic warfare, suppression of air defence systems, or reconnaissance missions, as well as systems for the control and receiving of information from the unmanned aerial vehicles.

"Military Aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

5. Military and Attack Helicopters

Rotary-wing aircraft which are designed, equipped or modified to:

5.1 engage targets by employing guided or unguided, air-to-surface, anti-armour weapons, air to sub-surface or air-to-air weapons, and equipped with an integrated fire-control and aiming system for these weapons.

5.2 perform reconnaissance, target acquisition (including anti-submarine warfare), communications, command of troops, or electronic warfare, or mine laying missions.

6. Warships^(P)

Vessel or submarines armed and equipped for military use with a standard displacement of 150 metric tonnes or above, and those with a standard displacement of less than 150 metric tonnes equipped for launching missiles with a range of at least 25 km or torpedoes with a similar range.

7. Missiles or Missile Systems

Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 km, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories 1 to 6.

This category:

- 7.1 also includes remotely piloted vehicles with the characteristics for missiles as defined above;
- 7.2 does not include ground-to-air missiles.

8. Small Arms and Light Weapons – Man-Portable Weapons made or modified to military specification for use as lethal instruments of war^(Q)

- 8.1 Small Arms – broadly categorised for reporting purposes as: those weapons intended for use by individual members of armed forces or security forces, including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.
- 8.2 Light Weapons – broadly categorised for reporting purposes as: those weapons intended for use by individual or several members of armed or security forces serving as a crew and delivering primarily direct fire. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibre less than 75 mm.
- 8.3 Man-Portable Air-Defence Systems – broadly categorised for reporting purposes as: surface-to-air missile systems intended for use by an individual or several members of armed forces serving as a crew.

Participation

Criteria

When deciding on the eligibility of a state for participation, the following factors, *inter alia*, will be taken into consideration, as an index of its ability to contribute to the purposes of the new Arrangement:

- Whether it is a producer/exporter of arms or industrial equipment respectively;
- Whether it has taken the WA Control lists as a reference in its national export controls;^(R)
- Its non-proliferation policies and appropriate national policies, including:
Adherence to non-proliferation policies, control lists and, where applicable, guidelines of the Nuclear Suppliers Group, the Zangger Committee,^(S) the Missile Technology Control Regime and the Australia Group; and through adherence to the Nuclear Non-Proliferation Treaty, the Biological and Toxicological Weapons Convention, the Chemical Weapons Convention and (where applicable) START I, including the Lisbon Protocol;
- Its adherence to fully effective export controls.

Lists of Dual-Use Goods and Technologies and Munitions List*

* For the most recent version of the Lists of Dual-Use Goods and Technologies and the Munitions List, see the Wassenaar Arrangement's website: www.wassenaar.org

Endnotes indicating the amendments made to the Initial Elements since their adoption on 12 July 1996

- (A) Title amended by the December 2003 Plenary.
- (B) Section I, Purposes - first sentence added by the December 2003 Plenary.
- (C) Section I, Purposes – new paragraph 5 added by the December 2001 Plenary.
- (D) Section II, Scope - first part of paragraph 5 added by the December 2003 Plenary.
- (E) Section II, Scope – new paragraph 6 added by the December 2003 Plenary.
- (F) Section II, Scope – new paragraph 7 added by the December 2003 Plenary.
- (G) Section II, Scope – list of documents referenced in paragraph 7 amended in 2007 and expanded to include 2006 ITT and 2007 Air Transport of SALW documents. The list was amended again in 2011 to include ICPs, Re-export, and Arms Transportation Between Third Countries as well as an update of the Elements for Objective Analysis, all adopted in 2011.
- (H) Reference to France removed from the footnote at its request – December 2009 Plenary.
- (I) The 2003 Plenary agreed to make the following changes in terminology throughout the Initial Elements:
- Tier 1 is now called the Dual-Use List
 - Tier 2 is now called the Sensitive List
 - Sub-set of tier 2 is now called the Very Sensitive List
- (J) Section IV, Procedures for the General Information Exchange – new paragraph 2 added by the December 2003 Plenary.
- (K) Appendix 2 – reference to the Very Sensitive List added through silence procedure in 2004.
- (L) Appendix 3 expanded to include sub-categories under Categories 2, 3, 4, 5 and 7 by the December 1999 Plenary.
- (M) Appendix 3, sub-category 2.3 added by the December 2001 Plenary.
- (N) Appendix 3, sub-categories 3.1 and 3.3 – the threshold calibre parameter modified from 100 mm to 75 mm by the December 2003 Plenary.
- (O) Appendix 3, sub-category 3.4 added by the December 2001 Plenary.
- (P) Appendix 3, Category 6 - the standard displacement parameter modified from 750 to 150 metric tonnes by the December 2002 Plenary.
- (Q) Appendix 3, Category 8 added by the December 2003 Plenary.
- (R) Appendix 4, Participation Criteria, additional criterion added by the December 2003 Plenary.
- (S) Appendix 4, Participation Criteria, reference to the Zangger Committee added by the December 2003 Plenary.

WASSENAAR ARRANGEMENT

ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING POTENTIALLY DESTABILISING ACCUMULATIONS OF CONVENTIONAL WEAPONS*

EXPLANATORY NOTE

The 1998 Wassenaar Arrangement (WA) Plenary approved 3 December 1998 the paper, “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons.”

The paper was produced to examine what scope there is for increasing the relevant categories for reporting pursuant to paragraph II.5 of the Initial Elements and its goals. The paper could be useful in assisting WA Participating States during the deliberation process associated with considering transfers or denials.

The paper is of a non binding character; decisions on export licensing remain under national control of each WA Participating State.

The paper does not imply a fixed order of priority among the elements to be taken into account. Indeed the priorities among those elements may change depending upon specific issues under consideration.

The elements of the paper, which are framed generally in the form of questions, are not considered exhaustive. Participating States understand the document as a work-in-progress, to be elaborated further as experience is gained through the exchange of information and discussions within the WA, and as a result of constantly changing international circumstances.

* As amended by the Plenary in 2004 and 2011

**ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING
POTENTIALLY DESTABILISING ACCUMULATIONS OF
CONVENTIONAL WEAPONS***

1. Assessment of Motivation of the State under Study

- a. What is the state's military doctrine? How do its weapons and their deployment posture fit with the implementation of the doctrine and/or meet national security requirements?
- b. What do we believe to be the motivation of the state in accumulating conventional weapons beyond its current holdings, either through import or national production? How are such weapons likely to be used? Does the state believe its accumulation of conventional weapons is necessary in the exercise of its right to self-defence in accordance with the UN Charter? Does the state wish to gain a tactical or strategic advantage, status or national prestige, improved indigenous production capability, a capability to reverse-engineer or entrance to the export market? If conventional weapons or military technology are being acquired through import, does the state provide valid and credible end-use/end-user or re-transfer assurances? Are there risks of diversion to unauthorised end-use/end-users?
- c. What are the general directions of the state's foreign policy? Is there a clearly identifiable risk that the state would use its weapons offensively against another country or in a manner inconsistent with the UN Charter; assert by force a territorial claim; or otherwise project power in a region?
- d. Are the quantities involved in the state's accumulation of conventional weapons inconsistent with its likely requirements, suggesting possible diversion to an unauthorised end-user or efforts to reverse-engineer?
- e. Is there a clearly identifiable risk that the weapons might be used **to commit or facilitate** the violation and suppression of human rights and fundamental freedoms **or the laws of armed conflict**?

2. Regional Balance of Forces and the General Situation in the Region

- a. What is the nature of the relationship among the states of the region? Are there territorial claims or disputes among them, including questions of unlawful occupation with the intent of annexation? Are there economic, ethnic, religious or other disputes or conflicts among them? Are one or several states of the region prepared to use force or the threat of the use of force in a manner inconsistent with the UN Charter to resolve disputes with other states of the region?

* As amended by the Plenary in 2004 and 2011. The revisions introduced in 2011 are shown in bold.

- b. What are the state's national security requirements? Is the state's accumulation of conventional weapons greater than that required by its legitimate defence and security interests? Does it represent an appropriate and proportionate response to a threat? Consider the balance of forces and relative capabilities (offensive and defensive) between and among neighbouring and regional states and their relative expenditure on defence. The following factors, *inter alia*, might be considered, both individually for each state and comparatively: Size of the armed forces of the state, including trained reserves; quantity of weapons and related military equipment in service and in store; technical characteristics of weapons; their level of performance and maintenance; level of combat-readiness of the troops, including the quality of training of military personnel and their morale; and whether the deployment and training of forces is best suited for offensive or defensive action.
- c. What would be the perception of the state's accumulation of conventional weapons by other states in the region? Would political, historical, territorial, geographic or logistic considerations cause the accumulation to be perceived as a direct threat or to be otherwise intimidating? Does the actual balance of forces in the region provide a sound basis for such a perception?
- d. Could the accumulation of conventional weapons lead to an increase in tension or instability in the region or to the exacerbation of an existing conflict? Would potential adversaries perceive a need to prepare, deploy, or use additional forces or countermeasures? In a crisis, would they perceive a need to risk using force first? Is the accumulation of conventional weapons difficult or impossible to counter by forces in the region? Given the relative capabilities of states in the region, would the accumulation of conventional weapons provide sufficient protection or defence to offensive assets in such a manner as to be perceived as destabilising?
- e. Would other states in the region wish to acquire (including through national production, if possible) similar quantitative or qualitative capabilities, or acquire offsetting capabilities? Could the accumulation of conventional weapons contribute to a destabilising regional arms race or to an accelerating process of competitive production or procurement?
- f. Is there an UN Security Council arms embargo or any other UN Security Council restrictions against the state or other states in the region? Is the balance of forces in the region affected by arms transfers in contravention of these arms embargoes and restrictions? Does the importing State comply with its international obligations?**
- g. Are there existing UNSC sanctions against the state which would affect the supply of arms under the Wassenaar Arrangement? Is the supply permissible under the sanctions and are all relevant preconditions provided for in the sanctions met?**
- h. Has a WA Participating State provided relevant information including submitting documents within the framework of the general information exchange or in any other form or format about inter alia: multilateral and unilateral arms embargoes; bans on supply, or a set of conditions on supply; the state of concern's foreign and military policy; the accumulation of conventional weapons in a particular state; or the intention of the state's leadership to use force to resolve disputes with other states in the region?**

3. Political/Economic Standing/Status of the State

- a. Has the state signed and/or ratified relevant international or regional agreements and treaties pertaining to arms control and limitation, non-proliferation, and confidence and security building? What is its record of compliance with those agreements and treaties? Does the state participate in the UN Register of Conventional Arms? Does the state comply with internationally-recognised human rights, anti-terrorism and non-proliferation norms? Does the state have the intention to develop weapons of mass destruction (WMD); does it possess WMD; what are its views on the use of WMD? What is the general nature of the state's political system and what is the level of internal stability? Is there a civil armed conflict? **How can arms transfers influence this conflict?**
- b. What is the state's military expenditure? What percentage of GDP does it spend on the military? Is the information it gives on its military expenditures open and accurate, or does it seek to conceal the true costs?
- c. Does the accumulation of conventional weapons by the state exacerbate an already economically insupportable burden of defence? Does it risk economic or social destabilisation, either nationally or regionally?

4. Operational Capability

Equipment

- a. How would the accumulation of conventional weapons by the state affect the regional balance of forces and the situation in the region? A particular import or procurement through national production of an individual weapon, weapon system or sub-system may not be destabilising *per se*, but it may have a potentially destabilising character in combination with other equipment.
- b. Would an additional conventional weapons acquisition, whether by import or through national production, introduce a new capability to the region?
- c. Would an additional conventional weapons acquisition, whether by import or through national production, supplement or replace existing equipment? Would it substitute for current forces? If an import, are construction and maintenance (equipment support/spares) deals included? What is the operational life of the equipment with and without provision of maintenance?
- d. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with an additional strategic capability? Consider weapon system characteristics that have greater inherent potential to be destabilising (e.g., because they enhance power projection; there are few or no countermeasures; they contribute to the infliction of strategic harm).
- e. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with new or otherwise increased quantitative or qualitative operational capabilities, or increased sustainability? Would it allow more effective operational use of existing military assets or a bypass of force weakness? If ammunition or missiles, will the quantities significantly enhance operational sustainability?

Manpower

- f. Is the additional conventional weapons acquisition, whether by import or through national production, appropriate given the manpower capabilities of the state? Consider equipment/manpower levels, training, combat experience and leadership/ morale.
- g. If acquired by import, is a training package being provided in conjunction with the import?
- h. Will the equipment itself enhance manpower effectiveness (e.g., simulators)?

5. Acquisition of Military Technology

- a. Would the acquisition of particular technology, whether by tangible or intangible means or by indigenous development, provide a substantial technological advantage to the state's military capability? How will it affect the regional balance of forces and overall regional situation?
- b. If by import, would the acquisition itself, or the terms of the deal, such as offset agreements, lead to an indigenous production capability?
- c. If by import, is a design or technology package being provided in conjunction with the acquisition?
- d. If by import, is there a possibility of reverse engineering, *inter alia*, does the acquisition involve components, spares or prototypes that can be reverse-engineered?

6. Other Factors

- a. Would an additional conventional weapons system, if acquired by import, put the exporter's national forces or those of its friends and allies or of a UNSC-approved operation at risk?
- b. Does the method used to import the additional conventional weapons raise concerns about how the weapons are likely to be used?
- c. Would the equipment or technology (including any training) be at risk of diversion to terrorist groups and organisations, as well as individual terrorists? **Is there a risk of diversion of exported weapons to illicit trade?**
- d. **Does the state have an effective national export control system? Does the state have an effective system of physical security for its weapons storage facilities, stockpile inventory?**
- e. **Does the state follow in its national arms trade policy principles secured in the WA best practice guidelines relevant to arms transfers?**

* The first sentence of this paragraph was added by the Plenary of December 2004

Best Practice Guidelines for Exports of Small Arms and Light Weapons **(SALW)**

(Agreed at the 2002 Plenary and amended at the 2007 Plenary)*

I. Participating States of the Wassenaar Arrangement,

Having regard to the Initial Elements of the Wassenaar Arrangement; and in particular the objectives of:

- (i) greater responsibility in transfers of conventional arms;
- (ii) the prevention of destabilising accumulations of such arms; and
- (iii) the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Bearing in mind the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (UNPOA), and, where appropriate, the relevant provisions of the 2000 OSCE Document and other regional initiatives that Participating States are party to,

Affirm that they apply strict national controls on the export of SALW, as well as on transfers of technology related to their design, production, testing and upgrading,

And agree that:

SALW exports will be evaluated carefully against the Wassenaar Arrangement Initial Elements and the Wassenaar document 'Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons' and any subsequent amendments thereto. In particular:

1. Each Participating State will, in considering proposed exports of SALW, take into account:
 - (a) The need to avoid destabilising accumulations of arms, bearing in mind the particular circumstances of the recipient country and its region;
 - (b) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts and details of the recipient within that country;
 - (c) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the suppression of terrorism, and on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;
 - (d) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;

* 2007 revisions are shown in bold.

- (e) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
 - (f) Whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (g) The legitimate domestic security needs of the recipient country;
 - (h) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations, OSCE or other relevant regional organisations with a peacekeeping mandate;
 - (i) The respect for human rights and fundamental freedoms in the recipient country;
 - (j) The risk of diversion or re-export in conditions incompatible with these Guidelines, particularly to terrorists.
2. Each Participating State will avoid issuing licences for exports of SALW where it deems that there is a clear risk that the small arms in question might:
- (a) Support or encourage terrorism;
 - (b) Threaten the national security of other States;
 - (c) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
 - (d) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;
 - (e) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;
 - (f) Endanger peace, create an excessive and destabilising accumulation of small arms, or otherwise contribute to regional instability;
 - (g) Contrary to the aims of this document, be either re-sold (or otherwise diverted) within the recipient country, re-produced without licence, or be re-exported;
 - (h) Be used for the purpose of repression;
 - (i) Be used for the violation or suppression of human rights and fundamental freedoms;
 - (j) Facilitate organised crime;
 - (k) Be used other than for the legitimate defence and security needs of the recipient country.

Furthermore,

3. Participating States agree to ensure, as far as possible, without prejudice to the rights of States to re-export SALW that they have previously imported, that the original exporting Participating State, in accordance with bilateral agreements, will be notified before re-export/re-transfer of those weapons.
4. Participating States agree that unlicensed manufacture of foreign-origin SALW is inconsistent with these Best Practice Guidelines.
5. Participating States will take especial care when considering exports of SALW other than to governments or their authorised agents.

II. In addition, The Participating States of the Wassenaar Arrangement,

Recognising that uncontrolled flows of illicit SALW pose a serious threat to peace and security, especially in areas beset by conflicts and tensions;

And noting that poorly managed stocks of SALW, which are particularly liable to loss through theft, corruption or negligence, pose a similar threat;

Agree that:

1. Participating States will take into account, as far as possible, the stockpile management and security procedures of a potential recipient, including the recipient's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion.
2. **Participating States will fully implement their commitments under the United Nations' International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted by the 60th Session of the UN General Assembly on 8 December 2005 (A/RES/60/81 of 11 January 2006).**
3. Further, each Participating State will:
 - (a) Ensure that these principles are reflected, as appropriate, in their national legislation and/or in their national policy documents governing the export of conventional arms and related technology.
 - (b) Consider assisting other Participating States in the establishment of effective national mechanisms for controlling the export of SALW.
 - (c) Put in place and implement adequate laws or administrative procedures to control strictly the activities of those that engage in the brokering of SALW and ensure appropriate penalties for those who deal illegally in SALW.

Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)

(Agreed at the 2003 Plenary and amended at the 2007 Plenary)*

Recognising the threats posed by unauthorised proliferation and use of Man-Portable Air Defence Systems, especially to civil aviation, peace-keeping, crisis management and anti-terrorist operations, Participating States affirm that they apply strict national controls on the export of MANPADS.

1. Scope

1.1 These Elements cover:

- a) surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
- b) other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

1.2 National export controls apply to the international transfer or retransfer of MANPADS, including complete systems, components, spare parts, models, training systems, and simulators, for any purpose, by any means, including licensed export, sale, grant, loan, lease, co-production or licensing arrangement for production (hereafter “exports”). The scope of export regulation and associated controls includes research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernisation, operation, use, replacement or refurbishment, demilitarisation, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage. This scope according to national legislation may also refer to investment, marketing, advertising and other related activity.

1.3 Any activity related to MANPADS within the territory of the producing country is subject to national laws and regulations.

2. Participating States will exercise maximum restraint in transfers of MANPADS production technologies and, while taking decision on such transfers, will take into account elements, stipulated in paragraphs 3.7, 3.8, 3.9 and 3.11.

3. Control Conditions and Evaluation Criteria

3.1 Decisions to permit MANPADS exports will be made by the exporting government by competent authorities at senior policy level and only to foreign governments or to agents specifically authorised to act on behalf of a government after presentation of an official EUC certified by the Government of the receiving country.

* The text agreed in 2003 replaced the initial version of the Elements adopted in 2000. The revisions introduced in 2007 are shown in bold.

- 3.2 General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.
- 3.3 Exporting governments will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorised to on behalf of the government.
- 3.4 In order to prevent unauthorised use, producer countries will implement technical performance and/or launch control features for newly designed MANPADS as such technologies become available to them. Such features should not adversely affect the operational effectiveness of MANPADS for the legal user.
- 3.5 Exporting governments in the Wassenaar Arrangement will report transfers of MANPADS as part of the Arrangement's Specific Information Exchange reporting requirements.
- 3.6 MANPADS exports will be evaluated in the light of the Wassenaar Arrangement Initial Elements and the Wassenaar document "Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons" and any subsequent amendments thereto.
- 3.7 Decisions to authorise MANPADS exports will take into account:
- Potential for diversion or misuse in the recipient country;
 - The recipient government's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion; and
 - The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories.
- 3.8 Prior to authorising MANPADS exports (**as indicated in paragraph 1.2**), the exporting government will assure itself of the recipient government's guarantees:
- not to re-export MANPADS except with the prior consent of the exporting government;
 - **to transfer MANPADS and their components to any third country only in a manner consistent with the terms of the formal government to government agreements, including co-production or licensing agreements for production, and contractual documents, concluded and implemented after the adoption of this document at the 2007 Plenary, as well as end-use assurances and/or extant export licences;**
 - **to ensure that the exporting State has the opportunity to confirm, when and as appropriate, fulfilment by the importing State of its end-use assurances with regard to MANPADS and their components¹ (this may include on-site inspections of storage conditions and stockpile management or other measures, as agreed between the parties);**
 - to afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorised access or compromise; **and**
 - to inform promptly the exporting government of any instance of compromise, unauthorised use, loss, or theft of any MANPADS material.

¹ "End-use assurances with regard to MANPADS and their components" should be understood as their use only for purposes stipulated in the end-user certificate or any other document containing the obligations of the importing State.

3.9 In addition, the exporting government will satisfy itself of the recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorised access and use. The recipient government's national procedure designed to attain the requisite security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- Written verification of receipt of MANPADS shipments.
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories.
- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime.
- Ensure storage conditions are sufficient to provide for the highest standards of security and access control. These may include:
 - Where the design of MANPADS permits, storing missiles and firing mechanisms in locations sufficiently separate so that a penetration of the security at one site will not place the second site at risk. Ensuring continuous (24-hour per day) surveillance. Establishing safeguards under which entry to storage sites requires the presence of at least two authorised persons.
- Transport MANPADS in a manner that provides for the highest standards and practices for safeguarding sensitive munitions in transit. When possible, transport missiles and firing mechanisms in separate containers.
- Where applicable, bring together and assemble the principal components - typically the gripstock and the missile in a launch tube -only in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training, or for lot testing, for which only those rounds intended to be fired will be withdrawn from storage and assembled; when systems are deployed as part of the point defences of high priority installations or sites; and in any other circumstances which might be agreed between the receiving and transferring governments.
- Access to hardware and any related classified information, **including training, technical and technological documentation (e.g. MANPADS operation manuals)**, will be limited to military and civilian personnel of the receiving government who have the proper security clearance and who have an established need to know the information in order to perform their duties. Any information released will be limited to that necessary to perform assigned responsibilities and, where possible, will be oral and visual only.
- Adopt prudent stockpile management practices that include effective and secure disposal or destruction of MANPADS stocks that are or become excess to national requirements.

- 3.10 Participating States will, when and as appropriate, assist recipient governments not capable of executing prudent control over MANPADS to dispose of excess stockpiles, including buying back previously exported weapons. Such measures are subject to a voluntary consent of the exporting government and the recipient state.
 - 3.11 Exporting governments will share information regarding potential receiving governments that are proven to fail to meet the above export control guarantees and practices outlined in paragraphs 3.8 and 3.9 above.
 - 3.12 To enhance efforts to prevent diversion, exporting governments will share information regarding non-state entities that are or may be attempting to acquire MANPADS.
 - 3.13 **Participating States will, when and as appropriate, provide to non-participating States, upon their request, technical and expert support in developing and implementing legislative basis for control over transfers of MANPADS and their components.**
 - 3.14 **Participating States will, when and as appropriate, provide to non-participating States, upon their request, technical and expert assistance in physical security, stockpile management and control over transportation of MANPADS and their components.**
4. Participating States will ensure that any infringement of export control legislation, related to MANPADS, is subject to adequate penalty provisions, i.e. involving criminal sanctions.
 5. The Participating States will exchange information and review progress related to the implementation of these steps regularly.
 6. Participating States agree to promote the application of the principles defined in these Elements to non-**Participating States**.

Elements for Effective Legislation on Arms Brokering

(Agreed at the 2003 Plenary)

The Participating States of the Wassenaar Arrangement,

with reference to the Initial Elements and Participating States' fulfilment of the objectives and intentions of the Wassenaar Arrangement, in particular the objectives of:

- greater responsibility in transfers of conventional arms;
- the prevention of destabilising accumulations of conventional arms;
- the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Bearing in mind the “Statement of Understanding on Arms Brokerage”, the “Best Practice Guidelines for Exports of Small Arms and Light Weapons” as adopted by the 2002 Wassenaar Plenary Meeting and the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” as adopted by the 2003 Wassenaar Plenary Meeting;

Recognising international commitments such as the 2001 “UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects”, and the relevant provisions of the 2000 OSCE Document and other regional initiatives that Participating States are party to, **and**

the statement of the President of the UN Security Council of 31 October, 2002 (on behalf of the Council) stressing the importance of further steps to enhance co-operation on the regulation of brokering activities;

Affirming that the purpose of these efforts is to avoid circumvention of the objectives of the Wassenaar Arrangement and UNSC arms embargoes by creating a clear framework for lawful brokering activities, and to enhance co-operation and transparency between Participating States;

Affirming also that they apply strict and comprehensive national controls on the transfer of conventional arms in order to contribute to regional and international security and stability,

agree to

strictly control the activities of those who engage in the brokering of conventional arms by introducing and implementing adequate laws and regulations. Applications for licences or authorisations should be carefully assessed in accordance with the principles and objectives of the Wassenaar Arrangement Initial Elements, the Wassenaar document “Elements for Objective Analysis and Advice concerning Potentially Destabilising Accumulations of Conventional Weapons” and any subsequent amendments thereto and, where applicable, the “Best Practice Guidelines for Exports of Small Arms and Light Weapons” and the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)”. In order to ensure a common WA policy on arms brokering, each Participating State should include, consistent with its national legislation and practices, the following measures in its national legislation on arms brokering:

1. For activities of negotiating or arranging contracts, selling, trading or arranging the transfer of arms and related military equipment controlled by Wassenaar Participating States from one third country to another third country, a licence or written approval should be obtained from the competent authorities of the Participating State where these activities take place whether the broker is a citizen, resident or otherwise subject to the jurisdiction of the Participating State.

Similarly, a licence may also be required regardless of where the brokering activities take place.

Participating States may also define brokering activities to include cases where the arms and military equipment are exported from their own territory.

Participating States may also seek to limit the number of brokers.

2. Records should be kept of individuals and companies which have obtained a licence in accordance with paragraph 1. Participating States may in addition establish a register of brokers.
3. Adequate penalty provisions and administrative measures, i.e. involving criminal sanctions, should be established in order to ensure that controls of arms brokering are effectively enforced.
4. In addition, Participating States will enhance co-operation and transparency through:
 - (a) exchanging relevant information on arms brokering activities within the framework of the General Information exchange;
 - (b) assisting other Participating States on request in the establishment of effective national mechanisms for controlling arms brokering activities.
5. Where brokering provisions do not currently exist, Participating States will work without delay to introduce appropriate provisions to control arms brokering activities.
6. Participating States will report to the Plenary Meetings (first time in 2004) on the progress made in meeting the objectives of the Elements.

Statement of Understanding
on
Control of Non-Listed Dual-Use Items⁽¹⁾

(Agreed at the 2003 Plenary)

Participating States will take appropriate measures to ensure that their regulations require authorisation for the transfer of non-listed dual-use items to destinations subject to a binding United Nations Security Council arms embargo, any relevant regional arms embargo either binding on a Participating State or to which a Participating State has voluntarily consented to adhere, when the authorities of the exporting country inform the exporter that the items in question are or may be intended, entirely or in part, for a military end-use.*

If the exporter is aware that items in question are intended, entirely or in part, for a military end-use,* the exporter must notify the authorities referred to above, which will decide whether or not it is expedient to make the export concerned subject to authorisation.

For the purpose of such control, each Participating State will determine at domestic level its own definition of the term “military end-use”.* Participating States are encouraged to share information on these definitions. The definition provided in the footnote will serve as a guide.

Participating States reserve the right to adopt and implement national measures to restrict exports for other reasons of public policy, taking into consideration the principles and objectives of the Wassenaar Arrangement. Participating States may share information on these measures as a regular part of the General Information Exchange.

Participating States decide to exchange information on this type of denials relevant for the purposes of the Wassenaar Arrangement.

⁽¹⁾ See also the List of Advisory Questions for Industry agreed at the 2003 Plenary in conjunction with this SOU.

* Definition of military end-use

In this context the phrase military end-use refers to use in conjunction with an item controlled on the military list of the respective Participating State.

BEST PRACTICES FOR IMPLEMENTING INTANGIBLE TRANSFER OF TECHNOLOGY CONTROLS

(Agreed at the 2006 Plenary)

Ensuring that control is exercised over intangible transfers of both dual-use and conventional weapons technology¹ (ITT) and is recognized by Participating States of the Wassenaar Arrangement as critical to the credibility and effectiveness of their domestic export control regime. As clear and precise control requirements facilitate effective export control implementation, the Participating States have adopted the following “best practices” for the implementation of export controls over intangible transfers of WA-controlled technology.

- A. Recognizing the inherent complexities of export control regulation for ITT, Participating States of the Wassenaar Arrangement support:
 - 1. Designing national laws and regulations with clear definitions of ITT via both oral and electronic means of transmission; including,
 - a) Determination of what constitutes an ITT export; and,
 - b) Determination of when an ITT export occurs;
 - 2. Specifying in national laws and regulations the intangible technology transfers which are subject to export control;
 - 3. Specifying in national laws and regulations that controls on transfers do not apply to information in the public domain or to basic scientific research; and,
- B. Recognizing that national export control authorities benefit from the cooperation of industry, academia, and individuals in the regulation of ITT, Participating States of the Wassenaar Arrangement support:
 - 1. Promoting awareness of ITT controls by such means as publication of regulatory handbooks and other guidance material, posting such items on the internet, and by arranging or taking part in seminars to inform industry and academia;
 - 2. Identifying industry, academic institutions, and individuals in possession of controlled technology for targeted outreach efforts and,
 - 3. Promoting self-regulation by industry and academic institutions that possess controlled technology, including by assisting them in designing and implementing internal compliance programs and encouraging them to appoint export control officers.

¹ “Technology”

Specific information necessary for the “development”, “production” or “use” of a product. The information takes the form of technical data or technical assistance. Controlled “technology” for the Dual-Use List is defined in the General Technology Note and in the Dual-Use List. Controlled “technology” for the Munitions List is specified in ML22.

Technical Notes

- 1. ‘Technical data’ may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.
- 2. ‘Technical assistance’ may take forms such as instruction, skills, training, working knowledge, consulting services. ‘Technical assistance’ may involve transfer of ‘technical data.’

- C. Recognizing the importance of post-export monitoring and proportionate and dissuasive penalties to deter non-compliance with national ITT laws and regulations, Participating States support:
1. The imposition of a requirement on industry, academia, and individuals to keep records, for an appropriate period of time, that clearly identify all controlled technology transferred, the dates between which it was transferred, and the identity of the end-user of all intangible transfers of technology for which licenses have been issued that may be inspected by, or otherwise provided to, export control authorities upon request;
 2. Regular compliance checks of those that transfer controlled technology by intangible means and,
 3. The provision of training to export control enforcement authorities on appropriate investigative techniques to uncover violations of national controls on ITT exports or access to such specialist expertise;
 4. Appropriate surveillance or monitoring, pursuant to national laws and regulations, of entities that are suspected by national export control or other relevant national government authorities of making unauthorized intangible transfers of controlled technology.
 5. The sanctioning by national authorities of those under their jurisdiction that have transferred controlled technology by intangible means in violation of export controls.
- D. Participating States also support:
1. The exchange of information on a voluntary basis concerning suspicious attempts to acquire controlled technologies, with appropriate authorities in other Participating States.

Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons (SALW) through Air Transport

(Agreed at the 2007 Plenary)

Participating States of the Wassenaar Arrangement

Having regard to the Guidelines and Procedures including the Initial Elements of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, and in particular:

- the Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW) adopted December 2002;
- the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” adopted December 2003 and as amended in 2007.

Recognising that air transport is one of the main channels for the illicit spread of SALW, particularly to destinations subject to a United Nations arms embargo or involved in armed conflict;

Considering that some transport companies or agents and their associated intermediaries employ a range of techniques and strategies to avoid official scrutiny and legal regulations, such as falsifying transport documentation, concealing information on the origin of weapons, including cases when they are produced illegally, or when the origin is not known or questionable, concealing actual flight plans, routes, and destinations, as well as falsification of aircraft registration or quick change of registration numbers;

Bearing in mind the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and, where appropriate, the relevant provisions of the 2000 OSCE documents and other regional initiatives Participating States are party to;

Taking into account existing international standards applicable to air transport, *inter alia*, Article 35 and Annex 18 of the Chicago Convention on International Civil Aviation;

Taking into account existing national legislation regulating the transport by air of weapons;

Recognising governments’ right to transport by air SALW, including through private companies, as well as the existing regulations and the economic demands relating to the air transport of goods;

Affirm that they are fully committed to preventing destabilising accumulations of SALW through air transport *and thus agree to the following Best Practices*:

1. Scope

These Best Practices cover air transport of SALW, excluding those that are transported by government, military or Government-chartered aircraft.

Participating States recognise that they assume full responsibility for transport by their government, military, or Government-chartered aircraft and that they encourage other States to assume the same responsibility.

2. Measures

Non-governmental air transport of SALW, if not forbidden by the Participating States’ law, will be submitted, as appropriate to the following measures:

- 2.1. When issuing an export licence for SALW, each Participating State may require additional information on air transport to be provided by the exporter to the relevant authorities prior to the actual export taking place.

Such additional information on transport may include the following elements:

- air carrier and freight forwarding agent involved in the transportation;
- aircraft registration and flag;
- flight route to be used and planned stopovers;
- records of previous similar transfers by air;
- compliance with existing national legislation or international agreements relating to air transport of weapons.

Thus, although details about air transport and route are usually not known when applying for an export licence, a Participating State may issue such an export licence subject to the condition that this information shall be provided to Government authorities before the goods are actually exported; it will then be clear for enforcement officers controlling the actual export that such a licence is not valid without evidence that the requested additional information has been provided.

- 2.2. When a Participating State knows about an exporter, air carrier or agent that failed to comply with the requirements mentioned in 2.1 when requested to do so, or about an identified destabilising attempt to export SALW by air, and if the planned export of SALW is assessed by it to contribute to a destabilising accumulation or to be a potential threat to security and stability in the region of destination, the related relevant information shall be shared with other Participating States as appropriate.
- 2.3. Each Participating State's relevant authorities may require the exporter to submit a copy of the certificate of unloading or of any other relevant document confirming the delivery of SALW, if they have been exported from or landed on or departed from an airport/airfield on their national territory or if they have been transported by their flag aircraft.
- 2.4. Participating States may take appropriate action to prevent circumvention of national controls and scrutiny, including exchange of information on a voluntary basis about exporters, air carriers and agents that failed to comply with the requirements of 2.1 and 2.3 above when requested to do so, and about cases of transit or transshipment by air of SALW that may contribute to a destabilising accumulation or be a potential threat to security and stability in the region of destination.
- 2.5. Whenever a Participating State has information indicating that an aircraft's cargo includes SALW, and that its flight plan includes a destination subject to a UN arms embargo or located in a conflict zone, or that the exporter, the air carrier or agent concerned is suspected of being involved in destabilising transfers of SALW by air or has failed to comply with the requirements in 2.1 or 2.3 when requested to do so, the case should be referred to the relevant national enforcement authorities.

3. Public-private dialogue

Participating States are committed to keeping air carriers informed, whether on a national basis or within relevant international bodies, about implementation of these measures.

Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies

(Agreed at the 2011 Plenary)

Participating States of the Wassenaar Arrangement,

Taking into account that development and implementation of Internal Compliance Programmes (ICP) by enterprises and academic institutions (hereinafter called “exporter”), though not legally binding, are recommended for their internal management of transfers of dual-use goods and technologies,

Recognizing that each Participating State has a national export control system that must be complied with, and in an effort to assist exporters to meet these controls,

Recognizing that export control on dual-use items is mainly implemented by the competent authorities of each Participating States, and cooperation between domestic export control authorities and exporters is essential for effective export control systems,

Bearing in mind the Initial Elements of the Wassenaar Arrangement (WA), in particular the overall aim of preventing destabilizing accumulations of conventional arms by, i.a. promoting greater responsibility in transfers of dual-use items, and recalling the following WA documents which refer to an ICP:

- the Best Practices for Effective Enforcement (agreed at the 2000 Plenary);
- the Best Practices for Implementing Intangible Transfer of Technology Controls (agreed at the 2006 Plenary);
- the Best Practice Guidelines for the Licensing of Items on the Basic List and Sensitive List of Dual-Use Goods and Technologies (agreed at the 2006 Plenary); and,
- the Statement of Understanding on Implementation of End-Use Controls for Dual-Use Items (agreed at the 2007 Plenary),

Affirming that establishment of ICPs can help exporters to understand and take full account of domestic export control legislation and procedures, and reduce the risks of their involvement in ineligible exports that contravene the purposes of the WA, by supplying to unauthorized end-users such as terrorists and countries of concern;

Bearing in mind that the method in which ICPs are developed and implemented will depend on the size, organizational structure, and other circumstances of exporters,

Agree that:

1. Each Participating State should encourage, where appropriate, its exporters to develop and implement ICPs, and may assist such endeavours by such means as providing expertise and guidance material on ICPs in any relevant form, including discussion of ICPs in export control seminars and providing exporters with opportunities to consult on the form and content of their ICPs;

2. Participating States may also consider, as far as their domestic laws and regulations permit, measures and stimuli that would encourage exporters to introduce ICPs (e.g. taking the development and implementation of an ICP into account when considering applications for licences and revoking existing licences, or making an ICP a condition for the granting of a general licence for an exporter.);
3. Elements for effective ICPs are as set out in the Reference List in the Annex. This is neither exhaustive nor binding. Exporters may combine basic and additional elements from the List as appropriate to develop an ICP which is most applicable to their circumstances;
4. The competent authorities of the Participating States should as appropriate, and in accordance with their domestic legislation and practice, encourage exporters to submit their draft ICPs for examination and comment, for example in the case where ICP is a precondition for any privileged licence procedures. They should also take steps to assess an exporter's compliance with domestic export control laws and regulations, as appropriate, which may involve face-to-face consultations and/or inspection visits.

Annex

Elements of Internal Compliance Programmes For Dual-Use Items (Reference List)

Domestic export control authorities should, where appropriate, encourage their exporters to develop and implement Internal Compliance Programme (ICP), which may include the following elements.

An exporter may combine, the following basic and additional elements, as appropriate, to develop an ICP applicable to its structure, size, and other specific circumstances.

Basic Elements	Additional Elements	Notes
<u>1.</u> Commitment to Compliance	<u>1.</u> Commitment to Compliance	
<u>1.1.</u> Written statement by a senior representative, such as the CEO, that the exporter is aware of all domestic Export control laws and regulations, and complies with them.		
<u>1.2.</u> To make all employees and officers aware of the statement provided in para 1.1.		
<u>2.</u> Structure and Responsibility	<u>2.</u> Structure and Responsibility	
<u>2.1.</u> Establish an internal organizational structure, responsible for export control, either as a stand-alone unit or as an additional task for an appropriate unit.	<u>2.1.</u> It should be independent from the sales department or any other export oriented units.	
<u>2.1.1.</u> Nomination of a senior representative director, or other individual of corresponding status, as the Chief Export Control Officer (CECO)	2.1.1. Competent authorities may establish a set of criteria for such nominations.	<ul style="list-style-type: none"> • CECO should acquire appropriate knowledge for his/her responsibility.
<u>2.1.2.</u> CECO's Duties - The CECO is responsible for: <ol style="list-style-type: none"> a. development and revision of the ICP; b. development and revision of operation procedures; c. staying up-to-date with changes to relevant regulations and with any directions or guidance issued by the competent authorities; d. classification/identification, screening and approval of business transactions; e. general export control management, throughout the exporter, including direction and communication; f. assignment of personnel in charge of auditing; and g. training. 	<u>2.1.2.</u> CECO's Duties - The CECO is responsible for: <ol style="list-style-type: none"> h. guidance to subsidiaries and affiliates. - Distribution of an organizational chart to all employees that clearly shows the internal structures and responsibilities for export control within the exporter.	

Basic Elements	Additional Elements	Notes
	<p><u>2.2.</u> Appointment of an Export Control Manager (ECM) and establishment of an Export Control Unit reporting to the ECM.</p> <ul style="list-style-type: none"> - Making the ECM known within the organization - The ECM carries out the export control operations under the directions of the CECO. 	<ul style="list-style-type: none"> • The ECM and Export Control Unit are normally to be found in larger organizations. Their duties and responsibilities mirror those of the CECO.
	<p><u>2.3.</u> Appointment of an export control officer (ECO) in each business unit.</p> <ul style="list-style-type: none"> - An ECO is responsible for the following activities; <ul style="list-style-type: none"> a. making the instructions and requirements of the ECM known within the business unit b. promotion of export control operating procedures; and c. training 	
<u>3.</u> Export Screening Procedures	<u>3.</u> Export Screening Procedures	
<p><u>3.1.</u> Classification/Identification Procedure</p> <ul style="list-style-type: none"> - Establish whether the goods and/or technologies to be transferred require an export licence under applicable control lists. - Consult with competent authorities and other relevant bodies, where appropriate. 		<ul style="list-style-type: none"> • Where the items to be exported are designed and developed by the exporter, persons in charge of technical affairs and the CECO/ECM should be involved in the rating of items under applicable control lists. • Where items to be exported have been externally sourced the original supplier should be asked for technical specifications and an assessment of classification/identification under applicable control lists. • “Other relevant bodies” may include organizations approved or certified by the competent authorities for providing classification/identification services.

Basic Elements	Additional Elements	Notes
<p><u>3.2.</u> End-Use Screening</p> <ul style="list-style-type: none"> - Verify that the items to be exported will not be used for purposes other than the declared use - Ensure that any non-listed dual-use items for a destination subject to a binding UN arms embargo, or any relevant regional arms embargo, are not intended for a “military end-use” 		<ul style="list-style-type: none"> • CECO/ECM should consult with the domestic authorities, when any question arises concerning export control. • cf. “End-User Assurances Commonly Used Consolidated Indicative List” (agreed at the 1999 Plenary, amended at the 2005 Plenary).
<p><u>3.3.</u> Customer / End-user Screening</p> <ul style="list-style-type: none"> - Verify whether the end-users / customers are identified with “red-flags” or other early warning systems 		<ul style="list-style-type: none"> • cf. “Statement of Understanding on Implementation of End-Use Controls for Dual-Use Items” (agreed at the 2007 Plenary)
<p><u>3.4.</u> Information by the competent authorities</p> <ul style="list-style-type: none"> - Verify whether the competent authorities inform that export or transfer of the non-listed items is subject to the submission of a licence application. 		<ul style="list-style-type: none"> • cf. “Statement of Understanding on Control of Non-Listed Dual-Use Items” (agreed at the 2003 Plenary) • List of Advisory Questions for Industry (agreed at the 2003 Plenary)
<p><u>3.5.</u> Transaction Screening Procedures</p> <ul style="list-style-type: none"> - Implement procedures to help prevent diversion of the export/transfer to unauthorized end-users or end-uses. 		<ul style="list-style-type: none"> • Implementation of electronic data processing (EDP) supported by order processing systems may assist these endeavours. • In order to systematize and facilitate the implementation of procedures through 3.1 to 3.4, introduction of check list is recommended.
<p><u>3.6.</u> Where necessary ensure that licences are applied for according to domestic licence application procedures.</p>		<ul style="list-style-type: none"> • The exporter needs to apply for licences, in cases where screening detects that non-listed items may be used for purposes covered by end-use oriented controls or where it is determined that the transfer of a listed item to a particular destination/end-user would not be covered by an existing individual, global or general licence or the conditions attached to the use of that licence.

Basic Elements	Additional Elements	Notes
<u>4.</u> Shipment Control	<u>4.</u> Shipment Control	
<u>4.1.</u> Confirm before shipment/ transfer that: - Classification/Identification and Transaction Screenings are completed; - Goods and/or technologies and their quantities correspond to the descriptions set out in export instruction documents and/or export licences.		
<u>5.</u> Performance review	<u>5.</u> Performance review	
<u>5.1.</u> Establish a regular performance review system to confirm that the export control operation is implemented appropriately according to the ICP and the operational procedures and is compliant with all relevant domestic laws and regulations		<ul style="list-style-type: none"> • It is recommended that a performance review is carried out by a unit separated from sales or by an outside specialist, as the structure, size and other circumstances of the exporter permit. Performance reviews could be carried out annually.
<u>6.</u> Training	<u>6.</u> Training	
<u>6.1.</u> Training and education of officers and employees - Ensure that staffs are aware of all domestic export control laws, regulations, policies and control lists and all amendments to them as soon as they are made public.	<u>6.1.</u> Training and education of officers and employees - Archive internal training records including staff participation in external events.	<ul style="list-style-type: none"> • Training and continued education should be carried out for employees at all levels, especially new staff, persons who work in sales, export related units, or are involved in technology transfer. • Provision of at desk training using electronic media, such as the internet and CD/DVDs, may be useful to supplement and reinforce formal training sessions.
<u>7.</u> Record Keeping	<u>7.</u> Record Keeping	
<u>7.1.</u> Archive export-related documents for an appropriate period according to the requirements of domestic export control regulations		<ul style="list-style-type: none"> • Export-related documents may include export licences, end-use assurances, commercial invoices, clearance documents, product classification/identification sheets, and records of electronic transfers.
	<u>7.2.</u> The exporter's practices and procedures for archiving material should be known by all relevant staff.	<ul style="list-style-type: none"> • Archived records should be traceable.

Basic Elements	Additional Elements	Notes
<u>8.</u> Reporting and Corrective Action	<u>8.</u> Reporting and Corrective Action	
<u>8.1.</u> A prompt report should be made to the CECO/ECM of any violations or suspected violations of export control regulations or ICP procedures.		
<u>8.2.</u> A prompt report should be made to the competent authorities if the CECO/ECM confirms a violation of export control laws and regulations.		Violations of export control laws and regulations should be investigated by competent domestic authorities. The violators could be punished according to domestic legal procedures.
<u>8.3.</u> Ensure any corrective actions necessary are implemented so that similar violations do not recur.		Implement, as appropriate, disciplinary procedures against any member of staff responsible for confirmed violations of export control regulations or ICP procedures.

Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the WA Initial Elements

(Agreed at the 2011 Plenary)

Participating States of the Wassenaar Arrangement,

Having regard to the Initial Elements of the Wassenaar Arrangement, and in particular the objectives of:

- (i) greater responsibility in transfers of conventional arms;
- (ii) the prevention of destabilizing accumulations of such arms; and
- (iii) the need to prevent the acquisition of conventional arms by terrorist groups and organizations, as well as by individual terrorists;

Bearing in mind the “Elements for Objective Analysis and Advice Concerning Potentially Destabilizing Accumulations of Conventional Weapons”, adopted by the 1998 WA Plenary and amended in 2004, “Statement of Understanding on Arms Brokerage” and the “Best Practice Guidelines for Exports of Small Arms and Light Weapons”, adopted in 2002, the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” and the “Elements for Effective Legislation on Arms Brokering”, adopted in 2003;

Affirming also that they apply strict and comprehensive national controls on the transfer of conventional weapons systems in order to contribute to regional and international security and stability;

Recognizing that end-use/user guarantees play a significant role in exercising effective control over exports and particularly subsequent transfer (re-export) of conventional weapons systems and when properly applied they minimize the risk of diversion of weapons systems to illegal or unauthorized end-user;

Acknowledging that the use of above-mentioned measures/assurances should be consistent with each Participating State’s national legislation, practice and experience and should be subject to negotiations between importing and exporting governments. These Best Practice Guidelines should not be applied to any contractual arrangements/agreements which have been concluded before the adoption of this document.

have agreed to the following Best Practice Guidelines:

In order to ensure a harmonized WA Participating States approach to subsequent transfer (re-export) controls for conventional weapons systems, each Participating State should, consistent with its national legislation and practices, pursue the following measures in its national policies:

1. To ensure that formal government - to - government agreements, end-use/user assurances, and / or export licenses for transfers of conventional weapons systems and their production technology will include, as appropriate, a provision that subsequent transfer (re-export) of those conventional weapons systems to third governments will be made in accordance with the terms of these documents and that importing governments provide the appropriate assurances.

2. To include on a case by case basis the following elements in the end-use/user assurances:
 - a. a general clause not allowing for subsequent transfer (re-export) without the prior authorization of the original exporting government,
 - b. an undertaking, that the goods, which are being exported, will not be used for purposes other than declared,
 - c. a general clause that the exported goods will not be transferred to an unauthorized internal end-user.

The form and scope of the end-use/user guarantees is subject to negotiations between exporting and importing governments and such guarantees may be included in the end-user's statement or certificate or other documents.

3. To review requests for subsequent transfer (re-export) permission as expeditiously as possible and on a non-discriminatory basis taking into account in the review process the following:
 - a. consistency of the transfer with the reviewing state's national security and national policy concerns;
 - b. legitimacy of the end-use, end-user, end-use certificate and bona fides of all parties concerned and authenticity of the documents presented;
 - c. legitimate defence requirements of the importing country;
 - d. effect on regional stability;
 - e. effectiveness of the exports control system of the recipient country, in view of its performance as a future potential exporter.
4. To disclose, to the extent possible, to the applying government reasons for denial of subsequent transfer (re-export) permission.
5. To ensure that subsequent transfer (re-export) to third parties of conventional weapons systems produced under license from another country is consistent with all relevant provisions of the formal government-to-government agreements, end-use/user assurances and/or export licenses pursuant to which the production technology was transferred.
6. To exercise, in accordance with their national legal authorities and legislation, particular restraint so as to avoid subsequent transfer (re-export) to entities not authorized by states directly involved in the transaction.
7. Participating States may, consistent with their national policy, take measures to limit the number of brokers involved in subsequent transfers (re-export) of conventional weapons systems.

Participating States agree to apply these controls to all export activities, related to subsequent transfer (re-export) of conventional weapons systems acquired or manufactured under foreign license production contractual arrangements/agreements concluded after the adoption of this document.

Elements for Controlling Transportation of Conventional Arms Between Third Countries

(Agreed at the 2011 Plenary)

Participating States of the Wassenaar Arrangement,

Having regard to the Initial Elements of the Wassenaar Arrangement and in particular the objectives of:

- greater responsibility in transfers of conventional arms;
- the prevention of destabilizing accumulations of conventional arms; and
- the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Affirming that they apply strict and comprehensive national controls on the transfer of conventional weapons systems in order to contribute to regional and international security and stability;

Determined to explore available tools to achieve these objectives;

Bearing in mind the “Elements for Objective Analysis and Advice Concerning Potentially Destabilizing Accumulations of Conventional Weapons”, adopted by the 1998 WA Plenary and amended in 2004, “Statement of Understanding on Arms Brokerage” and the “Best Practice Guidelines for Exports of Small Arms and Light Weapons”, adopted in 2002, the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” and the “Elements for Effective Legislation on Arms Brokering”, adopted in 2003;

Noting that arms brokering activities may include i.a. arms transportation but that this is often not the case, leaving controls on transportation of arms to separate regulation;

Recalling relevant UN Security Council Resolutions imposing an embargo on the export and delivery of arms to particular destinations and similar bans on importing arms from particular destinations;

Recalling the commitments of all Wassenaar Participating States to implement the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

Mindful of the importance of avoiding duplication of controls;

Recognizing the right to legitimate transportation of arms;

Determined to prevent destabilizing accumulations of arms resulting from transfers that violate UN arms embargoes or relevant national arms export and import controls;

Agree to the following elements:

1. The scope of these elements is limited to the transportation of arms between third countries. As such they do not apply to export, transit, trans-shipment or brokering activities unless such activities are defined to include transportation related to the arms transfer in question.
2. Participating States may apply these Elements within the limits of their national policies and legal practices including any restraints on their ability to exercise extraterritorial controls.
3. Participating States are encouraged to consider the need for measures, including legislative measures if appropriate, to prevent their nationals and entities registered in their territory from transporting arms in violation of UN Security Council embargoes.
4. Participating States are similarly encouraged to consider the need for measures, including legislative measures if appropriate, to prevent their nationals and entities registered in their territory from transporting arms in violation of licensing requirements for arms exports and imports in the exporting and importing countries.
5. When considering possible regulatory measures with reference to these Elements it is assumed that the responsibility of transporters will be limited to transportation of arms with genuine manifests and/or valid export/import licenses unless the transporter is aware or should have been aware that the manifest and/or the export or import licence is falsified.
6. Participating States may consider at their own discretion operating a licensing system for the transportation of arms between third states similar to the licensing of exports and brokering activities.
7. Participating States may similarly at their own discretion consider limiting transportation of arms to be carried out solely by licensed individuals or entities, analogous to the registration of brokers or exporters in some States.
8. In order to avoid duplication of controls Participating States may choose not to control transportation of arms between third states in cases where they consider such transfers to be adequately controlled by those third States, for example through export or brokering controls.

**END-USER ASSURANCES COMMONLY USED
CONSOLIDATED INDICATIVE LIST**

(Agreed at the 1999 Plenary; amended at the 2005 Plenary)

The following is a non-binding list of end-use assurances to be used by Participating States at their discretion.

Note: This Indicative List covers both the military pillar and the dual-use pillar

Essential elements	Optional elements
1. <u>Parties involved in the transaction</u>	1. <u>Parties involved in the transaction</u>
1.1. Exporter's details ¹ ;	
	1.2 Intermediate consignee's details;
1.4 End-user's details. In the case of an export to a firm which resells the goods on the local market, the firm will be regarded as the end-user	1.3 Final consignee's details;
2. <u>Goods</u>	2. <u>Goods</u>
2.1 A description of the goods being exported (type, characteristics) and/or reference to the contract number or order number concluded with the authorities of the final destination country	
2.2 Quantity and/or value of the exported goods	
3. <u>End-use</u>	3. <u>End-use</u>
3.1 Indication of the end-use of the goods;	
3.2 An undertaking, where appropriate, that the goods being exported will not be used for purposes other than the declared use; and/or	
3.4 An undertaking, where appropriate, that the goods will not be used in the development, production or use of the chemical, biological or nuclear weapons or for missiles capable of delivering such weapons.	3.3 Provide an undertaking that the goods will be use for civil-end use;

¹ Details of exporter/intermediate consignee/final consignee/end-user means name, business name, address, phone, fax, e-mail, website (if available)

Essential elements	Optional elements
<p>4. <u>Location</u></p>	<p>4. <u>Location</u></p> <p>4.1 Provide certification that the goods will be installed at the premises of the end-user or will be used only by the end-user;</p> <p>4.2 The final consignee/end-user agrees to allow on-site verification;</p>
<p>5. <u>Re-export / Diversion</u></p>	<p>5. <u>Re-export / Diversion</u></p> <p>5.1 The final consignee's/end-user's undertaking not to tranship or re-export the goods covered by the End-use Certificate/Statement; and/or</p> <p>5.2 No re-exports without approval from the government of the original exporting country; and/or</p> <p>5.3 The final consignee's/end-user's assurance that any re-exports will be done under the authority of the final consignee's/end-user's export licensing authorities;</p> <p>5.4 The final consignee's/end-user's undertaking not to divert or relocate the goods covered by the End-use Certificate/Statement to another destination or location in the importing country;</p>
<p>6. <u>Delivery Verification</u></p>	<p>6. <u>Delivery Verification</u></p> <p>6.1 Provide a commitment by the final consignee to provide the exporter or the exporting government with proof of importation, upon request (e.g., provide a Delivery Verification Certificate (DVC));</p>
<p>7. <u>Documentation</u></p> <p>7.1 Signature, name and title of final consignee's/end-user's representative;</p>	<p>7. <u>Documentation</u></p> <p>7.2 Signature and end-use certification by the final consignee's/end-user's government or other authority as to the authenticity of the primary details provided in the document</p> <p>7.3 If issued by the government authority, a unique identifying Certificate/Statement number;</p>
<p>7.4 Original End-user Certificate/Statement or legally certified copies;</p>	<p>7.5 Validity terms and date of issue</p>

BEST PRACTICES FOR DISPOSAL OF SURPLUS/DEMILITARISED MILITARY EQUIPMENT

(Agreed at the WA Plenary, 1 December 2000)

The following list of “best practices” for disposal of surplus military equipment (items that may or may not have been demilitarised) is drawn from the responses provided by Participating States on this subject and reflected in the matrix of national practices (WA-LEOM (99) SEC 10, Version 4.0, 23/05/2000). These practices are those actually followed or aspired to by Wassenaar Arrangement Participating States and are illustrative of effective export control over surplus/demilitarised military equipment.

1. Items of surplus military equipment (including small arms and light weapons), i.e., items designed for military use but no longer needed, remain subject to the same export controls as new equipment.
2. Safeguards are in place to prevent illicit resale and export of items of surplus military equipment that have been sold or otherwise transferred domestically.
3. Physical security measures and inventory controls are sufficient to prevent theft/diversion of items in storage.
4. Demilitarised equipment capable of being re-militarised is also subject to stringent export controls, in almost all cases identical to those controls applied to new military equipment.
5. The "Best Practices for Effective Enforcement" (WA-LEOM (00) CHAIR 6), including preventive enforcement, investigation, effective penalties, and international cooperation, are applied to ensure effective control of surplus/demilitarised military equipment.

Extreme Vigilance: Sub-set of Tier 2 (VSL) items

“Best Practices”

(Agreed at the WA Plenary, 1 December 2000)

Introduction

The Initial Elements (IE) called on Participating States to discuss and compare national practices concerning their commitment to exercise extreme vigilance for items included in the sub-set of Tier 2 (Very Sensitive List) by applying to those exports national conditions and criteria (IE V.5).

There follows a non-binding list of “best practices” with respect to export controls on VSL items.

“Best practices” does not necessarily imply “common practices.” Therefore, not all of the practices are presently followed by all Participating States. The list does represent, however, an amalgam of the export control practices followed with respect to VSL items by WA Participating States, consistent with national legislation and international law.

Extreme Vigilance for Sub-set of Tier 2 (VSL) items: “Best Practices”

1. Licences are granted on a case-by-case basis. Documentation required for the licence includes information concerning:
 - a. Identification/Description (type, quantity, value, weight)/ Specifications of item/Performance characteristics;
 - b. Applicant;
 - c. Purchaser; and
 - d. End-user (if different from purchaser) and end-use.
2. Consultations occur among relevant government agencies within the exporting country with respect to licence applications to export VSL items. During these consultations, the appropriateness of the quantity and technological level of the item to the stated end-use, and the bona fides of the end-user are among the criteria considered.
3. In order to determine, *inter alia*, the risk of diversion or unauthorized use, additional information on end-users may be gathered, as necessary, using appropriate means ranging from documentation to visitation (with the consent of the recipient country) prior to the licensing decision.
4. As a condition of any licence to export a VSL item, the following may be required:
 - a. Import Certification or end-user statement;
 - b. Assurance of no re-export without authorisation; and
 - c. Delivery Verification or other acknowledgement of delivery from the receiving Government.

As necessary, post-shipment verification may be carried out through appropriate means by the exporter, supplier or officials of the exporting country.

BEST PRACTICES FOR EFFECTIVE ENFORCEMENT

(Agreed at the WA Plenary, 1 December 2000)

The following list of “best practices” for effective export control enforcement were adopted by the Wassenaar Plenary as a non-binding amalgam of the enforcement practices followed by different Wassenaar Arrangement Participating States which are illustrative of an effective enforcement programme.

PREVENTIVE ENFORCEMENT

1. Use threat assessment techniques and procedures for evaluating parties involved in a proposed export transaction, paying particular attention to those considered to be suspicious, unreliable, or presenting a high risk of diversion.
2. Maintain a list of problem end-users to identify license applications deserving closer scrutiny.
3. Confirm the stated end-user and end-use of items to be exported prior to issuing an export license. As appropriate, this can be accomplished by several means, ranging from documentation to on-premise checks of the end-user and end-use.
4. Obtain assurances regarding the end-use and non re-export of licensed items, as appropriate.
5. Examine goods and the documentation required to be presented at point of export, using risk assessment techniques to aid selection. Detain suspect shipments and seize unauthorised or illegal exports, which may include those that are passing in-transit.
6. As necessary, confirm that exported goods have reached their intended destinations using appropriate means, ranging from documentation to on-site verification.
7. Conduct industry awareness programs to improve exporters’ understandings of the objectives and coverage of export controls, including controls on software and technology.
8. Seek voluntary compliance by industry. As appropriate, encourage development by industry of internal compliance programs.
9. Keep industry and the general public apprised of penalties for failure to comply, using, as appropriate, cases of successful prosecution as examples.

INVESTIGATIONS

10. Designate law enforcement responsibilities for detection, prevention, and punishment of violations of export control laws.
11. Provide adequate resources and training for enforcement officers.
12. Ensure that national laws and regulations have statutes of limitations sufficiently long to permit the detection and prosecution of export control violations.
13. Consistent with national laws, policies and regulations and on a mutually-agreed basis, including international agreements for legal and customs assistance, and mutually respecting national sovereignty, governments may cooperate in the investigation and prosecution of violations of export controls cases, by:
 - a. Furnishing relevant documents and items relating to violations;
 - b. Facilitating the availability of witnesses; and
 - c. Providing for the extradition of violators, consistent with treaty obligations.

EFFECTIVE PENALTIES

14. Establish effective penalties (including, as appropriate, criminal sanctions, civil fines, publicity and restriction or denial of export privileges) sufficient to punish and deter violations of export controls.

INTERNATIONAL COOPERATION/INFORMATION EXCHANGES

15. Consistent with national laws, policies and regulations and on a mutually-agreed basis, including international agreements for legal and customs assistance, governments may, as appropriate, share information bilaterally on persons and companies considered to present a high risk of diversion. Examples of information to share include:
 - a. Information obtained in the course of pre-license and post-shipment verifications; and
 - b. Information about export control prosecutions, convictions, and restrictions or denials of export privileges.
16. Consistent with national laws, policies and regulations, governments may, as appropriate, share information in the context of multilateral export control arrangements. Examples of information to share include:
 - a. General information on risks associated with destinations of concern;
 - b. Information on license denials;
 - c. Information on networks, agents, brokers and end-users of concern.
17. Senior enforcement officials may maintain, as appropriate, formal and informal information exchanges with their counterparts in member country governments.
18. Licensing and enforcement officials should respect the confidentiality of information received and should ensure that access to it is restricted to those officials who have been duly authorised.

STATEMENT OF UNDERSTANDING ON ARMS BROKERAGE

(Agreed at the WA Plenary, December 2002)

Taking into account the objectives of the WA as contained in the Initial Elements, Participating States recognize the importance of comprehensive controls on transfers of conventional arms, sensitive dual use goods and technologies. In order to accomplish these objectives, Participating States recognize the value of regulating the activities of arms brokers.

For the purpose of developing a WA policy on international arms brokering, Participating States will, in addition to continuing the elaboration and refining of criteria for effective arms brokering legislation and discuss enforcement measures, consider, *inter alia*, such measures as:

- Requiring registration of arms brokers;
- Limiting the number of licensed brokers;
- Requiring licensing or authorization of brokering; or
- Requiring disclosure of import and export licenses or authorizations, or of accompanying documents and of the names and locations of brokers involved in transactions.

List of Advisory Questions for Industry⁽¹⁾

(Agreed at the 2003 Plenary)

The Wassenaar Arrangement Participating States decided at the Plenary 2003 to publish the following non-exhaustive list of questions on the WA website. The intended use for the list is to provide a guide for companies in any export situation. The answers to the questions below will give guidance to when suspicion should be raised and a contact with national export licensing authorities might be advisable.

1. Do you know your customer? If not, is it difficult to find information about him/her?
2. Is the customer or the end-user tied to the military or the defence industry?
3. Is the customer or the end-user tied to any military or governmental research body?
4. If you have done business with the customer before - is this a usual request for them to make? Does the product fit the business profile?
5. Does the customer seem familiar with the product and its performance characteristics or is there an obvious lack of technical knowledge?
6. Is the customer reluctant to provide an end-use statement or is the information insufficient compared to other negotiations?
7. Does the customer reject the customary installation, training or maintenance services provided?
8. Is unusual packaging and labelling required?
9. Is the shipping route unusual?
10. Does the customer order an excessive amount of spare parts or other items that are related to the product, but not to the stated end-use?
11. Is the customer offering unusually profitable payment terms, such as a much higher price?
12. Is the customer offering to pay in cash?

⁽¹⁾ This List was agreed in conjunction with a Statement of Understanding on Control of Non-Listed Dual-Use Items (see page 37).

CRITERIA FOR THE SELECTION OF DUAL-USE ITEMS

(as updated at the December 2005 Plenary)

Dual-use goods and technologies to be controlled are those which are major or key elements for the indigenous development, production, use¹ or enhancement of military capabilities². For selection purposes the dual-use items should also be evaluated against the following criteria:

- Foreign availability outside Participating States.
- The ability to control effectively the export of the goods.
- The ability to make a clear and objective specification of the item.
- Controlled by another regime³.

¹ Use means operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

² Controlled by the Munitions List.

³ An item which is controlled by another regime should not normally qualify to be controlled by the Wassenaar Arrangement unless additional coverage proves to be necessary according to the purposes of the Wassenaar Arrangement, or when concerns and objectives are not identical.

CRITERIA FOR THE SELECTION OF
DUAL-USE GOODS AND TECHNOLOGIES
FOR THE SENSITIVE LIST *

(as updated at the December 2004 Plenary)

Those items from the Dual-use List which are key elements directly related to the indigenous development, production, use or enhancement of advanced conventional military capabilities whose proliferation would significantly undermine the objectives of the Wassenaar Arrangement.

- N.B.*
1. *General commercially applied materials or components should not be included.*
 2. *As appropriate, the relevant threshold parameters should be developed on a case-by-case basis.*

* These criteria should not be construed as preventing Participating States from considering, in special circumstances, that controlled items warrant transparency for reasons associated with the objectives of the Wassenaar Arrangement.

CRITERIA FOR THE SELECTION OF
DUAL-USE GOODS AND TECHNOLOGIES
FOR THE VERY SENSITIVE LIST*

(as updated at the December 2004 Plenary)

Those items from the Sensitive List which are key elements essential for the indigenous development, production, use or enhancement of the most advanced conventional military capabilities whose proliferation would significantly undermine the objectives of the Wassenaar Arrangement.

N.B. As appropriate, the relevant threshold parameters should be developed on a case-by-case basis.

* These criteria should not be construed as preventing Participating States from considering, in special circumstances, that controlled items warrant extreme vigilance for reasons associated with the objectives of the Wassenaar Arrangement.

BEST PRACTICE GUIDELINES

FOR THE LICENSING OF ITEMS ON THE BASIC LIST AND SENSITIVE LIST OF DUAL-USE GOODS AND TECHNOLOGIES

(Agreed at the 2006 Plenary)

The following non-binding list of “best practices” for the licensing of items on the Basic and Sensitive Lists have been agreed. “Best practices” does not necessarily imply “common practices”. Therefore, not all of the practices are presently followed by all Participating States. The list does represent an amalgam of export control practices followed by Participating States.

1. Global/general licences or licence exceptions may be granted for items on the Basic or Sensitive Lists where a Participating State considers that authorisation of exports by such means would not undermine the purposes of the Wassenaar Arrangement and would not be inconsistent with its export control laws and regulations or its other international commitments.

2. For all exports for which a global/general licence or licence exception is not applicable licences may be granted on a case-by-case basis to authorise exports of specified goods to named end-users in instances where a Participating State considers that authorisation would not be inconsistent with the purposes of the Wassenaar Arrangement or its other international commitments.

3. For global licences, where in general a named exporter may export unrestricted quantities of specified goods to a specified group of countries or to specified end-users in a specified country or group of countries the exporter should be required to keep documentary evidence, sufficient to enable the export licensing and/or enforcement authorities in the Participating State that issued the licence, to satisfy itself that the terms and conditions of the licence have been complied with. Such information should include:

- A description of the goods that have been exported or the software or technology that has been transferred;
- The date of the exportation or transfer;
- The quantity of the goods;
- The name and address of any consignee of the goods; and/or
- The name and address of the end-user of the goods, software or technology;
- A consignee or end user undertaking.

4. For general licences or licence exceptions which permit the export of unrestricted quantities of identified list entries or range of goods, software and technology to a specified group of countries, the exporter may be required to apply or register to use them. Participating States may impose reporting requirements on use of such means. The exporter should be expected to keep documentation sufficient to enable the export licensing and/or enforcement authorities in the Participating State that authorized the transaction to satisfy itself that the terms and conditions of the licence or exception have been complied with. Such information should include:

- A description of the goods that have been exported or the software or technology that has been transferred;
- The date of the exportation or transfer;
- The quantity of the goods;
- The name and address of any consignee of the goods; and/or
- The name and address of the end-user of the goods, software or technology;

5. Participating States may indicate in general licences/licence exceptions that they might not be used if the exporter has been informed that the items in question may be intended for a prohibited/military end-use.

6. Participating States may, subject to the provisions of their domestic legislation, revoke the right of an exporter to use global/general licences or licence exemptions

7. As the use of global/general licences and licence exceptions generally requires exporters to have a better understanding of export control regulations and procedures Participating States should encourage, and where possible assist, their exporters to introduce effective export control compliance programmes and further may wish to take the implementation of such programmes into account when making licensing decisions.

Statement of Understanding on Implementation of End-Use Controls for Dual-Use Items

(Agreed at the 2007 Plenary)

Participating States agree, while a system of end-use controls should always be applied, to maintain a flexible and effective system of end-use controls. The proper evaluation of each individual export licence application is important to minimise the risk of undesirable diversion. Based on an intelligent risk management the sensitivity of an export transaction should be analysed case by case. Participating States may, as appropriate, apply this Statement of Understanding also to exports of items other than dual-use items.

1. The underlying principle for end-use controls is that sensitive cases should be subject to a greater degree of scrutiny than less sensitive cases. Participating States therefore can combine basic and additional elements (as set out in the Reference List in the Annex, which is neither exhaustive nor binding) depending on the assessment of risk. In general, basic elements should always be applied.

2. Participating States agree that the evaluation of the degree of sensitivity remains entirely within national responsibility. The evaluation of sensitivity and the decisions made by Participating States in this context are not binding and do not constitute a prejudice for others.

3. There are three phases of an export to be considered when dealing with end-use controls: the pre-licence phase, the application procedure and the post-licence phase. There is a close inter-relationship between the phases.

4. When selecting which elements from the Annex to use, account must be taken of the different questions that will arise depending on the nature of the goods to be exported.

5. All elements of the end-use controls process need to be packaged together to form a coherent initiative. While end-use certificates are an essential element of end-use controls they are not a substitute for a full assessment of risk involving both licensing authorities and the exporter.

6. Participating States will review progress on the implementation of this Statement of Understanding on a regular basis.

Annex

to the Statement of Understanding on Implementation of End-Use Controls

Reference List

To control end-use, the following basic and additional elements within the three phases of an export can be applied.

1. Pre-Licence Phase

End-use controls need to be considered already in the run-up to the submission of an export licence application by the exporter.

The following basic and additional elements may be applied on a case-by-case basis in this phase:

Competent authority – Basic elements	Exporter - Basic elements
<ul style="list-style-type: none">• Awareness-Raising, i.e. provide information on export control e.g.:<ul style="list-style-type: none">- Web sites- participation in and/or organisation of training courses for industry,- written guidance provision of guidance material to explain laws, regulations and procedures• Establishment of Points of Contact (POC) to exchange information between competent authorities inside PS	<ul style="list-style-type: none">• Internal Compliance Programme (ICP), i.e. to establish export control compliance standards within a company, which may include, depending on the structure of the company as well as other specific circumstances<ul style="list-style-type: none">- nomination of a person at senior management level (to be responsible for export control compliance)- selection of competent staff members to oversee day to day compliance with relevant export control regulations- sample quality checks of staff work- training, and periodic refresher training, of staff in export control law and procedures• Promote transparency as part of ICP by confirming as far as possible end-use/final destination through use of all available information particularly in sensitive or suspicious cases e.g.:<ul style="list-style-type: none">- customer's identity or existence cannot be verified- customer reluctant to offer information about the end-use of items or of other relevant data- customer lacks skills and technical knowledge- significantly exceeding quantities- routine installation, training or maintenance services declined- unusual on-site security standards- any other unusual behaviour (e.g. in delivery or payment conditions)• Exporter's duty to keep relevant documentation for a set period of time, esp. on the points mentioned above

Competent authority - Additional elements	Exporter - Additional elements
<ul style="list-style-type: none"> • Maintenance of end-user “red-flags” or other early warning systems, profiles and destination country • Manuals for licensing officers on processing applications to sensitive countries • Outreach-programmes to non-WA-PS • Establishment of a Point of Contact where information can be exchanged among PS (e.g. on suspicious or unusual transactions) 	<ul style="list-style-type: none"> • Physical and technical security arrangements preventing diversion, e.g. ensuring adequate site and transport security • Seeking advice from and rendering information to competent authorities on business contacts, to sensitive end-users or in unclear or suspect cases

2. Application procedure

The licensing procedure itself covers all the measures taken to verify the data provided with an export licence application from an end-use controls perspective and ultimately to come to a final decision.

The following basic and additional elements may be applied on a case-by-case basis in this phase:

Competent authority - Basic elements	Exporter - Basic elements
<ul style="list-style-type: none"> • Plausibility check on the information provided, assessing the following: <ul style="list-style-type: none"> - technical aspects (e.g. data sheets, technical specifications and reference lists supplied, plausibility of quantities) - internal knowledge of and other information, esp. on, but not limited to, the end-use/end-user held by the authority - end-use and other documents submitted in support of the application - reliability of the persons involved in the transaction (exporter, consignee, end-user and others) - risk analysis • Consideration of Denial Notifications 	<ul style="list-style-type: none"> • Presentation of a factually complete licence application form, including all necessary supporting documentation. Minimum information: <ul style="list-style-type: none"> - exporter - consignee/end-user/purchaser/others involved in the transaction; - description and specification of goods - signature of applicant (verifiable), and other contact information • Submission of end-use certificates (governmental or private) containing minimum information. (cf. consolidated Indicative List of End-User Assurances commonly used as contained in WA-PLM (05) CHAIR 052 Annex B, “Essential Elements”)
Competent authority - Additional elements	Exporter - Additional elements
<ul style="list-style-type: none"> • Consult POC • Liaison with intelligence services • Including conditions to a licence (e.g. submission of governmental or private Delivery Verification Certificates /DVC’s) • Check authenticity of governmental or private EUCs • Inter-ministerial consultation on export transactions • Capability of importing country to exert effective export controls • Exchange of diplomatic notes, formal governmental declaration excluding certain uses and guaranteeing the final end-use and end-user location • Pre-licence check to confirm existence of the end-user and bona fide need for controlled items 	<ul style="list-style-type: none"> • thorough explanation of facts; presentation of additional supporting documentation in support of export licence application: <ul style="list-style-type: none"> - company's profile with detailed information on consignee/end-user - project description - information on service contracts or acceptance reports - Letter of credit, L/C • Presentation of end-use certificate with additional elements as specified by the competent authority (cf. consolidated Indicative List of End-User Assurances commonly used as contained in WA-PLM (05) CHAIR 052 Annex B, “Optional Elements”) • Separate confirmation of specific data by person responsible for exports

3. Post-Licence Phase

This phase confirms that the rationale for granting an export licence was correctly based.

The following basic and additional elements may be applied on a case-by-case basis in this phase:

Competent authority - Basic elements	Exporter - Basic elements
<ul style="list-style-type: none"> • Control of actual exports Annotate export licence to show actual exports made (by customs/exporter) • Information exchange about denied applications (denial exchange) • Co-operation and information exchange between authorities and with other PS (i.e. between the licensing and enforcement authorities; where appropriate with licensing and enforcement authorities in other PS) • Enforcement through regular compliance checks on exporters • Proportionate and dissuasive penalties to deter infringements of the regulations 	<ul style="list-style-type: none"> • Records associated with licence applications must be retained for a set minimum period • Duty to report suspicious activity or evidence of diversion or misuse of item(s) to authorities

Competent authority - Additional elements	Exporter - Additional elements
<ul style="list-style-type: none"> • Monitoring end-user obligations and acting where they are in default of those obligations • Monitor actual use of export licences issued to detect/prevent fraud and or other abuse of the licence • Governmental Post Shipment Controls (PSC) • Export reports / import reports, i.e. exchange of information between the competent authorities of exporting country and the country of consignment to reveal unlicensed transfers or attempts of diversion. • Monitoring re-export conditions where resale by the consignee is subject to a reservation made by the original exporting state 	<ul style="list-style-type: none"> • Delivery Verification Certificate (DVC) Submission of government or private verification certificate of delivery or reception of the goods • Export notice A requirement sometimes placed on industry to report to their authorities on potential future exports • Private Post-Shipment Controls (PSC)² Provision of operational or maintenance services at the end-user's facilities or other verification mechanisms undertaken by the exporter • Publication of collateral clauses towards consignee The exporter has to inform the consignee about any legal or administrative conditions under which the licences were granted. This is a measure of transparency and compliance.

² A possible additional element is the so-called governmental or private post-shipment controls (PSC) at the final consignee, which may be applied on a mutually voluntary basis and cannot be enforced. Permanent end-use safeguards in accordance with the provisions can also not be guaranteed by regular on-site controls. Therefore, the benefit of PSC can only be to gain information for future licensing procedures.

The Wassenaar Arrangement
on Export Controls for Conventional Arms
and Dual-Use Goods and Technologies

PRESS STATEMENT

Representatives of 33 States met in Vienna, Austria on 11 and 12 July 1996 and decided to implement the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Bulgaria and Ukraine were welcomed as new participants and co-founders by Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

The purpose of the Arrangement reflected in the Initial Elements agreed to at the meeting, is to contribute to regional and international security by:

- promoting transparency and greater responsibility with regard to transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations;
- seeking through national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities;
- complementing and reinforcing, without duplication, the existing control regimes for weapons of mass destruction and their delivery systems, as well as other internationally recognized measures designed to promote transparency and greater responsibility, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where risks are judged greatest; and,
- enhancing cooperation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.

This arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations.

Participating States will control all items set forth in the List of Dual-Use Goods and Technologies and the Munitions List with the objective of preventing unauthorised transfers or re-transfers of these items.

The decision to transfer or to deny a transfer of any item will be the sole responsibility of each Participating State. All measures undertaken with respect to the arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.

The participants agreed detailed arrangements for the creation of a Secretariat in Vienna to facilitate the future work of the Arrangement and agreed to a work program that will expand and enhance the Arrangement in ways that will further its central purposes.

The next Plenary of the Arrangement is scheduled for December, 1996 in Vienna.

The Wassenaar Arrangement
on Export Controls for Conventional Arms
and Dual-Use Goods and Technologies

PRESS STATEMENT

Representatives of the 33 Participating States of the Wassenaar Arrangement* held their second Plenary Meeting in Vienna, Austria on 12 and 13 December 1996.

They noted with satisfaction that all Participating States have now started work on the basis of the Arrangement's Initial Elements.

They reiterated that the central purpose of the Arrangement is to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. They recalled that all measures undertaken with respect to the Arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.

Pursuing this purpose, the Participating States of the Wassenaar Arrangement exchanged information and views on the transfer of arms and dual-use goods and technologies to several regions of the world.

They took note of the recent United Nations Security Council Resolution 1076 (1996) which calls upon all states immediately to end the supply of arms and ammunition to all parties to the conflict in Afghanistan. In the course of the information exchange, it was established that, as a matter of national policy, none of the Participating States transfers arms or ammunition to those parties.

At the Plenary, Participants also discussed the need to promote world-wide adherence to responsible policies regarding transfers of conventional arms and dual-use goods and technologies through outreach to non-members.

The Participants of the Arrangement agreed on the programme of work and budget for 1997, adopted guidelines on confidentiality and provided for the Secretariat in Vienna to support the Arrangement's activities. They welcomed the completion in the nearest future of the premises of the Secretariat as well as the granting of legal status to the Secretariat by the Austrian authorities.

* The Participating States of the Wassenaar Arrangement are:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

**Wassenaar Arrangement
On
Export Controls for Conventional Arms and
Dual-Use Goods and Technology**

December 10, 1997

Public Statement

1. The Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies (WA) was established in July 1996 by 33 Participating States.* Several meetings have been held since then in Vienna, Austria, where the Arrangement is based.
2. During the third Plenary Meeting, which was convened on December 9-10, 1997 under the chairmanship of Ambassador Sohlman (Sweden), the member countries reviewed progress with regard to the implementation of the Arrangement's tasks as defined in the *Initial Elements*. They noted with satisfaction that the Arrangement became fully operational in 1997 and began to play an important role in combating the risks associated with the destabilising accumulation of armaments and sensitive dual-use items, which may undermine international and regional security.
3. The Participating States considered global arms flows and heard information that in 1995 and 1996 non-Wassenaar States imported annually around US \$ 15 billion worth of military equipment. They looked forward to exchanging further information of this nature.
4. The Participating States reaffirmed their commitment to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. They acknowledged the usefulness of sharing information as is done in the non-proliferation regimes. On the basis of views and information exchanged on international arms transfers, they noted potentially destabilising acquisitions of armaments in certain regions.
5. Participating States agreed to conduct a study on criteria for assessing destabilising weapons accumulations. The study will in particular consider what scope there is for increasing the relevant categories for reporting pursuant to paragraph II.5. of the Initial Elements and its goals. The results of the study will be reported to the next Plenary.

Participating States agreed to establish a voluntary process for notifications that go beyond the current 7 categories of arms.
6. The Arrangement agreed to amendments to its Lists to take into account technological developments since the establishment of the Arrangement in 1996. It was further agreed to develop criteria for the selection of sensitive dual-use goods and technologies. The List Review will start in 1998.

* The Participating States of the Wassenaar Arrangement are:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

7. The Participants reiterated the need to exercise maximum restraint when considering licences for the export of sensitive items to all destinations where the risks are judged greatest.
8. They welcomed the interest demonstrated by the international community in WA activities and noted with satisfaction that the Arrangement is now being widely recognised. In particular, the Participating States acknowledged the support for the Arrangement expressed by the Summit of the Eight in Denver (June 1997).
9. They further noted with appreciation the efforts being undertaken by other multilateral export control arrangements and international organisations to contribute to international security and stability through promoting greater responsibility in the transfer of arms and sensitive technologies. In particular, they welcomed the initiatives of the Organisation of American States regarding the convention on firearms and regional arms transparency, the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and other similar encouraging international efforts. In this respect they welcomed and encouraged the initiative of the West African countries in establishing a moratorium on import, export and manufacture of light weapons.
10. Participants exchanged views on means to promote world-wide adherence to responsible policies regarding transfers of conventional arms and dual-use goods and technologies through outreach contacts with non-members. They further appeal to all non-members to support the goals of the Arrangement and agreed to provide more transparency with respect to the activities of the Arrangement through establishing dialogue with these countries as well as with relevant international organisations.
11. Recognising the important role of the Arrangement in contributing to international security and stability, the Participants agreed on the 1998 work programme and budget that provide the necessary organisational basis to further strengthen the functioning of the WA.

WASSENAAR ARRANGEMENT
ON
EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

VIENNA, DECEMBER 3, 1998

PUBLIC STATEMENT

1. The fourth Plenary meeting of the Wassenaar Arrangement (WA) was held December 2-3, 1998 under the chairmanship of Ambassador Staffan Sohlman (Sweden).
2. The Plenary took note of the work carried out in 1998. Participating States considered a number of issues relevant to the WA's purposes, including information on: arms and sensitive technology flows to regions in conflict or otherwise of concern; issues related to specific projects, programmes and end-users of concern; and on diversions and unauthorised transshipments. Participating States also examined global arms import trends and sensitive emerging technologies.
3. Participating States noted with satisfaction the increasing amount of information being exchanged in the WA, allowing them more effectively to develop common understandings of the risks associated with the transfer of arms or sensitive dual-use goods and technologies. The information exchange process is designed to help Participating States achieve the purposes of the WA, *inter alia*, to promote transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. On the basis of information exchanged, Participating States assess the scope for coordinating national control policies to combat the risks associated with transfers. The WA will seek in 1999 to enhance further the value and effectiveness of its information exchange.
4. The WA in 1999 will undertake its first assessment of the overall functioning of the Arrangement, as specified in the Initial Elements. Participating States approved the basic scope and procedures for the assessment.
5. Participating States discussed arms flows to a number of regions where conflict is occurring. Participating States are committed to exercising, as a matter of national policy, maximum restraint when considering licences for the export of arms and sensitive dual-use items to all destinations where the risks are judged greatest, in particular to regions in conflict, and to maintaining national policies consistent with the purposes and objectives of the WA and with relevant decisions adopted by United Nations Security Council and/or other international organisations to which the Participating States may belong.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States. Meetings are held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Portugal, Romania, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States.

6. Participating States approved a study paper on criteria for assessing destabilising weapons accumulations entitled, "Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons." This document, with an explanatory note, is attached.
7. The Plenary authorised further work in the Wassenaar Arrangement on arms transparency, building on the work already undertaken, recognizing the requirement to assess in 1999 the overall functioning of the WA based upon the relevant provisions of the Initial Elements, including paragraph II.5, and the goals of the WA.
8. The WA agreed control list amendments to take into account recent technological developments. The amendments to the lists included elimination of coverage of commonly available civil telecommunications equipment as well as the modernisation of encryption controls to keep pace with developing technology and electronic commerce, while also being mindful of security interests. Participating States also discussed the potential need for the WA and national export control authorities to respond quickly and effectively to the emergence of new technologies.
9. Participating States acknowledged initiatives undertaken in other fora that could be relevant to the WA's objectives. The WA will seek to maintain or establish appropriate contacts with such fora, in order to advance mutual goals and interests and to avoid duplication of effort.
10. The Wassenaar Arrangement welcomed the October 31 Declaration of a Moratorium on the Importation, Exportation and Manufacture of Light Weapons by ECOWAS (Economic Community of West African States) member states. Participating States will undertake an appropriate collaborative role with ECOWAS member states to respect the provisions of the Moratorium and will be open to providing advisory and/or technical assistance in the implementation of the Moratorium.
11. In view of the significant negative impact that excessive accumulations of small arms and light weapons have had in recent, largely sub-national conflicts, and the relevance this has to the WA's objectives, Participating States recognised the importance of implementing responsible export policies and maintaining effective export controls with respect to small arms and light weapons. In particular, they affirmed the importance of exercising vigilance over any transfers of small arms and light weapons to areas of conflict and to prevent their diversion to such areas.

Participating States recognized the utility of exchanging information on issues such as diversionary routes and end-users as a means of helping national enforcement authorities to reduce illicit arms trafficking.

Participating States have taken note of the efforts of a number of international fora that are seeking to contribute to the prevention of excessive accumulations of small arms and light weapons. To increase mutual understanding and to avoid duplication of effort, the WA will be active in communicating to other relevant fora Participating States' commitment to responsible transfer policies and effective export controls on small arms and light weapons. The WA invites other fora to provide relevant information on their activities to the WA.

12. The Participating States confirm that they share the concerns regarding the threat to civil aviation posed by the illicit possession of Man Portable Air Defense Systems (MANPADS) and recognize the need for appropriate measures to prevent such possession. In this connection, the Participating States have agreed to continue the discussion of this issue. In particular, they will consider their national practices and possibly develop guidelines and will report the results of this work to the 1999 Plenary. The Participating States call on all the non-participating end-user States to strengthen their national controls on MANPADS in order to avoid their unauthorised possession and use.
13. Participating States examined technical aspects of their export controls, such as controls on the most sensitive dual-use items, end-use assurances and disposal of surplus military equipment. These discussions are designed to assist Participating States to bring their export controls on arms and sensitive dual-use items to the most effective levels possible.
14. Participating States exchanged views on means to promote, through their outreach contacts with non-Participating States, global adherence to responsible policies and effective controls with respect to international non-proliferation objectives and arms and dual-use transfers. The Plenary reaffirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria.
15. In 1998, the WA completed its secretariat structure by appointing Ambassador Luigi Lauriola (Italy) as the Head of the Secretariat of the Wassenaar Arrangement.

PUBLIC STATEMENT FOR 1999 PLENARY

The fifth Plenary meeting of the Wassenaar Arrangement (WA) was held December 1-3, 1999 under the chairmanship of Ambassador Staffan Sohlman (Sweden).

The Plenary discussed the work carried out in 1999 on a number of issues relevant to the WA's purposes, including: information sharing on arms and sensitive technology flows to regions in conflict or otherwise of concern; issues related to specific projects, programmes and end-users of concern; and on diversions and unauthorised transshipments. Participating States also examined global arms import trends and sensitive emerging technologies.

Participating States reaffirmed their commitment to maintain responsible national policies consistent with the purposes and objectives of the Wassenaar Arrangement; and to maximum restraint as a matter of national policy when considering licensing for the export of arms and sensitive dual-use items to all destinations, where the risks are judged greatest, in particular to regions where conflict is occurring. They noted with concern continuing illicit arms flows to zones of conflict, including to states and parties subject to mandatory UNSC arms embargoes. They also noted with concern licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They decided to continue, on the basis of information exchanged, their discussion of regions where the risks are judged greatest with a view to enhancing the effectiveness of the Wassenaar Arrangement, taking into account the right to self defence of legitimate governments.

The Plenary reiterated its encouragement that Participating States undertake an appropriate collaborative role with ECOWAS Member States to respect the provisions of the ECOWAS Moratorium, and consider providing advisory and/or technical assistance in the implementation of the Moratorium.

Participating States confirmed that they share the concerns regarding the threat to civil aviation, peace-keeping, crisis management, and anti-terrorist operations posed by the illicit possession of Man Portable Air-Defence Systems (MANPADS) and recognised the need for appropriate measures to prevent such possession. In this connection, Participating States agreed to continue discussion of this issue, in particular, with a view to possible development of guidelines.

In addition to its regular annual review, the Plenary concluded the first overall Assessment of the functioning of the Arrangement, which was carried out over the past year in accordance with the 1996 decision by Participating States. The Plenary drew a number of conclusions from this assessment.

Participating States agreed that Wassenaar Arrangement objectives remain valid as laid down in the Initial Elements. It was also agreed that, in line with these goals, the WA should continue to contribute to preventing circumvention of export controls, *inter alia*, by terrorist or organised criminal groups that seek to acquire armaments and dual-use items.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States.

Participating States agreed to improve the efficiency and effectiveness of the General Information Exchange.

Participating States, while deciding not to revise the WA Initial Elements at this point, reaffirmed again the evolutionary nature of the WA, noting the provisions in the Initial Elements for review of particular issues outside an overall assessment.

Participating States, having analysed the agreed criteria for assessing destabilising accumulations of weapons and proposals to improve arms transparency, agreed to elaborate reporting requirements for the exchange of information on arms deliveries. (An amended version of Appendix 3 to the Initial Elements is attached).

Participating States continued to consider and discuss the question of small arms and light weapons transfers, and their illicit trafficking. They reaffirmed the importance of implementing responsible export policies and maintaining effective export controls with respect to small arms and light weapons, and decided to study the issue further as a matter of urgency.

Whilst acknowledging the current practice of voluntary reporting on arms transfer denials on an individual basis and undercuts of such denials, Participating States agreed to study the value of reporting such transfers and denials.

Recognising that the level of transparency in the dual-use pillar is already advanced, Participating States decided to study the possible inclusion of end-user data in denial notifications of Tier One items on the list of dual-use goods and technologies, and of items on Tier Two and its subset of Very Sensitive items.

Participating States agreed to certain control list amendments. They also agreed that the lists should continue to be updated in a timely manner and in accordance with Wassenaar procedures to keep them relevant to security, technological and commercial developments.

Participating States recognised it is important to have comprehensive controls of listed “software” and “technology”, including controls on intangible transfers. Participating States also recognised that it is important to continue deepening WA understanding of how and how much to control those transfers. In this context, Participating States agreed that the possibility of taking national measures should be considered.

Participating States affirmed that there should be strong, effective, transparent and national law-based enforcement of export controls. The elements of export control enforcement include a preventive programme, an investigatory process, penalties for violations and international cooperation.

Participating States reaffirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria for participation.

Participating States agreed to work actively with non-Participating States with a view to contributing to the ability of non-participants to implement responsible national export control policies in line with WA purposes, to establish and enforce effective national export control systems, and to provide support, as appropriate, in meeting criteria for membership by non-Participating States.

It was also agreed that an information exchange at the political/institutional level with other international fora dealing with issues similar to the WA's may be developed not only concerning the areas and nature of each other's activities to avoid duplication of work, or to facilitate complementarity, but also concerning parallel or even joint actions, after comprehensive coordination and preparation.

Members of the Plenary expressed their sincere thanks to Ambassador Staffan Sohlman for his major contributions to the work of the Wassenaar Arrangement during his term in office as Chairman.

The next WA Plenary regular meeting is to be held in Bratislava in November/December 2000. Ambassador Alojz Némethy (Slovakia) will assume the chairmanship as of 1 January 2000.

Vienna, December 3rd, 1999

Public Statement

THE SIXTH PLENARY OF THE WASSENAAR ARRANGEMENT

The sixth Plenary meeting of the Wassenaar Arrangement (WA) was held in Bratislava, 30 November – 1 December, 2000, under the chairmanship of Ambassador Alojz Nemethy (Slovak Republic).

The Foreign Minister of Slovakia, Mr. Eduard Kukan, as host of the Plenary meeting, welcomed participants to Bratislava. He stressed the importance that Slovakia attached to the Wassenaar Arrangement. He also emphasised that the gradual building of mutual trust and broader transparency, which was crucial in today's world, would ensure achieving the common objectives of the Wassenaar Arrangement Initial Elements.

Participating States took note of work done over the year by the General Working Group to improve the efficiency of the General Information Exchange in accordance with the conclusions reached at the 1999 Plenary.

Participating States reaffirmed their commitment to maintain responsible national policies in the licensing of exports of arms and sensitive dual-use items. They noted with concern illicit arms flows to zones of conflict and areas covered by UNSC embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement.

Participating States agreed to continue consideration of practical arms control measures, including of an appropriate collaborative role with ECOWAS member states to respect the provisions of the ECOWAS Moratorium, and of providing advisory and/or technical assistance in the implementation of the Moratorium. They expressed support for the UNSC's efforts to prevent illegal arms transfers to the UNITA forces in Angola.

Participating States reaffirmed their concern about the threat posed by the illicit possession and use of Man Portable Air-Defence Systems (MANPADS) and agreed on elements of export controls* on such weapons.

The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons to prevent destabilising accumulations. Participating States would continue to share information and explore practical measures. The Plenary took note positively of other international efforts including the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects to be held in July 2001, and the work of the OSCE, including its adoption of a document on small arms and light weapons.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

* All these documents will be available on the WA web site: www.wassenaar.org.

The Plenary agreed on non-binding best practices* regarding: the effective enforcement of national export controls; the disposal of surplus military equipment; and the control of exports of items designated as very sensitive.

The Plenary agreed to a number of control list amendments which will be published shortly. Participating States affirmed the importance they attach to timely updating of the lists to keep pace with technology advances while maintaining security interests. The Plenary took note of an indepth study conducted in 2000 on controls of computers and microprocessors.

The Plenary identified other areas for further consideration, including:

- Arms transparency: Participating States agreed to continue study of this topic;
- Arms brokering: Participating States recognised the importance of this issue and agreed to continue to exchange information on national legislation and practices, and discuss possible enforcement measures;
- Intangible transfers: Participating States recognised that it is important to continue deepening Wassenaar Arrangement understanding of how and how much to control such transfers;
- Review of computer and microprocessor controls with a view to further liberalisation, taking into account technology advances and security concerns of Participating States.

On outreach, Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with agreed criteria for participation. Participating States agreed to study the possibility of further contacts with other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

Members of the Plenary thanked Ambassador Alojz Nemethy for his major contributions as Plenary Chairman to the work of the Wassenaar Arrangement.

The next WA Plenary regular meeting is to be held in Vienna in December 2001. Ambassador H. Aydin Sahinbas (Turkey) will assume the Plenary Chairmanship on 1 January 2001.

Bratislava, December 1st, 2000

* All these documents will be available on the WA web site: www.wassenaar.org.

PUBLIC STATEMENT

2001 PLENARY
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

The seventh Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 6-7 December, 2001, under the chairmanship of Ambassador Aydin Sahinbas (Turkey).

In the light of recent international developments, Participating States underlined the importance of strengthening export controls and reaffirmed their commitment to maintain responsible national policies in the licensing of exports of arms and sensitive dual-use items. Recalling UNSC Resolution 1373 (2001), the Plenary agreed that Participating States will continue to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations as well as by individual terrorists, and that such efforts are an integral part of the global fight against terrorism. To make this commitment explicit, they decided to add an appropriate paragraph (paragraph 5 of Part I, "Purposes") to the Initial Elements¹. The Plenary agreed to take concrete steps to give effect to this decision.

Participating States took positive note of the work done during the year to make the General Information Exchange more efficient.

Participating States noted with concern illicit arms flows to zones of conflict and areas covered by UNSC embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They stressed their commitment to support the UNSC's efforts to prevent arms transfers to the UNITA forces in Angola and to terrorist groups operating from and in Afghanistan. Participating States also agreed to continue consideration of practical measures to support regional arms control initiatives, including the ECOWAS Moratorium.

The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons (SALW) to prevent destabilising accumulations and diversion. In this connection, Participating States agreed they would continue to share relevant information and explore practical measures.

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

1 This document will be available on the WA web site: www.wassenaar.org.

Participating States recognised the importance of controlling arms brokering and agreed to continue discussion with a view to elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures.

The Plenary agreed to include two additional sub-categories of military items in mandatory reporting of transfers/licenses granted under Appendix 3 of the Initial Elements: armoured bridge-launching vehicles (under Category 2, sub-Category 2.3)¹ and gun-carriers specifically designed for towing artillery (under Category 3, sub-Category 3.4)¹.

The Plenary also agreed to a number of control list amendments which will be published in due course. Participating States affirmed the importance they attach to timely updating of the lists to keep pace with technology advances while maintaining security interests.

Participating States approved a revised Statement of Understanding on Intangible Transfers of Software and Technology, (which will appear on page 187 of the revised Control List¹).

The Plenary decided to consider ways to develop contacts with non-Wassenaar members, including major arms producers. Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with established criteria for participation, and agreed to develop further contacts with other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

With a view to the work to be undertaken in 2002, the Plenary identified further options for consideration, aiming at increasing the efficiency of export controls.

Members of the Plenary thanked Ambassador Aydin Sahinbas (Turkey) for his major contributions as Plenary Chairman to the work of the Wassenaar Arrangement.

The next regular WA Plenary meeting is to be held in Vienna in December 2002. Ambassador Volodymyr Ohrysko (Ukraine) will assume the Plenary Chairmanship on 1 January 2002.

Vienna, 7 December 2001

PUBLIC STATEMENT

2002 PLENARY
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

The eighth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 11-12 December 2002, under the chairmanship of Ambassador Volodymyr Ohryzko (Ukraine).

Participating States agreed on several significant initiatives to combat terrorism, building on the counter-terrorism commitments agreed at the 2001 Plenary. They intensified their ongoing co-operation to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as by individual terrorists. To this end, they developed new means for sharing information and for implementing concrete actions to strengthen export controls over these items. In their review of the lists of items subject to export controls, Participating States paid particular attention to the terrorism threat, introducing new controls for this purpose. A number of additional proposals aimed at strengthening export controls as part of the fight against terrorism and against illicit transfers were made. In this context, Participating States also agreed to review existing WA guidelines regarding Man-Portable Air Defence Systems (MANPADS) to assess the adequacy of these guidelines in preventing terrorist use of such systems.

Participating States agreed on a major new initiative on small arms and light weapons (SALW) – weapons of choice for terrorists. They adopted a document setting out detailed "best practice" guidelines and criteria for exports of SALW (annexed and will be available on the WA website: www.wassenaar.org). They also agreed to study the adoption of the sub-categories of SALW used in the Organisation for Security and Co-operation in Europe as a basis for reporting of SALW within the Wassenaar Arrangement. The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons (SALW) in order to prevent uncontrolled proliferation, destabilising accumulations and diversion.

Participating States recognised the positive work done during the year to make the Information Exchange more efficient. They expressed concern about illicit arms flows to zones of conflict and areas covered by UN Security Council embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They stressed their commitment to support, by all appropriate means, the efforts of the Security Council to prevent illegal arms transfers to terrorist groups and to all governments and groups under Security Council embargoes.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

Recognising the importance of controlling arms brokering, Participating States adopted a Statement of Understanding on this subject (also annexed and will be available on the WA website: www.wassenaar.org). They agreed to continue elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures, for the purpose of developing a Wassenaar policy on arms brokering.

Participating States considered measures on possible implementation of a catch-all* provision and a denial consultation mechanism. They agreed to include an additional sub-category of military items in mandatory reporting of transfers/licenses granted under Appendix 3 of the Initial Elements.

In order to keep pace with advances in technology and developments in the international security situation, the Plenary emphasised the importance of the timely updating of the control lists and agreed a number of amendments, including strengthened controls on radiation hardened integrated circuits, which will be published shortly.

At the same time, Participating States, in their review of the control lists, sought to take into account other developments, including wide availability and diversity of suppliers. A significant degree of relaxation of export control was introduced for digital computers, for example, along with the decontrol of general-purpose microprocessors. Participating States also worked to make the existing control text more easily understood and more 'user friendly' for commercial exporters and licensing authorities.

Participating States agreed to develop contacts with non-Wassenaar members, including major arms producing countries. Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with established criteria for participation, and agreed to develop further contacts with the UN and other relevant international organisations and other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

Participating States will carry out next year the scheduled wide-ranging review ("Assessment") of the functioning of the Arrangement. This will be the second such review in Wassenaar's history.

Members of the Plenary thanked Ambassador Ohryzko for his major contribution as Plenary Chairman to the work of the Wassenaar Arrangement. They also welcomed the new Head of Secretariat, Ambassador Sune Danielsson, to his first Plenary.

The next regular WA Plenary meeting is to be held in Vienna in December 2003. Ambassador Kenneth C. Brill (United States) will assume the Plenary Chairmanship on 1 January 2003.

Vienna, 12 December 2002

* under which Participating States, as a matter of national policy, would require licensing/authorisation for transfers of non-listed items, under nationally or multilaterally specified circumstances, to certain destinations when the items are intended for a military end use.

PUBLIC STATEMENT

2003 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

The ninth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 10-12 December 2003, chaired by Ambassador Kenneth C. Brill (United States).

This year Participating States carried out a wide-ranging review or "Assessment" of the functioning of the Wassenaar Arrangement. Important steps were taken to enhance export controls on conventional arms and dual-use goods and technologies, with special emphasis on strengthening the capabilities of member governments to combat the threat of terrorism. Building on the results of the Assessment Plenary a Ministerial Statement was adopted emphasising that continued collaboration between Participating States in the Wassenaar Arrangement will make a significant contribution to global security.

The 2003 Plenary approved a number of major initiatives, which break important new ground for the Wassenaar Arrangement and make significant contributions to the fight against terrorism by means of WA export controls. These included tightening controls over Man Portable Air Defence Systems (MANPADS), agreeing to enhance transparency of small arms and light weapons (SALW) transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.

Recognising the continuing threat posed to civil aviation by unauthorised proliferation of MANPADS, Participating States adopted a more comprehensive agreement that includes provision for long-term measures to tighten security over these weapons.** In particular, the measures are aimed at preventing acquisition by and diversion of these weapons to terrorists. Participating States agreed to encourage other states to apply the same strict safeguards to control MANPADS.

The agreement on small arms and light weapons (SALW) reflected concerns that these items can exacerbate regional conflicts and are among the weapons of choice for terrorists. Participating States agreed to expand the scope of mandatory reporting of arms transfers by adding a new category on SALW to Appendix 3 of the Initial Elements.** They also agreed to lower the reporting threshold for transfers of artillery systems.

Participating States agreed to impose strict controls on the activities of those who engage in the brokering of conventional arms by introducing and implementing adequate laws and regulations based on agreed "Elements for Effective Legislation on Arms Brokering."**

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

** This document will be available on the Wassenaar Arrangement website www.wassenaar.org

Concerning end-use oriented controls, Participating States agreed that they should require governmental authorisation for the transfer of non-listed dual-use items to destinations subject to a binding United Nations Security Council (UNSC) arms embargo, any relevant regional arms embargo either binding on Participating States or to which a Participating State has voluntarily adhered, when the items are intended for a military end-use. (See "Statement of Understanding on Control of Non-Listed Dual-Use Items."**)

Participating States agreed to support, by all appropriate means, the efforts of the UNSC to prevent illegal arms transfers to terrorist groups and to all governments and groups under UNSC arms embargoes.

The Plenary agreed to a number of amendments to WA control lists, including strengthened controls on certain types of microwave electronic devices, semiconductor lasers, navigation equipment, etc., which will be published shortly. Participating States, in their review of lists, also took account of advances in technology and market availability. A rationalisation of WA export controls was introduced in areas such as electronic components and telecommunications equipment. Participating States also worked to make the existing control text easier for commercial exporters and licensing authorities to understand and apply. They recognised that greater transparency would be achieved if the "most sensitive" items on WA control lists were more clearly identified.

Participating States agreed to enhance co-operation with a view to better harmonising their export control policies.

Participating States reiterated that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria, which were updated at the Plenary ** (See revised Appendix 4 of the Initial Elements). Participating States actively discussed and agreed to further study in the course of 2004 pending membership applications with a view to examining the possibility of their acceptance on a case by case basis.

The Plenary took steps to broaden the Arrangement's outreach to non-Wassenaar members and to relevant international institutions, e.g. the other export control regimes. Representing Participating States, the Plenary Chairman began meetings in 2003 with some non-Wassenaar members to explain the goals of the Arrangement and to encourage them to apply similar measures.

Members of the Plenary thanked Ambassador Kenneth C. Brill (U.S.) for his major contribution as Plenary Chairman to the work of the Wassenaar Arrangement in 2003, Ambassador Claudio Moreno (Italy) for his leadership during this year's Assessment, and Mr. Ioannis Anastasakis (Greece) for a successful list review. They also thanked the Head of Secretariat, Ambassador Sune Danielsson, and his staff for their support.

Participating States agreed to hold the next assessment of the overall functioning of the WA in 2007. The next regular WA Plenary meeting will take place in Vienna in December 2004. Ambassador Elsa Kelly (Argentina) will assume the Chair of the Plenary on 1 January 2004.

Vienna, 12 December 2003

** This document will be available on the Wassenaar Arrangement website www.wassenaar.org

PUBLIC STATEMENT
2004 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

The tenth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 8-9 December 2004, chaired by Ambassador Elsa Kelly (Argentina). The meeting reviewed the accomplishments of the year and considered further export control measures.

In the course of 2004, Participating States worked diligently to implement and expand upon the progress achieved during the 2003 Assessment Year. At this plenary, they committed themselves to further develop and undertake, as a matter of high priority, measures to implement initiatives e.g. work conducted against terrorism.

The Plenary welcomed the adoption of the UNSCR 1540 by the Security Council on 28 April, 2004.

Participating States noted that the resolution decides that all states shall establish, develop and maintain appropriate and effective export and trans-shipment controls, which is also a primary objective of the Wassenaar Arrangement.

The Wassenaar Arrangement stands ready to respond to any approach from the Chair of the UNSCR 1540 Committee, and Participating States in a position to do so expressed their willingness to provide assistance on the development of effective export controls to those States that request it.

Participating States reaffirmed their intention to intensify efforts to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as viewing them as an integral part of the global fight against terrorism. In this context they also exchanged information on national measures taken in accordance with the 2003 decision to tighten controls on the exports of Man-Portable Air Defence Systems (MANPADS) and called again on other countries to apply similar principles in order to prevent proliferation of these dangerous weapons.

In order to keep pace with advances in technology, market availability and developments in the international security situation, the Plenary agreed to a number of amendments to the control lists, which will be published shortly. Particular attention has been given to items that might be used for terrorism purposes. Participating States also worked actively to make the existing control text more easily understood and 'user friendly' for commercial exporters and licensing authorities.

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

The Plenary welcomed Slovenia as a new Participating State to the Wassenaar Arrangement. Participating States reiterated that the Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria and that pending membership applications will continue to be examined with a view of determining the possibility of their acceptance on a case by case basis.

The Plenary reiterated its intention to broaden the Arrangement's outreach to countries not participating in the Arrangement, other export control regimes and international and regional organizations. Outreach activities in 2004 have also included engagement with industry. Further meetings were held by the Plenary Chair to explain the goals of the Arrangement and to encourage them to apply similar measures. The Plenary agreed to endorse a continuation of these important activities in 2005.

For the first time in WA's history, a major outreach initiative was undertaken in the form of the Outreach Seminar. This successful seminar took place in Vienna on 19 October 2004. Participants represented more than 50 organizations covering a number of non-participating states, non-governmental organizations, academic institutes, the media and industry. The seminar raised awareness of the positive contribution that the WA makes to responsible transfers of conventional arms and dual-use goods and technologies. Participants recognised the importance of the event in increasing the transparency of WA. An important lesson that was taken away by Participating States was the need for greater engagement with industry representatives. Participating States welcomed the Outreach Seminar's success and agreed to another event to be held next autumn in Vienna.

The Plenary thanked Ambassador Elsa Kelly (Argentina) for her major contributions as Plenary Chair to the work of the Wassenaar Arrangement in 2004, Ambassador Seiji Morimoto (Japan) for his leadership of the General Working Group, and Mr. Ioannis Anastasakis (Greece) for a successful Experts Group list-review process in 2003-2004.

The next regular WA Plenary meeting will take place in Vienna in December 2005. Ambassador Dorothea Auer (Austria) will assume the Chair of the Plenary on 1st January 2005. In support of outreach activities the Austrian Chair envisages the launch of a WA publication containing contributions pertaining to various topics of importance to the WA.

Vienna, 9 December 2004

PUBLIC STATEMENT

2005 PLENARY MEETING OF THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The eleventh Plenary meeting of the Wassenaar Arrangement (WA)¹ was held in Vienna, 13-14 December 2005, and was chaired by Ambassador Dorothea Auer (Austria). The meeting reviewed the accomplishments of the year and considered further export control measures.

The Plenary welcomed the participation of Croatia, Estonia, Latvia, Lithuania, Malta and Slovenia in the Plenary for the first time, and admitted South Africa as the first African state to join the Arrangement. The Plenary reiterated that the WA is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria, and noted that membership applications would continue to be examined on a case-by-case basis.

The WA continues to keep pace with advances in technology, market trends and international security developments, such as the threat of terrorist acquisition of military and dual-use goods. The Plenary agreed to a number of amendments to the control lists, including in relation to items of potential interest to terrorists such as jamming equipment and unmanned aerial vehicles. The Plenary agreed to keep under review other items that could pose a threat if acquired by terrorists.

The WA considered growing international concerns about unregulated “intangible” transfers, such as by oral or electronic means, of software and technology related to conventional weapons and dual-use items.

In view of the threat posed by terrorist acquisition of man-portable air defence systems (MANPADS), the Plenary welcomed practical steps by a number of Participating States in implementing Wassenaar Elements for Export Controls of MANPADS, for example through the destruction of stockpiles of such weapons. The Plenary especially encouraged Participating States to promote the Wassenaar Elements on MANPADS to non-WA States.

Following a survey conducted over the past year, the Plenary approved an indicative list of end-use assurances that Participating States commonly require as a condition for export of controlled items. The Plenary agreed to make the list public via the WA website: www.wassenaar.org

¹ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

The WA continues to place a high priority on transparency and outreach to non-Participating States and international organisations, with the aim of promoting the objectives of the Arrangement. Over the past year, the WA conducted outreach to South Africa and China, and further built upon last year's Outreach Seminar by focusing on outreach to industry in WA Participating States, where participants recognized the need for greater engagement with industry. Participating States undertook outreach to other countries in their national capacities.

The Plenary thanked the Chair, Ambassador Dorothea Auer (Austria), for her valuable contributions to the work of the Wassenaar Arrangement in 2005. The Plenary also thanked Minister Suh Chung-Ha (Republic of Korea) for his chairmanship of the General Working Group, Lt. Col. Lászlò Szatmàri (Hungary) for his leadership of the Experts Group list-review process in 2005, and Ms Lisa Wenger (United States) for her leadership of the Licensing and Enforcement Officers' Meeting (LEOM) in 2005. The Plenary extended the appointment of Ambassador Sune Danielsson (Sweden) as Head of the WA Secretariat for a further four years, with the deep gratitude of Participating States for the work of the Ambassador and his staff.

The next regular WA Plenary meeting will take place in Vienna in December 2006. Ambassador Deborah Stokes (Australia) will assume the Chair of the Plenary on 1 January 2006.

Vienna, 14 December 2005

**PUBLIC STATEMENT
2006 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES**

The twelfth Plenary meeting of the Wassenaar Arrangement (WA)*, chaired by Ambassador Peter Shannon of Australia, was held in Vienna on the 5th and 6th of December 2006. This meeting marked the tenth anniversary of the WA, which was established in order to contribute to regional and international security and stability through the promotion of transparency and greater responsibility for transfers of conventional arms and dual-use goods and technologies.

The Plenary brought together the forty Participating States of the WA. With the added participation of South Africa at this year's meeting, the Arrangement now enjoys representation from all continents. The Plenary reiterated that the WA is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria.

The WA continues to keep pace with advances in technology, market trends and international security developments, such as the threat of terrorist acquisition of military and dual-use goods and technologies. In this regard, the Plenary was able to reach agreement on a number of amendments to the control lists, including some in technically complex and challenging areas. The Plenary also agreed to initiate a dialogue between the WA Experts Group and its counterpart from the Missile Technology Control Regime with a view to discussing the control of specific items.

Apart from work on the control lists, and in consideration of growing international concerns about unregulated "intangible" transfers, such as by oral or electronic means, of software and technology related to conventional arms and dual-use items, the Plenary adopted a best practices document. This document, which the Plenary decided to make public on the WA website (www.wassenaar.org), will assist both Participating and non-Participating States alike in responding to the challenges associated with these transfers.

The Plenary also approved a document of *Best Practice Guidelines for the Licensing of Items on the Basic List and Sensitive List of Dual-Use Goods and Technologies*. This document, which will also be made public on the WA website, is intended to assist States in their implementation of effective export controls through guidance on the use of general licences and licence exceptions.

The WA continues to place a high priority on transparency and outreach to non-Participating States and international organisations, with the aim of promoting robust export controls. Over the past year, the WA conducted outreach to a number of non-Participating States and Participating States also undertook outreach in their national capacities.

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

In view of concerns about the acquisition of man-portable air defence systems (MANPADS) by unauthorised users, the Plenary encouraged Participating States to promote the Wassenaar Elements on Export Controls of MANPADS to non-Participating States and expressed appreciation for the Plenary Chair's outreach activities to this end.

As 2007 will be an assessment year, the Plenary established a framework for evaluating the overall functioning of the WA. This framework will guide the Arrangement in weighing its response to existing challenges to the export controls regime, as well as its preparedness for emerging challenges. In addition, the Plenary established several task forces to assist in its review process.

The Plenary reaffirmed the commitment of Participating States to take all appropriate measures to ensure effective implementation of all UNSCR provisions relevant to the purposes of the Wassenaar Arrangement.

The Plenary thanked the Chair, Ambassador Peter Shannon, and his predecessor Ambassador Deborah Stokes, both of Australia, for their valuable contributions to the work of the WA in 2006. The Plenary also thanked Ambassador Rytis Paulauskas (Lithuania) for his chairmanship of the General Working Group, Lt. Col. László Szatmári (Hungary) for his leadership of the Experts Group list-review process over the past two years, and Mr. Egon Svensson (Sweden) for his leadership of the Licensing and Enforcement Officers' Meeting (LEOM) over the past year. Finally, the Plenary expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the WA Secretariat and his staff for ongoing support.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2007. Ambassador Philippe Nieuwenhuys of Belgium will assume the Chair of the Plenary from the 1st of January 2007.

Vienna, 6 December 2006

PUBLIC STATEMENT
2007 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The thirteenth Plenary meeting of the Wassenaar Arrangement^{*}, chaired by Ambassador Cristina Funes-Noppen of Belgium, was held in Vienna on the 4th, 5th and 6th of December 2007. This meeting concluded the third assessment, which is undertaken by the Arrangement every four years to carry out a wide-ranging review and evaluation of its overall functioning and its contribution to regional and international security and stability by preventing destabilising accumulations of conventional arms.

In the context of the assessment, Participating States believed that the Wassenaar Arrangement has kept abreast of the main security challenges and was well-placed, within the realm of its competence, to address the risks posed by conventional arms. Participating States felt that the Arrangement was measuring up well to its purposes as set forth in its Initial Elements. In the framework of the assessment process, the focus was on the following main areas: Best Practices of Export Control Regulations, Re-export Control of Conventional Weapons Systems, Transparency, and Outreach. Participating States agreed that the Arrangement's active operation has allowed them to detect and deny exports incompatible with the Arrangement's goals and promoted effective export controls.

The Arrangement continues to keep pace with advances in technology, market trends and international security developments, such as the threat of terrorist acquisition of military and dual-use goods and technologies. The Plenary agreed to a significant number of amendments to the control lists, including some in technically complex and challenging areas such as on low-light level and infrared sensors. Particular attention has been given to items of potential interest to terrorists such as devices used to initiate explosions and specialized equipment for the disposal of improvised explosive devices as well as equipment that could help protect civil aircraft from Man-Portable Air Defence Systems (MANPADS) attacks. Participating States also worked actively to make the existing control text more easily understood and "user-friendly" for commercial exporters and licensing authorities. Some 2,500 editorial changes were made to the Lists. The Plenary welcomed the first dialogue at the technical level between the Wassenaar Arrangement Experts Group and its counterpart from the Missile Technology Control Regime which took place in 2007. This dialogue was aimed at developing a common understanding of terminology and technical parameters on controls of certain navigation equipment.

In view of continuing international concerns about the acquisition of MANPADS by unauthorised users, the Plenary approved amendments to the *2003 Elements for Export Controls of MANPADS* to ensure its more effective implementation.

^{*} The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see web site: www.wassenaar.org/). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.

Recognising the importance of Section I, paragraph 1 of the Initial Elements and specifically that the WA has been established in order to contribute to regional and international security and stability by, *inter alia*, promoting greater responsibility in transfers of conventional arms thus preventing destabilising accumulations, the Plenary adopted *Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons through Air Transport* containing a series of specific measures that may be taken at national level regarding non-governmental air transport of small arms and light weapons. The Plenary agreed to update the 2002 *Best Practices for Exports of Small Arms & Light Weapons* to bring them in line with language adopted by the UN in 2005 on marking and tracing of small arms and light weapons.

The Plenary agreed to continue to undertake outreach through dialogue with non-Participating States and international organisations relevant to the purpose and objectives of the Arrangement with the aim to also promote, through the sharing of, the Arrangement's best practices related to export controls.

The Plenary approved a *Statement of Understanding on End-Use Controls for Dual-Use Items* which recommends the application of flexible risk management principles to all three phases of end-use controls – pre-licence, application procedure and post-licence – in order to subject sensitive cases to a greater degree of scrutiny.

At its meeting, the Plenary reiterated that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria.

The Plenary thanked the Chair, Ambassador Cristina Funes-Noppen, and her predecessor Ambassador Philippe Nieuwenhuys, both of Belgium, for their valuable contributions to the work of the Arrangement in 2007. The Plenary also thanked Ambassador Christian Braun (Luxembourg) for his chairmanship of the General Working Group, Ms. Martina Feeney (Ireland) for her leadership of the Experts Group list-review process, and Mr. Steven Goodinson (Canada) for his leadership of the Licensing and Enforcement Officers' Meeting (LEOM) over the past year. Finally, the Plenary expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the Wassenaar Arrangement Secretariat and his staff for ongoing support.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2008. Bulgaria will assume the Chair of the Plenary from the 1st of January 2008. Bulgaria has nominated its Permanent Representative to Vienna.

Vienna, 6 December 2007

PUBLIC STATEMENT
2008 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The fourteenth Plenary meeting of the Wassenaar Arrangement*, chaired by Ambassador Chavdar Zhechev of Bulgaria, was held in Vienna on the 2nd and 3rd of December 2008.

In 2008 efforts of the Arrangement focused on implementation of the 2007 Assessment conclusions, a wide-ranging review of the Arrangement's overall function and its contribution to regional and international security and stability.

The Plenary noted the substantive and useful contributions made by Participating States through information sharing on regional issues of concern. The Plenary recognised the importance of further focusing the Regional Views exercise. In order most effectively to address current and future challenges to regional and international security and stability, and underlining the importance of the effective functioning of the WA, the Plenary agreed to conduct a focused effort on, and to include, the issue of destabilising accumulations of conventional arms as an agenda item for future meetings.

In view of the concerns about the acquisition of man-portable air defence systems (MANPADS) by unauthorised users, the Plenary stressed the importance of effective implementation of the WA Elements, the need to continue to monitor the situation closely, and to continue discussion in order to strengthen export controls on MANPADS. The Plenary also encouraged Participating States to continue to promote the Wassenaar Elements on Export controls of MANPADS to non-Participating States.

The Arrangement continues to keep pace with advances in technology, market trends and international security developments, such as the threat of terrorist acquisition of military and dual-use goods and technologies. The Plenary agreed to a significant number of amendments to the control lists, including some in technically complex and challenging areas such as on low-light level and infrared sensors. Particular attention has been given to items of potential interest to terrorists such as charges and devices containing certain explosives. Participating States also worked actively to make the existing control text more easily understood and "user-friendly" for commercial exporters and licensing authorities.

The Wassenaar Arrangement continues to undertake outreach dialogue with non-Participating States and international organisations aimed at promoting and sharing the Arrangement's best practices related to export controls, and raising awareness of the Wassenaar Arrangement and its work. In 2008, outreach activities have included post-Plenary briefings, interaction with industry and bilateral outreach to China, Israel and Belarus.

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see web site: www.wassenaar.org/). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.

At its meeting, the Plenary reiterated that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to those states who comply with the agreed criteria.

The Plenary thanked the Chair, Ambassador Chavdar Zhechev of Bulgaria for his valuable contribution to the work of the Arrangement in 2008. The Plenary also thanked Ambassador Nils Jansons (Latvia) for his chairmanship of the General Working Group, Ms. Martina Feeney (Ireland) for her leadership of the Experts Group list-review process over the past two years, and Mr. Steven Goodinson (Canada) for his leadership of the Licensing and Enforcement Officers' Meeting (LEOM) over the past two years. Finally, the Plenary expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the Wassenaar Arrangement Secretariat and his staff for ongoing support.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2009. Canada will assume the Chair of the Plenary from the 1st of January 2009. Canada has designated Ambassador Marie Gervais-Vidricaire, its Permanent Representative to the International Organisations in Vienna, as the Plenary Chair.

Vienna, 3 December 2008

PUBLIC STATEMENT

2009 PLENARY MEETING

OF

THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR

CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The fifteenth Plenary meeting of the Wassenaar Arrangement¹, chaired by Ambassador John Barrett of Canada, was held in Vienna on 2 and 3 December 2009.

In 2009 efforts of the Arrangement continued to focus on the Arrangement's overall functioning and its contribution to regional and international security and stability. The Plenary reaffirmed the importance of a focused Regional Views exercise based on substantive and useful information sharing among Participating States.

Further discussions took place on the issue of destabilising accumulations of conventional arms in order to address current and future challenges to regional and international security and stability. The Plenary decided to continue discussions on this issue. Work on developing Best Practices Guidelines continued.

The Arrangement continues to keep pace with advances in technology, market trends and international security developments involving the spread of military and dual-use goods and technologies. The Plenary agreed to a significant number of amendments to the control lists, including some in technically complex and challenging areas such as Security of Information (encryption) and reception equipment for Global Navigation Satellite Systems. Participating States also worked actively to make the existing control text more easily understood and "user-friendly" for exporters and licensing authorities.

The Wassenaar Arrangement continues to undertake outreach dialogue with non-Participating States and international organisations aimed at promoting and sharing the Arrangement's best practices related to export controls, and raising awareness of the Wassenaar Arrangement and its work. In 2009, outreach activities have included post-Plenary briefings, interaction with industry and bilateral outreach to a number of non-Participating States. The Plenary decided to conduct a technical briefing on changes to the Wassenaar Arrangement Control Lists for several non-Participating States in 2010.

At its meeting, the Plenary reiterated that the Wassenaar Arrangement is open to membership to all states who comply with the agreed criteria.

The Plenary thanked the Chair, Ambassador John Barrett (Canada) for his valuable contribution to the work of the Arrangement in 2009. The Plenary also thanked Ambassador Alphons Hamer (Netherlands) for his chairmanship of the General Working Group, Mr. Diego Martini (Italy) for his leadership of the Experts Group List

¹ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see web site: www.wassenaar.org/). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.

Review process and Mr. Jürgen Böhler (Switzerland) for his leadership of the Licensing and Enforcement Officers' Meeting (LEOM). Finally, the Plenary expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the Wassenaar Arrangement Secretariat and his staff for ongoing support.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2010. Switzerland will assume the Chair of the Plenary from 1 January 2010 and has designated Ambassador Bernhard Marfurt, its Permanent Representative to the International Organisations in Vienna, as the Plenary Chair.

Vienna, 3 December 2009

PUBLIC STATEMENT
2010 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The sixteenth Plenary meeting of the Wassenaar Arrangement¹, chaired by Ambassador Thomas Greminger of Switzerland, was held in Vienna on 9 and 10 December 2010.

In 2010, the Arrangement continued its work in supporting international and regional security and stability. Further discussion took place during 2010 on the issue of destabilising accumulations of conventional arms. The Plenary confirmed that 2011 will be an Assessment year, a wide-ranging exercise undertaken by the Arrangement every four years to review and evaluate its overall functioning.

The Arrangement continues to keep pace with advances in technology, market trends and international security developments. The Plenary agreed to a substantial number of amendments to the control lists addressing technically complex and challenging issues. Attention was also given to new commercial developments related to counter-terrorism. Participating States also worked to make the existing control text more easily understood and “user-friendly” for exporters and licensing authorities.

The Wassenaar Arrangement continues to undertake outreach in support of its aims and objectives, in particular through post-Plenary briefings, interaction with industry and bilateral dialogue with non-Participating States. The Plenary decided to offer another technical briefing on recent changes to the Wassenaar Arrangement control lists for a number of non-Participating States in 2011.

The Plenary reiterated that the Wassenaar Arrangement is open to membership to all states who comply with the agreed criteria.

The Plenary thanked the Chair, Ambassador Thomas Greminger (Switzerland), and his predecessor, Ambassador Bernhard Marfurt, for their valuable contribution to the work of the Arrangement. The Plenary also thanked Ambassador Jan Petersen (Norway) for his Chairmanship of the General Working Group, Mr Diego Martini (Italy) for his leadership of the Experts Group list-review process over the last two years and Mr Jürgen Böhler (Switzerland) for his leadership of the Licensing and Enforcement Officers’ Meeting (LEOM) over the last two years. The Plenary also expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the Wassenaar Arrangement Secretariat and his staff for their ongoing support.

¹ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see website: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2011. The Czech Republic will assume the Chair of the Plenary from 1 January 2011, and has designated Ambassador Veronika Kuchyňová Šmigolová, its Permanent Representative to the International Organisations in Vienna, as the Plenary Chair. In addition, from 1 January 2011, New Zealand will assume the Chairmanship of the General Working Group, Japan will assume the Chairmanship of the Experts' Group and the Netherlands will assume the Chairmanship of the LEOM.

Vienna, 10 December 2010

PUBLIC STATEMENT
2011 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The seventeenth Plenary meeting of the Wassenaar Arrangement,⁴ chaired by Ambassador Veronika Kuchyňová Šmigolová of the Czech Republic, was held in Vienna on 13 to 14 December 2011. This meeting concluded the fourth assessment undertaken by the Arrangement to carry out a wide-ranging review and evaluation of its overall functioning and its contribution to regional and international security and stability.

Since the last assessment in 2007, the Arrangement has kept pace with advances in technology and market trends. It has continued its efforts to contribute to international and regional security and stability, although it was recognized that further work was needed to address new challenges. Participating States have continued to work to make the existing control lists more readily understood and user-friendly for licensing authorities and exporters, and to ensure the detection and denial of undesirable exports. Significant efforts have been undertaken to promote the Arrangement and to encourage voluntary adherence to the Arrangement's standards by non-Participating States.

The Plenary adopted *Best Practices Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies*, *Best Practices Guidelines on Subsequent Transfer (Re-Export) Controls for Conventional Weapons Systems*, revised *Elements for Objective Analysis and Advice concerning Potentially Destabilising Accumulations of Conventional Weapons*, and *Elements for Controlling Transport of Conventional Arms between Third Countries*, and introduced a number of amendments to the control lists.

The Wassenaar Arrangement continues to undertake outreach in support of its aims and objectives, in particular through post-Plenary briefings, interaction with industry and bilateral dialogue with non-Participating States. The Plenary decided to offer another technical briefing on recent changes to the Wassenaar Arrangement control lists for a number of non-Participating States in 2012.

The Plenary reiterated that the Wassenaar Arrangement is open for membership to all states in compliance with the agreed criteria.

The Plenary thanked the Chair, Ambassador Veronika Kuchyňová Šmigolová (Czech Republic) for her valuable contribution to the work of the Arrangement. The Plenary also thanked Ambassador Philip Griffiths (New Zealand) for his Chairmanship of the General Working Group, Mr Toshiki Wani (Japan) for his leadership of the Experts Group list-review process and Mr Bart van Hezewijk (Netherlands) for his leadership of

⁴ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see website: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States.

the Licensing and Enforcement Officers' Meeting (LEOM) over the last year. The Plenary also expressed its appreciation and gratitude to Ambassador Sune Danielsson (Sweden) as Head of the Wassenaar Arrangement Secretariat and his staff for their ongoing support.

The next regular Wassenaar Arrangement Plenary meeting will take place in Vienna in December 2012. Germany will assume the Chair of the Plenary from 1 January 2012, and has designated Ambassador Rüdiger Lüdeking, its Permanent Representative to the International Organisations in Vienna, as the Plenary Chair. In addition, from 1 January 2012, Poland will assume the Chairmanship of the General Working Group, Japan will continue to chair the Experts' Group and The Netherlands will continue to chair the LEOM.

Vienna, 14 December 2011

STATEMENT
BY
THE PLENARY CHAIR OF THE WASSENAAR ARRANGEMENT

At the December 2004 Plenary, in addition to welcoming Slovenia to the Wassenaar Arrangement, Participating States mandated the 2005 Plenary Chair to continue consultations on other pending membership applications.

These consultations resulted in decisions, taken in April-June 2005, to admit also Croatia, Estonia, Latvia, Lithuania and Malta to the Wassenaar Arrangement as new Participating States.

Vienna, 29 June 2005

STATEMENT

BY

THE PLENARY CHAIR OF THE WASSENAAR ARRANGEMENT

Effective 25 January 2012, the necessary procedures for joining the Wassenaar Arrangement having been completed, Mexico became the 41st Participating State in the Arrangement.*

Vienna, 25 January 2012

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established on the basis of the Initial Elements adopted in July 1996 (see website: www.wassenaar.org). Meetings are held in Vienna, Austria, where the Arrangement is based. Currently the Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States.

**OUTREACH SEMINAR
19 October 2004**

Press Statement

On 19 October, more than 130 leading export control specialists and representatives from more than 35 countries were welcomed by Japan's Ambassador Yukio Takasu to a day-long outreach seminar "The Wassenaar Arrangement: Responsibility, Transparency and Security" hosted by the Japanese Permanent Mission to International Organizations in Vienna and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Arrangement is designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.

Seminar participants represented more than 50 organizations covering non-governmental organizations, think-tanks, academic institutes, industry and the media, together with representatives from a number of non-Wassenaar countries.

The aim of the seminar was to raise awareness of the positive contribution that the Wassenaar Arrangement makes to responsible transfers of conventional arms and dual-use goods and technologies.

Seminar speakers included Ambassador Elsa Kelly (Argentina), the present Plenary Chair of the Wassenaar Arrangement, and its Head of Secretariat, Ambassador Sune Danielsson, and representatives from Wassenaar Participating States. Presentations covered the Arrangement's history, method of work, conclusions of the 2003 Assessment of its functioning, including its renewed focus on terrorism, current activities and areas of on-going negotiation. Other topics included the export control lists and how the lists are reviewed, arms brokering, work on small arms and light weapons and its ground-breaking work on shoulder-held anti-aircraft missiles or MANPADS. Participants from leading think tanks and NGO's also contributed their perspectives on arms export control issues, and how the Arrangement and civil society might enhance their cooperation.

The Arrangement is considering possible follow-up events.

WASSENAAR ARRANGEMENT OUTREACH SEMINAR

Vienna, October 3, 2005

Press Statement

On October 3, 2005, approximately 150 business representatives and government officials from WA countries participated in the Wassenaar Arrangement's "Outreach to Industry" seminar, hosted by the Permanent Mission of Japan to International Organizations in Vienna.* Seminar participants included representatives of over 50 companies involved in the production of and trade in conventional arms and dual-use goods and technologies, as well as think-tanks, export control authorities of Wassenaar Arrangement member countries, and academic institutions.

The aim of this second Wassenaar Arrangement seminar was to provide for a professional exchange of views and sharing of national experiences with the aim of strengthening the effectiveness of export controls.

After opening remarks by Ambassador Seiji Morimoto of Japan, Ambassador Dorothea Auer of Austria (Wassenaar's 2005 Plenary Chair), and Ambassador Sune Danielsson, Head of the Wassenaar Secretariat, representatives of industry and governments participated in panel discussions focused on key issues relating to sensitive dual-use exports (List Review procedures, Control of Non-Listed Items, End-Use assurances, Emerging Technologies, Intangible Transfers of Technology, Internal Control Programmes) and trade in conventional armaments (Prevention of Destabilizing Accumulation of Arms, Small Arms and Light Weapons, including Man-Portable Air-Defense Systems, Control of Arms Brokering, Extra-Territorial Application of national Laws). The panels were followed by a roundtable discussion on experiences of industries with regard to compliance with export control requirements.

* The Vienna-based Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) is designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items (see www.wassenaar.org for details).

**Ministerial Statement
Vienna, Austria
December 12, 2003**

Ministers of the thirty-three Participating States in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies are pleased that the quadrennial assessment of the functioning of the Arrangement has concluded with several important agreements to advance further the Wassenaar Arrangement's non-proliferation and international security and stability goals.

We wish to reaffirm the importance of the Wassenaar Arrangement as one of the pillars of multilateral efforts towards peace and stability. We believe agreements reached in the context of the Wassenaar Arrangement can play a critical role in preventing the diversion of legal arms transfers and in promoting responsible national export control policies for conventional arms and dual-use goods and technologies. In this context, we strongly endorse multilateral efforts to develop strict controls on the transfer of Man-Portable Air Defense Systems (MANPADS) that continue to pose one of the most serious threats to the safety of international civil aviation.

As we look ahead and consider future threats to international security and stability, we are convinced that countries committed to a stable international order must work together closely to prevent conventional weapons and sensitive dual-use technologies from being used to perpetrate terrorist acts. Terrorists must be stopped from diverting weapons from legitimate channels. Building upon the momentum developed during the 2003 Assessment, we believe that continued collaboration between the Participating States of the Wassenaar Arrangement will make a significant contribution to global security.

MINISTERIAL STATEMENT

Wassenaar Arrangement Tenth Anniversary Commemoration

December 7, 2006

Ministers of the Participating States in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies are pleased to commemorate the tenth anniversary of the Arrangement's first Plenary meeting in 1996. The Arrangement was established at Wassenaar, The Netherlands in December 1995. During the past decade the Wassenaar Arrangement has made significant contributions toward regional and international security and stability by promoting transparency and greater responsibility in the transfer of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.

The Wassenaar Arrangement now consists of forty Participating States, seven having joined since 1996. The Arrangement has pursued outreach activities with non-participating countries and other international organizations in order to promote effective national export control procedures. The establishment of a Secretariat in Vienna, a centre of international non-proliferation efforts, has contributed to the fulfilment of the Arrangement's overall objectives.

We wish to reaffirm the importance of the Wassenaar Arrangement's role as a multilateral institution that makes an important contribution to regional and international security and stability. It is important to note that Wassenaar's work goes beyond controlling exports of sensitive goods. The Participating States in the Arrangement have also achieved substantial success in ensuring that new technologies with potential military application are not diverted to unauthorized end-users. As technology advances, the countries of the Wassenaar Arrangement will continue this important work.

Another important element of the Arrangement's work is promotion of international transparency and responsibility through such instruments as *Best Practice Guidelines for Exports of Small Arms and Light Weapons*, *Elements for Effective Legislation on Arms Brokering*, and *Elements for Export Controls of Man-Portable Air Defence Systems*. Participating States also resolve to continue working toward effective international compliance with United Nations Security Council arms embargoes and to support UN efforts to prevent the illicit trade in small arms and light weapons in all its aspects.

2007 will be the next Assessment year for the Wassenaar Arrangement. We approach the Assessment determined to build on the progress already achieved. On behalf of all Participating States we reaffirm our commitment to pursue with renewed vigour the ideals upon which the Wassenaar Arrangement was founded a decade ago. Our strong support for robust export controls around the world will ensure the continued relevance of the Wassenaar Arrangement.

INDEX

A

- Air Transport, Preventing Destabilising Transfers of SALW through. *See* Best Practice Guidelines
- Arms (conventional). *See* Control Lists and Notifications/Reporting
- Arms Brokering/Brokers, 29, 32, 35–36, 63
- Arms Transportation Between Third Countries, 53
- Assessment (of overall functioning of the WA), 89, 90, 99, 100, 107, 113

B

Best Practice Guidelines

- Air Transport, Preventing Destabilising Transfers of SALW through, 41–54
- Arms Brokering, Effective Legislation on, 35–36
- Destabilising Accumulations of Conventional Weapons, Elements for Objective Analysis and Advice, 21–25
- Dual-Use Items, End-Use Controls for, 73–77
- Effective Enforcement, 61–62
- End-Use Assurances Commonly Used, 55–56
- Extreme Vigilance, Very Sensitive List Items, 59
- Intangible Transfer of Technology (ITT) Controls, Implementing, 39–40
- Internal Compliance Programmes for Dual-Use Goods and Technologies, 43–44
- Licensing of Items on the Basic and Sensitive Lists, 71–72
- MANPADS, Elements for Export Controls of, 31–34
- Non-Listed Dual-Use Items, Control of, 37
- Re-export Controls for Conventional Weapons Systems, 51–52
- Small Arms and Light Weapons (SALW), Exports of, 27–29
- Surplus/Demilitarised Military Equipment, Disposal of, 57
- Transportation of Conventional Arms between Third Countries, Elements for Controlling, 53–54

C

- Catch-All. *See* Non-listed dual-use items
- COCOM (Co-ordinating Committee), 3
- Confidentiality, 12, 62, 81
- Control Lists
 - Dual-Use/Basic List, 10, 11, 14, 67, 71–72
 - Munitions List (ML), 10
 - Sensitive List (SL), 9, 10, 11, 14, 68, 71–72
 - Very Sensitive List (VSL), 10, 11, 14, 59, 69
- Criteria
 - For the selection of dual-use goods for Control List, 11, 67–68
 - For WA membership, 2, 12, 18

D

- Denial, 1, 9, 11, 14, 37, 90
- Destabilising Accumulations of Conventional Arms, 1, 8, 11, 21, 41
- Dual-Use Goods and Technologies. *See* Control Lists and Criteria

E

- End-use
 - End-use Assurances, 32, 55, 73–77
 - End-use oriented controls. *See* Non-listed dual-use items
- Experts Group (EG). *See* Public Statements

G

- General Information Exchange. *See* Information Exchange
- General Working Group (GWG). *See* Public Statements

H

- Head of (Wassenaar Arrangement) Secretariat, 87, 98, 104
- High Level Meeting, 3

I

Information Exchange - See also Notifications/Reporting

General, 11, 13, 36, 37

Specific, 1, 14–17, 32

Initial Elements, 8–19

Intangible Transfers of Technology (ITT), 39, 96

Internal Compliance Programmes (ICP), 43

L

Licensing and Enforcement Officers' Meeting (LEOM). *See* Public Statements

M

Man-Portable Air Defence Systems (MANPADS), 17, 31–34

Meetings and Administration, 12

Membership (of the WA). *See* Participating States and Criteria

Munitions List. *See* Control Lists

N

New Forum, 3

Non-listed dual-use items, 37, 65, 100

Notifications/Reporting

arms transfers, 1, 9, 12, 15–17, 32, 90

dual-use transfers/denials, 1, 11, 14

undercut, 9

voluntary, 9, 90

O

OSCE (Organization for Security and Cooperation in Europe), 27, 28, 35, 93

Outreach, 2, 84, 102, 104, 109, 111, 121, 123

P

Participating States, 1, 3, 105

Plenary Chair. *See* Public Statements

Plenary/Plenary Meeting (PLM), 3, 5, 12

Purposes (of the Wassenaar Arrangement), 8

R

Re-export, 28, 29, 32, 51, 56, 59, 77

Regional Views, 11

Reporting. *See* Notifications

S

Scope (of the Wassenaar Arrangement), 10

Secretariat (of the WA), 5, 12

Sensitive List (SL). *See* Control Lists

Small Arms and Light Weapons (SALW), 17, 27–29, 41

Specific Information Exchange. *See* Information Exchange

Surplus/Demilitarised Military Equipment, Disposal of. *See* Best Practice Guidelines

T

Terrorism, 8, 95, 97, 99

U

Undercuts. *See* Notifications

United Nations Register of Conventional Arms, 1, 12

United Nations Security Council (UNSC) resolutions/embargoes, 37, 81, 93, 95

V

Very Sensitive List (VSL). *See* Control Lists

W

Weapons of Mass Destruction (WMD), 1, 8