



Frequently Asked Questions

RUSSIAN EXPORT CONTROL OF DUAL-USE ITEMS

2020

FAQ ON RUSSIAN EXPORT CONTROL OF DUAL-USE ITEMS

This document summarizes the statutory requirements on the exportation of dual-use items from Russia, and does not contain information on the exportation of military items.



Q 1. What are the key competent authorities responsible for export control over dual-use items?

The main Russian body responsible for export control over dual-use items is the Russian Federal Service for Technical and Export Controls (FSTEC). The FSTEC is responsible for the (i) issuance of export licenses, export permits, etc.; (ii) field (on-site) audits of Russian exporters/foreign trade participants; and (iii) accreditation of test laboratories performing independent expert examinations of dual-use goods and technologies.

In relation to weaponry and military items, the Federal Service for Military and Technical Cooperation is responsible for the issuance of import and export licenses in coordination with the Ministry of Defense (MoD) and other Russian governmental authorities.

The Federal Customs Service is responsible for customs clearance and customs control over the controlled items at the customs border, including post-clearance customs control and customs audits.



Q 2. What are the main regulations in the sphere of export control?

Russia is a party to a number of international treaties on export controls. Russia's national regulations are primarily based on these international treaties, particularly on the Wassenaar Arrangement on Export Controls for Conventional Arms and

Dual-Use Goods and Technologies (1995), and the other conventions (except for the Australian Group). Russian laws on export controls are primarily based on the Wassenaar regulations, but they differ in some details.

Federal Law No. 183-FZ "On Export Controls" dated 18 July 1999 ("**Export Control Law**") is the main legal act that establishes the basic principles of Russian export control and implements regulations on export control licensing and supervision.



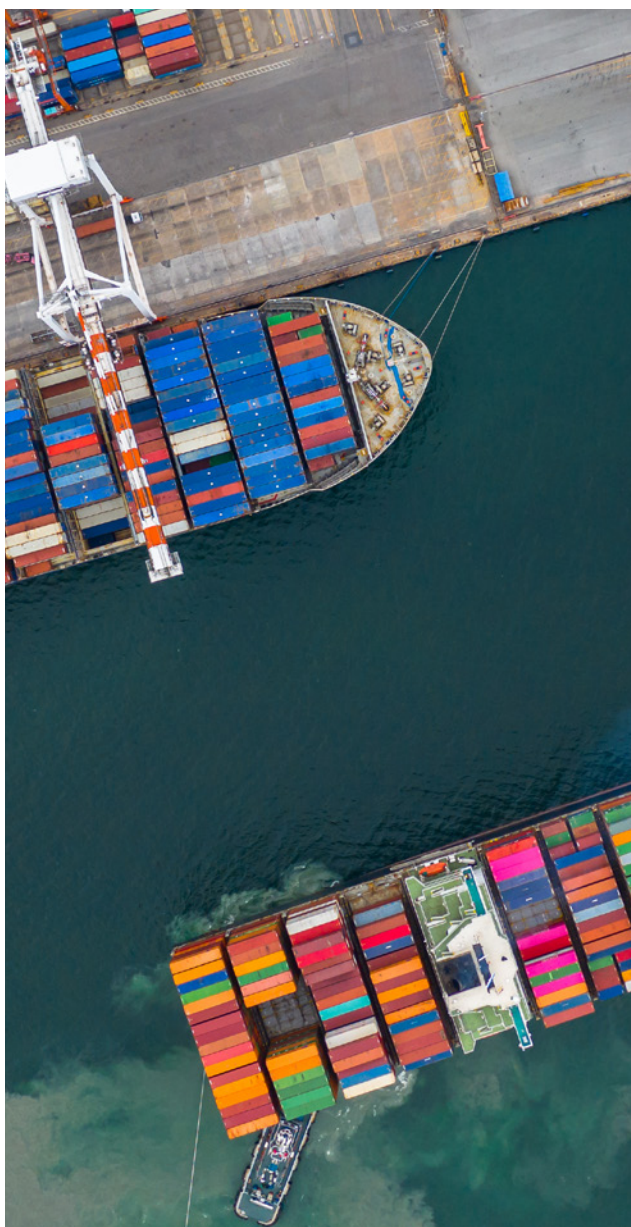
Q 3. What are the lists of controlled items?

Being a Wassenaar country, for export control purposes Russia has established its internal lists of controlled items. A number of presidential decrees established the Russian lists of dual-use and other controlled items. Currently, Russia applies the following lists of controlled items:

- list of dual-use items;
- list of nuclear materials, equipment and special non-nuclear materials and relevant technologies;
- list of equipment and materials of dual-use and relevant technologies designated for the nuclear sphere;
- list of equipment, materials and technologies that can be used for the creation of missile weapons;

- list of chemicals, equipment and technologies that can be used for the creation of chemical weapons;
- list of microorganisms, toxins, equipment and technologies subject to export control;
- list of weapons and military items.

These lists are mainly based on the Wassenaar and other international conventions in the sphere of export control, but they are different in certain details and do not fully coincide with the controlled lists of goods of other countries, including the US and the EU.



Q 4. Scope of the Russian export control regulations — what is controlled?

Pursuant to the Law on Export Controls, controlled items may include: raw materials, materials, equipment, scientific and technical information (i.e., technology), results of intellectual activity and IP rights, performance of works, provision of services that, by virtue of their specifics and peculiarities, can have a substantial impact on the creation of weapons of mass destruction, delivery means, other types of arms and military equipment. Therefore, the scope of items is very broad.

Russian export controls apply to any items falling under the controlled lists mentioned in Q 2 above. The exportation of such items from Russia would be subject to special export control clearance, i.e., the exporter of record would need to obtain an export license/permit. The importation of certain types of dual-use items is also subject to export control requirements.

Russian export controls also establish a "**catch-all**" clause/principle (or comprehensive export control), when the Russian exporters of record must obtain an export control license for items that do not fall under any of the controlled lists, but the exporters understand that the end-user will or could apply such items for military end-use purposes.

Russian export control applies to any possible type of transaction of controlled items with any foreign persons (i.e., individuals or legal entities), including intangible transfers. This may include physical shipments of dual-use goods; hand carries by individuals; and intangible transfers by means of: electronic correspondence, intranet, electronic downloads, fax, telephone, even via video conferencing, etc.



Q 5. How do we determine whether products are subject to export control?

Goods are listed in the controlled lists primarily by description and customs classification (HS) codes. Some of the controlled items can be additionally classified by description, technical characteristics and/or sphere of application. The controlled lists also establish special notes and statutory exemptions for certain types of products.

In unclear/ambiguous situations, when a self-identification review does not allow one to precisely establish whether the Russian export control should apply or not, exporters of record may perform an internal self-identification review of the contemplated transactions or get an independent expert's examination of goods by approaching either (i) the FSTEC or (ii) independent testing laboratories accredited by the FSTEC.

An FSTEC examination is free of charge. The procedure is outlined on the FSTEC's official website (in the Russian language) at: fstec.ru.

Alternatively, an independent expertise of contemplated transactions can also be performed by an independent testing laboratory accredited with the FSTEC for a fee. The main advantage of this option is the short time lines (approximately one-two weeks). The list of independent test laboratories is provided on the FSTEC's website (in the Russian language) at: fstec.ru.



Q 6. What types of export control licenses can be required?

There are two types of export control licenses: (i) one-shot license; and (ii) general license.

A one-shot license is issued for one contract and a particular quantity of goods. A one-shot license indicates the country of final destination, the shipper (seller) and the buyer (recipient).

The issuance of one-shot licenses requires a preliminary state expert examination of the transaction by the FSTEC. The maximum term of validity of one-shot licenses is one year, which may be extended for an additional one-year term.

A general license is issued for particular types of controlled items, for a maximum possible quantity of controlled items. A general license indicates the country of final destination, but it does not indicate the buyer (recipient). General licenses are only available for Russian legal entities that have established an internal program for export control and obtained special state accreditation with the FSTEC. The issuance of general licenses requires the prior approval of the Russian government. General licenses are issued for an unlimited term (depending on the quantity/volume of items).



Q 7. What is the procedure for obtaining an export license?

When applying for a license, an applicant should submit the established set of documents to the FSTEC.

A one-shot export license should be issued within 12 business days after the date on which the FSTEC receives the application. If the set of documents is incomplete, the FSTEC will ask the applicant to provide the missing documentation. In this case, consideration of the application will be suspended.

A general export license should be issued within six business days after the FSTEC receives the application. The issuance of general export licenses requires the prior approval of the Russian government. The total period for preparing the draft decisions on the issuance of general export licenses, their approval and consideration by the Russian government can be up to 60 days.



Q 8. When are export control permits required?

In certain cases, the transfer of dual-use items to foreign persons requires the issuance of an export permit rather than an export license. The list of cases when export permits are required includes the following:

- temporary exportation, without the transfer of the controlled items to foreign persons;
- in situations of comprehensive (catch-all) control, i.e., when a Russian exporter of record has reasons to believe that the contemplated goods (technologies) can be used for the creation of weapons of mass destruction or their delivery vehicles, other types of weapons and military equipment, or are acquired interests of persons in respect of whom there is information about their participation in terrorist activities.



Q 9. Are there other documents required for export control purposes?

The Russian importer of record/end-user is also authorized to obtain and could provide the foreign exporter of record with any of the following documents:

- **Russian import certificate** — can be issued by the FSTEC for goods classified as Russian dual-use items;
- **Delivery confirmation certificate** — can be issued by the Russian customs authorities after the product's importation;
- **End-user certificate** — can be issued by the Russian end-user.

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