

Statement of Understanding¹
on
Intangible Transfers* of Software and Technology

(Agreed at 2001 Plenary)

Participating States recognise that it is important to have comprehensive controls on listed "software" and "technology", including controls on intangible transfers. National export control legislation should therefore permit controls on transfers of listed "software" and "technology" irrespective of the way in which the transfer takes place.** Participating States also recognise that it is important to continue the mutual exchange within the Wassenaar Arrangement on the experiences gained concerning the implementation and enforcement of these national provisions on the control of intangible transfers. New developments should thus be taken into account in order to meet all risks connected with this issue.

* "Transfers" in this context is understood in the sense of the Initial Elements. The term covers exports from one country to another.

** "irrespective of the way in which the transfer takes place" means, at a minimum:

- tangible transfers
- intangible transfers via transmission of listed software and technology by electronic media, fax or telephone.

¹ This Statement of Understanding was approved for inclusion in the Control Lists in 2001 and appears on page 196 of WA-LIST (03) 1.