

## **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.