

GUIDELINES FOR APPLICANT COUNTRIES

(Agreed at the 2014 Plenary)

The Wassenaar Arrangement plays a significant role in contributing 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 destabilizing accumulations.

There is increasing worldwide recognition of the importance of having effective national export control systems. The UN Arms Trade Treaty requires countries to create and enforce a national export control system. This Treaty highlights the importance of effectively regulating international trade of conventional weapons in order to successfully avert illicit trafficking and prevent proliferation.

The Participation Criteria cited in Appendix 4 of the Initial Elements refer to the ability of an Applicant Country to positively contribute to the purposes of the Arrangement in terms of, *inter alia*, the following factors:

- i) whether it is a producer or exporter of arms or industrial equipment respectively,
- ii) whether it has taken the Wassenaar Arrangement control lists as a reference in its national export controls,
- iii) its non-proliferation policies and appropriate national policies,
- iv) its adherence to fully effective export controls.

Due to the great diversity of legal and administrative systems worldwide, there is no single method to present the legal basis and operating structure of an export control system in order to be considered a potential Participating State to the Wassenaar Arrangement.

Therefore, the purpose of this document is to share with Applicant Countries concrete elements and aspects that may help guide them in their process of seeking admission to the Wassenaar Arrangement, as well as serve as a guide for Applicant Countries to conduct an internal review of current domestic capabilities and identify the strengths and weaknesses of all the activities and components encompassed by the national export control system, in order to target areas that might require further work.

Applicant Countries are encouraged to provide information regarding their capacity to fulfill the Wassenaar reporting obligations, their commitment to engage in transparent exchanges of information, and their willingness to abide by the confidentiality principles included in the Initial Elements. Transparency will allow Participating States to reach their own informed decisions, at their discretion, on the merit of each application.

Applicant Countries are encouraged to provide information in their candidacy dossier on the following non-exhaustive list of elements:

1. Industrial capacity and export/import profile

- Conventional arms and dual use goods potentially subject to Wassenaar controls that are produced by the country.
- Number of conventional arms and dual use export licenses that have been issued over the last few years.
- Countries of destination of the Applicant Country's exports subject to Wassenaar controls.
- Information regarding the role of the country as transit and transshipment country for trade of Wassenaar controlled items.

2. National export controls and non-proliferation laws and regulations

- Description of laws and regulations to control the transfer (exporting, importing, transit, transshipment, re-export and brokering) of conventional arms, dual use goods, munitions, software and technology based on the Wassenaar Arrangement Lists, including catch-all measures.
- Procedures to incorporate, and regularly update, the Wassenaar Arrangement Lists into the domestic legal framework.

3. National licensing policies, law enforcement and internal coordination

- Ability to ensure, through its national policies, that transfers of conventional arms and dual-use goods and technologies do not contribute to undermining international security and stability.
- Overview of the interagency coordination process, detailing the actors involved, and assignment of roles and responsibilities available to ensure compliance with the Wassenaar Arrangement objectives.
- Overview of the licencing process, how it operates and its requirements, as well as a description of the process to identify whether an item is controlled and of all the categories of licenses granted - including global or general licenses - documentation required for license applications and, if applicable, the provisions of end user / end use controls.
- Overview of the risk analysis and assessment process used in order to prevent the diversion or misuse of exported items.
- Overview of interaction strategies to national industry and academia, including through special programs – such as encouraging Internal Compliance Programmes (ICP), and promoting awareness of controls of Intangible Transfer of Technology (ITT) - to prevent illicit transfer of Wassenaar Arrangement controlled items. Information on outreach strategies may include the role of feedback channels.

- Overview of penalties in place for violations of export controls and capacity to fully comply, including through catch-all measures, with enforcement obligations to prevent the illicit transfer (exporting, importing, transit, transshipment, re-export and brokering) of Munitions List goods and dual-use items, materials and technology. Additionally, an overview of the law enforcement agency or agencies with authority to assess compliance with national laws regarding exports and imports and to carry out investigations of possible violations of relevant laws or regulations.

4. International Security and Non-proliferation Commitments

- International instruments in the field of disarmament and non-proliferation to which the State is Party, commitment to international non-proliferation efforts and willingness to continuously improve its compliance with multilateral control regimes, as appropriate.
- Participation in global and regional mechanisms that regulate transfers of conventional arms.
- Participation in multilateral or regional agreements or structures with special export control rules.

Finally, Applicant Countries could provide information regarding the ability to follow Wassenaar best practices, which can be found in the compilation of Basic Documents available in the Wassenaar Arrangement public webpage: <http://www.wassenaar.org/>.