

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.