
Statements of Understanding and Validity Notes

STATEMENTS OF UNDERSTANDING AND VALIDITY NOTES

Intangible Transfers* of Software and Technology (WA-GWG (01) DE 7 Version 2.0)

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.

MUNITIONS LIST

ML 8

Statement of Understanding

It is understood that specially formulated pharmaceutical products containing ML8. materials are not controlled.

ML 10 (NF (95) WG2/2)

Absence of items from the Munitions List and absence of configuration for military use would mean that an aircraft would not be considered military.

DUAL-USE LIST OF GOODS AND TECHNOLOGIES

General Technology Note (NF (95) CA WP 1)

Governments agree that the transfer of "technology" according to the General Technology Note, for "production" or "development" of items on this list shall be treated with vigilance in accordance with national policies and the aims of this regime.

Statements of Understanding and Validity Notes

General Technology Note (WG2 GTN TWG/WP1 Revised 2)

It is understood that Member Governments are expected to exercise controls on intangible "technology" as far as the scope of their legislation will allow.

General Software Note (NF (95) CA WP 1)

Governments agree that the transfer of "software", for "production" or "development" of items on this list shall be treated with vigilance in accordance with national policies and the aims of this regime.

Statement of Understanding - medical equipment (NF (96) DG PL/WP1)

Participating countries agree that equipment specially designed for medical end-use that incorporates an item controlled in the Dual-Use List is not controlled.

Category 2

2.E.3.f.

Validity Note The control of diamond-like carbon technology in 2.E.3.f. is valid until 5 December 2003 and its renewal for an additional one-year period will require unanimous consent.

Category 3 and Category 5 - Part 1

ITU decontrol Notes to 3.A.1.b.1., 3.A.1.b.2., 3.A.1.b.8. and 5.E.1.c.4.b.

Statement of Understanding

Participating States agree that the definition "Allocated by the ITU" will always reflect the current edition of the ITU Radio Regulations and hence agree that the edition in this definition will be amended immediately when necessary.

Category 5 - Part 1

The control of radio equipment described in 5.A.1.b.4. is valid until 5 December 2003 and its renewal will require unanimous consent.

Category 5 - Part 2

The control of items described in 5.A.2.a.6. is valid until 5 December 2003 and its renewal will require unanimous consent.

Statements of Understanding and Validity Notes

Category 9

9.A.12.

Validity Note: The control of unmanned aerial vehicles described in 9.A.12. is valid until 5 December 2004 and its renewal will require unanimous consent.

Statement of Understanding

Participating States understand a model aircraft as intended for recreational and competition purposes.

9.E.2.

Statement of Understanding

"Development" or "production" "technology" controlled by 9.E. for gas turbine engines remains controlled when used as "use" "technology" for repair, rebuild and overhaul. Excluded from control are: technical data, drawings or documentation for maintenance activities directly associated with calibration, removal or replacement of damaged or unserviceable line replaceable units, including replacement of whole engines or engine modules.

DEFINITION OF TERMS USED IN THESE LISTS

Statement of Understanding

Participating States note that, in these Lists, words and terms appearing under 'Definitions of Terms used in these Lists', if used in their undefined forms, take their common or dictionary meanings. Governments are expected to preserve these distinctions, as far as national languages and legislation allow, when the Lists are translated into national legislation. (See also Note 2 to 'Definitions of Terms used in these Lists').

N.B. *The references in this section refer to the List of Dual-Use Goods and Technologies and the Munitions List approved by the Plenary (Plenary meeting 11 and 12 December 2002).*