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Strategic Goods Act[1]

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Amended by the following acts

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19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107³ (4) of the Government of the Republic Act.
11.02.2015	RT I, 04.03.2015, 5	01.04.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
14.02.2018	RT I, 09.03.2018, 1	01.07.2018
13.06.2018	RT I, 29.06.2018, 3	01.07.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 19.03.2019, 11	01.01.2020

Chapter 1
General Provisions

§ 1. Scope of regulation and application of Act

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(1) This Act establishes a strategic goods control system, regulating the transfer of strategic goods, provision of services related to strategic goods, control over import and end-use of strategic goods, handling of strategic goods, including demilitarisation, liability and implementation of state supervision in the areas specified.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(2) This Act, excluding the provisions concerning the ensuring of control over the import and end-use of strategic goods, shall not apply to:
1) the import into Estonia and export out of Estonia of a civilian weapon, its essential components and ammunition on the basis of a special authorisation specified in subsection 59 (4) of the Weapons Act, as well as the transfer of a civilian weapon, its essential components and ammunition within the European Union;
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]
2) the temporary export of a firearm, its essential components and ammunition in a simplified procedure in compliance with Article 10 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition supplementing the United Nations Convention against Transnational Organized Crime;
3) the import of service weapons and ammunition belonging to or intended for a governmental authority, local government body and authority, judicial authority or an institution of professional higher education for public defence on the basis of an authorisation formalised by the minister responsible for the area or an official authorised by him or her pursuant to the procedure provided for in the Weapons Act or a legislation established on the basis thereof;

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

3[1]) the export with the intention of bringing back such goods in an unaltered state of service weapons and ammunition belonging to or intended for a governmental authority, local government body and authority, judicial authority or an institution of professional higher education for public defence and the import with the intention of returning such goods in an unaltered state of a service weapon and ammunition of an air marshal or official of another state on the basis of a notice formalised in the procedure provided for in the Weapons Act or legislation established on the basis thereof;
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

4) the export with the intention of bringing back such goods in an unaltered state and import of weapons of Armed Forces, ammunition, battle equipment and other special defence-related equipment belonging to or intended for the government authorities in the area of government of the Ministry of Defence, the Defence League or the armed forces of a foreign state on the basis of a special authorisation of the Ministry of Defence;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

5) military goods which are demilitarised in compliance with the requirements established in Estonia on the basis of the respective approval;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

6) a civilian and service weapon that has been rendered permanently incapable of firing in accordance with the requirements of the Weapons Act, for which a certificate specified in subsection 78[2](2) of the Weapons Act has been issued, and a weapon which has been brought for establishment of the compliance with the requirements for incapability of firing in the procedure provided for in the Weapons Act.
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

(3) The procedure for the handling and handing over weapons of Armed Forces provided for in clause (2) 4) of this section and for the export and import of battle equipment shall be established by a regulation of the minister responsible for the area.

(4) (4) [Repealed - RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(5) The Administrative Procedure Act shall apply to administrative proceedings prescribed in the legislation of the European Union and this Act, taking account of the specifications therein.

(6) If requirements are established on the handling of military goods by another act, this Act shall be applied only to the requirements which are not regulated by another Act.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 2. Strategic goods

(1) For the purposes of this Act “strategic goods” means military goods, defence-related products, the goods used to commit human rights violations and dual-use items.

(2) “Military goods” means a weapon, a substance, a material, a device, equipment, a system and the parts thereof, the special equipment and components, software and technology related thereto which is designed or modified for military use, which is used for military purpose or is listed in the list of military goods.

(3) [Repealed - RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(4) The provisions concerning military goods shall apply to weapons of mass destruction and missiles for delivery of such weapons if delivery at their country of destination is absolutely necessary for the demolition thereof.

(5) “Defence-related products” is military goods transferred within the European Union with regard to whose transfer a simplified procedure is applied in accordance with Directive 2009/43/EC of the European Parliament and Council on simplification of the conditions for transport within the Community (OJ L 146, 10.06.2009, pp.1-36) and which is listed in the list of defence-related products.

(6) “Goods used to commit human rights violations” means goods which cannot be used for practical purposes other than capital punishment, torture or other cruel, inhuman or degrading treatment or punishment within the meaning of Articles 3 and 4 of Council Regulation (EC) 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L 200, 30.07.2005, pp.1-19).

(7) The provisions concerning military goods are applied to goods used to commit human rights violations and to technical assistance related thereto if the abovementioned goods are exhibited in a museum publicly for their historical significance.

(8) “Dual-use items” means goods, including software and technology, which can be used for both civil and military purposes, for peaceful purposes or assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices within the meaning of Council Regulation (EC) 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items and technology (OJ L 134, 29.05.2009, pp.1-269).

(9) The provisions concerning dual-use items also apply to goods that may be used for torture or treatment in other cruel, inhuman or degrading way or punishment within the meaning of Article 5 of Council Regulation 1236/2005 (EC).

(10) The list of strategic goods shall include a list of military goods, defence-related products, goods used for violation of human rights and dual-use items and shall be established by a regulation of the Government of the Republic.

(11) Also the goods that are not listed in the list of strategic goods are considered to be strategic goods if the Strategic Goods Commission is of the opinion and has informed the exporter, holder, owner of the goods or the declarant thereof that the goods have the characteristics of strategic goods for their qualities, end-use or end-user or for the considerations related to public security or human rights.

§ 3. Transfer of strategic goods

(1) For the purposes of this Act the transfer of strategic goods is the import, export, transit and transfer of defence-related products within the European Union and the transfer of dual-use items.

(2) For the purposes of this Act import means the carriage of military goods and defence-related products to Estonia,

(3) For the purposes of this Act export means:
1) the carriage of military goods and defence-related products from Estonia;
2) the transfer of software and technology related to military goods from Estonia;
3) the export of dual-use items to a country outside the European Union within the meaning of Article 2 point 2 of Council Regulation No 428/2009 (EC);
4) the provision of services to a foreign country or to a recipient of services in a foreign country in case of military goods, in case of dual-use items to a country outside the European Union or to a recipient of services in a country outside the European Union, also through the business activity of an Estonian service provider in a foreign country.

(4) For the purposes of this Act, “transit” means:
1) the carriage of military goods through Estonia;
2) the passage of defence-related products through Estonia pursuant to Directive 2009/43/EC of the European Parliament and of the Council;
3) the carriage of dual-use items from a country outside the European Union to another country outside the European Union through Estonia.

(5) For the purposes of this Act the transfer of defence-related products within the European Union is the transfer of defence-related products from a supplier in Estonia to a recipient in another member state.

(6) For the purposes of this Act the transfer of dual-use items means the transfer of dual-use items within the European Union from a supplier in Estonia to a recipient in another member state within the meaning of Article 22 (1) and (2) of Council Regulation No 428/2009 (EC).

(7) The procedure for customs formalities shall be established by a regulation of the Government of the Republic.

§ 4. Services relating to strategic goods

(1) For the purposes of this Act, the services relating to strategic goods (hereinafter services) means the provision of benefits or the transfer of rights relating to strategic goods provided in the course of business activities, including brokering and technical assistance related to military goods and dual-use items.

(2) Brokering of military goods means:
1) the provision or making available of information, practical assistance or funds, the conduct of negotiations or the arrangement of transactions with a view to conclude a an agreement relating to military goods involving the transfer of goods from a foreign country to another foreign country;
2) the acquisition of military goods located in a foreign country with a view to transfer the goods to another foreign country.

(3) Brokering of dual-use items means the brokering service within the meaning of Council resolution 428/2009 (EC), including:
1) the negotiations of transactions or arrangement of such transactions the purpose of which is the sale, purchase or supply of dual-use items from a country outside the European Union to another country outside the European Union or
2) the sale or purchase of dual-use items located in a country outside the European Union with the aim to transfer it to another country outside the European Union.

(4) Brokering of dual-use items does not mean the sole provision of transportation, financial services, insurance or reinsurance, general advertising or promotion as well as the provision of service or the transfer of technology if this is accompanied by cross-border movement of persons.

(5) A broker of military and dual-use items is a natural or legal person who gains financial profit or benefit from brokering.

(6) For the purposes of this Act, "technical assistance" means any technical support related to the development, manufacture, assembly, testing, repairs, transport, maintenance of military goods and any other relevant service which, among other, may be provided by way of the transfer of instruction, training, know-how or technical data or by provision of a consulting service.

§ 5. Prohibitions on transfer of strategic goods and service

(1) The following is prohibited:
1) the transfer of strategic goods and the provision of a service or making a transaction relating to strategic goods if the prohibition is provided in a legislation establishing international sanctions or sanctions of the Government of the Republic;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
2) the diversion from their intended destination of goods subject state supervision over the import and end-use of strategic goods without the written consent of the Strategic Goods Commission and the re-export of such goods without special authorisation;
3) the transfer of weapons of mass destruction, of any materials, hardware, software and technology used for the production thereof and the related services regardless of their country of destination excluding when it is absolutely necessary for the demolition thereof;
4) the transfer of antipersonnel mines and the related services, except in the case when it is absolutely necessary for the purpose of training or the demolition thereof;
5) the transfer of goods used for human rights violations and the related service regardless of the country of destination unless the goods are used for public exhibition in a museum due to their historical significance;
6) The transfer and service of other strategic goods that is prohibited by a treaty.

(2) If an act establishing or implementing international sanctions or sanctions of the Government of the Republic allows the transfer of strategic goods or the provision of a service or making a transaction relating to strategic goods only if the authorisation has been issued by the competent authority, the application for authorisation shall be proceeded by the Strategic Goods Commission.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

§ 6. Special authorisation

(1) Special authorisation is a licence or general authorisation.

(2) A valid special authorisation or the right of use thereof which shall have been acquired before the goods or service cross the border shall be required for the transfer of goods entered in the list of strategic goods and of goods considered as strategic goods pursuant to subsections 2 (4) and (11) of this Act, and for the provision of service.

(3) The provisions concerning the licence or general authorisation shall be applied to the authorisation required for the import, transit and transfer of defence-related products within the European Union pursuant to Directive 2009/43/EC of the Parliament and of the Council unless otherwise provided by this Act.

(4) A special authorisation is not required for the import and transit of defence-related products if another member state of the European Union has issued a valid authorisation for the transfer of such defence-related products.

(5) A special authorisation is not required for the import of dual-use items.

(6) The provisions concerning the licence shall apply to the authorisation for the transfer of dual-use items within the European Union in the cases specified in Article 22 (1) and (2) of the Council Regulation 428/2009 (EC).

(7) A special authorisation is required for the transit and brokering of dual-use items and the goods that are deemed to be strategic goods pursuant to subsection 2 (11) of this Act only upon considerations provided for in Articles 5 and 6 of the Council Regulation (EC) No 428/2009 and the respective decision of the Strategic Goods Commission.

(8) The documents or data required for the transfer of strategic goods shall be submitted to the customs authority in the course of customs formalities together with the customs declaration, or for the release of goods under supervision.

(9) In case of the provision of services the documents or data required shall be submitted at the request of the supervisory body.

(10) The provision concerning the licence shall apply to the authorisation for the transfer of goods and the provision of service provided for in subsection 5 (2) of this Act.

§ 7. Ensuring control over import and end-use of strategic goods at request of appropriate authority of country of consignment

The control over the import and end-use of strategic goods shall be ensured by an International Import Certificate, an End-Use Certificate or a Delivery Verification Certificate (hereinafter end-use control documents) at the request of the appropriate authority of the country of consignment of the goods.

§ 8. Strategic Goods Commission

(1) The issues related to strategic goods shall be discussed and resolved by the Strategic Goods Commission (hereinafter commission) which has been formed within the Ministry of Foreign Affairs for ensuring a strategic goods control system.

(1^1) The commission shall discuss and decide on issues related to restrictions on the carriage of goods, provision of services related to goods and making a transaction provided for in the legislation imposing or implementing international sanctions or sanctions of the Government of the Republic, taking account of the provisions of the International Sanctions Act.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

(2) The commission shall act in accordance with this Act, other legislation and international treaties.

§ 9. Database of proceedings relating to strategic goods

(1) The data of proceedings relating to the transfer of strategic goods and the provision of service shall be entered into the database of proceedings relating to strategic goods (hereinafter database) in compliance with this Act.

(2) The data of proceedings related to the carriage of goods, provision of service related to goods and making a transaction on the basis of the authorisation for carriage of goods specified in § 12of the International Sanctions Act shall also be entered into the database specified in subsection (1) of this section.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

§ 10. State supervision relating to strategic goods

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 2
Transfer of strategic goods and provision of service on basis of special authorisation

Division 1
Transfer and provision of service on basis of licence

§ 11. Licence

(1) An individual licence or a global licence are licences required for the transfer of strategic goods or the provision of service under the conditions provided for in this Act.

(2) An individual licence is a document which grants the person specified in the document the right to import military goods and defence-related products into Estonia or export strategic goods from Estonia and provide a service to a single consumer and a single country or place of destination under the conditions set out in the licence.

(3) A global licence which grants the person specified in the document the right to import military goods and defence-related products into Estonia from one or several countries or places of consignment and from one or several suppliers or to export strategic goods from Estonia to one or several countries or places of destination and to one or several consumers under the conditions set out in the licence.

(4) An individual licence or a global licence, which is issued for transit, shall grant the principal the right to carry strategic goods or service in transit under the conditions set out in the licence.

§ 12. Intra-Community transfer of defence-related products on basis of licence

The commission may make a decision concerning the intra-Community transfer of defence-related products to issue an individual licence instead of a global licence if:
1) the application is limited to a single transfer although the transfer may take place as a single or several consignments;
2) the transfer is necessary for the protection of essential security interests or on grounds of public policy of a member state;
3) the transfer is necessary for compliance with international obligations and commitments or
4) the commission has reason to believe that the supplier will not be able to comply with all the conditions required for the issue of a global licence.

§ 13. Application for licence

(1) In order to obtain a licence a standard format application and additional documents shall be submitted to the commission electronically or on paper in exceptional cases. An application shall be signed in person by an applicant who is a natural person or by a legal representative of an applicant who is a legal person. A person authorised for that purpose may sign the application on behalf of a legal person governed by public law.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(1) In order to obtain a licence a standard format application and additional documents shall be submitted to the commission on paper or electronically. An application shall be signed in person by an applicant who is a natural person or by a legal representative of an applicant who is a legal person.

(2) An application shall contain the following information:
1) the name, address, telephone and fax number, email and web page address of an applicant and the personal identification code or date of birth if the applicant is a natural person and/or the registry code of a legal person;
2) the name, address, telephone and fax number, e-mail and web page address of the recipient of the goods or service and the end-user of the goods and the personal identification code or date of birth if the recipient or end-user is a natural person or the registry code if the recipient or end-user is a legal person;
3) a description of the goods or service and the field and place of end-use;
4) the country and place of location, the country of origin, the country of consignment and the country of final destination of the goods, and the ISO codes of the specified countries;
5) the code of the customs procedure;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
6) the journey of the goods from the country of consignment to the end-user;
7) the period of time for the import, export or transit of the goods or for the provision of the service and the transfer time of software and technology;
8) the quantity and value of goods;
8^1) the marking of a weapon and essential components of the weapon if this is required by the Weapons Act;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]
9) the code of the goods according to the Customs Tariff Nomenclature;
10) the category symbol and number of the list of strategic goods;
11) the name, telephone number and e-mail address of the contact person and representative;
12) the date of the submission of an application and the signature of the applicant.

(3) The applicant shall confirm in the application that he or she shall undertake to notify the commission immediately of the data concerning the use of the goods for the purposes listed in § 77 of this Act which have become known to him or her.

(4) The format of the licence application shall be established by a regulation of the minister responsible for the area.

(5) A state fee shall be paid for review of the licence application.

§ 14. Documents to be appended to licence application

(1) The following documents shall be appended to an application:
1) an activity licence if such a licence is required for handling the goods;
2) the documents certifying the origin and acquisition of the strategic goods;
3) the documents reflecting the quality and technical indicators of the strategic goods (the structural formula of chemicals and the Chemical Abstracts Service (CAS) registry number if such number exists);
4) a contract entered into with a person of the country of origin, the country of consignment or the country of destination of the goods based on which the goods are exported, imported or transited or the service is provided;
5) the end-user confirmation of the terms and conditions relating to the end-use and, at the request of the commission, an end-use control document issued by a relevant authority of a foreign state and information on the end-use obligations undertaken by the applicant;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]
5) the end-user confirmation of the terms and conditions relating to the end-use or, at the request of the commission, an end-use control document issued by a relevant authority of a foreign state;
6) a document certifying payment of the state fee.

(2) The Information Network Security Plan shall be attached to an application for transmission of software and technology at the request of the commission.

(3) The applicant may append other documents that the applicant deems relevant to the application. The documents of no relevance to the proceeding shall be returned or destroyed with the consent of the applicant.

(4) A person registered in a foreign state as a military goods broker shall submit a licence application and an appropriate confirmation instead of additional documents.

(5) The agreement specified in clause (1) 4) of this section shall set out the following data:
1) the names and contact information of the parties to the agreement;
2) the name or type of the agreement;
3) the name of the goods or service being the object of the agreement (in the case of chemicals the structural formula and the CAS registry number), the amount and value.

(6) The commission may require the submission of other relevant data relating to the request. Upon application for a global licence the commission may require the description of the internal compliance program of an undertaking engaged in strategic goods in accordance with clause 37 (1) 6) of this Act

§ 15. Requirements of end-user confirmation to be appended to licence application

(1) The end-user confirmation of an end-user specified in clause 14 (1) 5) of this Act shall set out the description of the planned end-use and the following data:
1) the applicant's name, address, telephone and fax number and e-mail and web page address, the personal identification code of a natural person or the date of birth and/or registry code of a legal person;
2) the name, address, telephone and fax number and e-mail and web page address of the recipient or the end-user of the goods or service, the personal identification code or the date of birth of a natural person and/or registration code of a legal person;
3) the description of the goods or service, the field and place of the end-use;
4) the country and place of location, the country of origin, the country of consignment and the country of final destination of the goods and the ISO codes of the specified countries;
5) the quantity and value of goods;
6) the code of goods according to the Customs Tariff Nomenclature;
7) the category symbol and number of the list of strategic goods;
8) the date of the submission of an application and signature of the applicant.

(2) In an end-user confirmation, the end-user shall confirm that:
1) the goods shall be used only in the field specified in the confirmation;
2) the goods shall not be re-imported or re-addressed without a written consent of a competent authority;
3) the receipt of the goods shall be confirmed if the exporter or commission so requests;
4) he commission shall be informed of changes in the field of end use of the goods;
5) supervisory agencies may monitor the use of the goods;
6) other terms and conditions shall be complied with to ensure control over the end-use of the goods.

(3) Upon re-addressing of the goods subject to state supervision over the import and end-use of strategic goods in the case of the transfer of the goods, the new owner of the goods shall submit an end-user confirmation to the commission.

§ 16. Exemptions from requirement to apply for licence

(1) There is no need to apply for a licence in cases where Estonia has entered into an agreement with an international organisation or the country of consignment or the country of destination of the goods in order to organise the export or transit of strategic goods, the import of military goods or the provision of services.

(2) In the case of services related to military goods, the service providers who operate within the framework of a military or civilian mission pursuant to a decision of the Ministry of Defence, the Security Police, the Police and Border Guard Board or the Rescue Board shall be exempt from the obligation to apply for a licence.

(3) The commission may exempt from the obligation to apply for a licence for intra-Community transfer of defence-related products if:
1) the supplier or the recipient is a governmental authority of a member state of the European Union or part of the armed forces of a member state of the European Union;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
2) the supplies are made by the European Union, *the North Atlantic Treaty Organisation*, the *International Atomic Energy Agency*, the United Nations or the Organization for Security and Co-operation in Europe for the performance of their tasks;
3) the transfer is linked to the humanitarian aid in the case of a disaster or as a donation in an emergency;

4) the transfer is necessary for repair or maintenance of the defence-related products supplied pursuant to clause 1)-3) of this subsection.

(4) In order to obtain the exemption from licence specified in subsection (3) of this section a holder and an owner of the goods or a declarant shall submit a written application and the relevant documents to the commission at least ten working days before the estimated time of the commencement of the transfer. The commission shall decide on the licence exemption within five working days as of the receipt of the application and shall notify of the decision in writing.

§ 17. Licence application procedure

(1) The commission shall make a decision on whether or not to grant a licence within 30 working days as of the date of receipt of the application and all the required documents.

(2) The commission may extend the term specified in subsection (1) of this section if additional data is needed for making a decision or the data submitted needs additional checking. The applicant shall be notified in writing of the extension of the term, the reasons therefor and of the new term.

(3) By a decision to grant a licence the commission may assign additional conditions of use of the licence to the recipient of the licence.

(4) An application shall not be proceeded if the goods are not listed in the list of strategic goods, are not in compliance with the characteristics of the strategic goods and there is an exemption from the obligation to apply for licence.

(5) Upon refusal to process the application the commission shall notify the applicant thereof and shall return the submitted documents. The state fee that has been paid shall be returned in the procedure provided for in the State Fees Act.

(6) The proceeding of the application shall be terminated if the applicant fails to submit the relevant additional data required by the commission within 30 working days as of the receipt of the request.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 18. Issue of licence

(1) A licence shall be issued within five working days as of making the decision. The data of the issued licence shall be entered into a database.

(2) In the case of the decision to amend the licence a person shall be issued the amended licence with the new period of validity concerning the quantity of goods not yet supplied.

(3) The licence shall be sent to the person by post with the notice of delivery, an ordinary letter or shall be delivered against a receipt. The person shall note the desirable recommended delivery method in the application.

(4) The formats of the licences shall be established by a regulation of the minister responsible for the area.

§ 19. Refusal to issue licence

(1) The commission shall refuse to issue a licence, if:
1) the transfer of strategic goods or the provision of services endangers the interests or security of Estonia or an ally of Estonia;
2) the strategic goods are subject to the prohibitions specified in § 5 of this Act;
3) there is reason to believe that the strategic goods may be used to commit human rights violations in the country of destination;
4) there is reason to believe that the strategic goods may be used for violations of international humanitarian law;
5) there is reason to believe that the strategic goods may be used to endanger national, regional or international security, including acts of terrorism;
6) there is reason to believe that, in the country of destination, the strategic goods may be diverted from their original destination or re-exported under conditions endangering security;
7) the transfer of strategic goods or the provision of services is in conflict with the international obligations of Estonia;
8) false information or falsified documents were knowingly submitted upon applying for the licence.

(2) The commission may refuse to issue a licence, if:
1) an applicant or a related person has violated legislation relating to the transfer of strategic goods or the provision of services or has not complied with the precepts issued on the basis thereof within five years before the decision to issue the licence;
2) an applicant or a related person has violated an international sanction or a sanction of the Government of the Republic within five years prior to the decision to issue the licence;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

3) misdemeanour proceedings have commenced concerning the applicant or a related person regarding strategic goods, the transfer of strategic goods or the provision of service;
4) the transfer of strategic goods or the provision of service may endanger the interests or security of the country of destination;
5) strategic goods are going to be transferred or services provided to a region where there is an armed conflict or danger of an armed conflict;
6) there is reason to believe that the strategic goods exported from Estonia or produced in the country of destination using the know-how or technology exported from Estonia may be re-exported from the country of destination under conditions endangering international security as well as be diverted from their original destination in the country of destination or during the transfer to the country of destination;
7) the end-user and the end-use of strategic goods or services in the country of destination are not known or the end-user refuses to submit the end-use control documents to the commission or submits the incomplete end-use control documents;
7^{1}) the applicant has not notified the commission of the intention to enter into a contract pursuant to the requirements provided in § $83^{18}$of the Weapons Act;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]
7^{2}) the applicant has not complied with the end-use or end-user obligations undertaken before the persons or authorities of other states or refuses to submit the relevant information to the commission;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]
7^{3}) the conditions prescribed in the legislation imposing or implementing an international sanction or a sanction of the Government of the Republic have not been complied with;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
8) other good reasons exist.

(3) Upon making the decision the commission shall take into account:
1) the criteria provided for in Article 2 of the Council Common Position 2008/944/CFSP defining common rules governing control of export of military technology and equipment (OJ L 335, 13.12.2008, pp 99-103);
2) relevant court judgments, resolutions and reports of the United Nations, the European Council, the European Union and other competent authorities or organisations;
3) other relevant information, including the law-abidingness of the applicant.

(4) Subsections (1) and (2) of this section shall not be applied if the licence is granted in relation to surveillance activities for the prevention and detection of crimes.

§ 20. Validity of licence

(1) The commission shall determine the period of validity of each licence issued on the basis of the data submitted upon the submission of an application, taking into account that:
1) an individual licence shall be valid for up to one year;
2) a global licence shall be valid for up to three years;
3) a transit licence shall be valid for up to six months.

(2) If the customs formalities on all of the goods specified in the licence have been completed, the licence shall be declared invalid regardless of the period of validity of the licence.

§ 21. Amendment of licence

(1) In case the information specified in the licence change, the holder of the licence shall submit a reasoned application in writing and the relevant documents to the commission for amendment of the licence.

(2) For amendment of the period of validity of the licence concerning the quantity of the goods not delivered, the reasoned request in writing and relevant documents shall be submitted to the commission at the latest within ten working days before the expiry of the period of validity.

(3) The commission shall decide on the amendment of or refusal to amend the licence specified in subsection (1) of this section, taking account of the bases provided for in § 19 of this Act and the terms prescribed in § 17, and the amendment of or refusal to amend the period of validity of the licence specified in subsection (2), taking into account the bases specified in § 19 of this Act, within ten working days as of the receipt of the request.

(4) The amendment of a licence may be applied for by a member state of the European Union if the transfer may endanger the essential security interests of the member state. In such case the commission shall make the decision after having consulted with the parties.

(5) A state fee shall be paid for the review of a request for amendment of the period of validity of a licence.

§ 22. Revocation, suspension of validity and annulment of licence

(1) The commission shall decide on revocation of the licence in the following cases:
1) the holder of the licence submits a corresponding request in writing;
2) the information specified in the licence changes significantly;
3) the holder of the licence fails to comply with the conditions of the licence;
4) the holder of the licence fails to comply with the legislation relating to strategic goods or the precepts made on the basis thereof;
5) the licence issued is destroyed;
6) the holder of the licence who is a legal person is dissolved or the holder of the licence who is a natural person dies.

(2) The commission shall decide on suspension of the validity of the licence in the following cases:
1) the holder of the licence submits a corresponding request in writing;
2) the holder of the licence fails to comply with the conditions of the licence;
3) the holder of the licence fails to comply with the legislation relating to strategic goods or the precepts made on the basis thereof;
4) the licence issued is lost.

(3) The commission shall decide on annulment of the licence in the following cases:
1) during the inspection it becomes evident that the applicant for licence has knowingly submitted false information;
2) new facts become evident which, had they been known or existed at the time of reviewing the application for a licence, would have resulted in a refusal to issue a licence.

(4) A member state of the European Union may apply for revocation, suspension or annulment of the licence if the transfer may endanger essential security interests of the member state. In this case the commission shall make the decision after having consulted the parties.

(5) If the issued licence is destroyed or lost, the commission shall issue a new licence concerning the quantity of goods not yet supplied on the basis of a request submitted by the holder of the licence and the documents submitted upon request for the licence that is destroyed or lost.

(6) The commission may decide on the renewal of the validity of the licence if the facts being the basis for the decision to suspend the validity have ceased to exist.

(7) An entry shall be made in the database regarding the revocation, suspension and renewal or annulment of the licence.

(8) The commission shall immediately notify the holder of the licence, the Security Police and the Tax and Customs Board in writing about the revocation, suspension, renewal or annulment of the licence.

§ 23. Return of licence

(1) Upon expiry of the validity of the licence the invalid licence shall be returned to the commission within ten working days as of the expiry of the validity of the licence. The original copy of the licence with the customs notes shall be returned.

(2) A suspended, annulled or revoked licence shall be returned to the commission immediately. All the copies issued to the holder of the licence shall be returned.

(3) Upon failure to return a licence to the commission on time, the commission may impose a precept pursuant to the procedure provided for in this Act.

§ 24. Preservation of documents and reporting obligation

(1) The holder of the licence is required to keep record and preserve the documents concerning the transfer of strategic goods and the provision of service for at least ten years as of 1 January of the year following the preparation of the document.

(2) The documents, containing the following information relating to the transfer of strategic goods or the provision of service, shall be preserved:
1) the description of the goods or service and the category symbol and number of the list of strategic goods;
2) the quantity and value of the goods or service;
3) the dates of the transfer of goods or the provision of service;
4) the names and addresses of the parties to the transaction;
5) the end-use and end-user of the goods if they are known;
6) other information for the preservation of which the commission has issued a precept.

(3) The commission may assign by its decision the reporting obligation to the recipient of the licence basing on the information listed in subsection (2) of this section. A report shall be prepared for each previous half-year as

at 30 June and 31 December and shall be submitted to the commission within 30 calendar days as of the end of the reporting period.

(4) The format specified in subsection (3) of this section shall be established by a regulation of the minister responsible for the area.

(5) The provisions of this section shall also be applied to the documents concerning the carriage of goods, provision of service related to goods or making a transaction if the authorisation for the carriage of goods specified in § 12of the International Sanctions Act has been issued for the carriage of such goods, provision of service related to goods or making a transaction.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

Division 2
Transfer and provision of service on basis of general authorisation

§ 25. General authorisation

(1) On the basis of the general authorisation the transfer of strategic goods and provision of service is implemented in a simplified procedure under the conditions and concerning the goods and countries determined therein. General authorization is the National General Authorisation and the Community General Authorisation.

(2) The national general authorisation shall be established by an order of the Government of the Republic.

(3) The Community General Authorisation (hereinafter general authorisation for *dual-use items*) shall be established pursuant to Council regulation (EC) No 428/2009 and Council regulation (EC) No 1236/2005.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

(4) The undertaking that has been registered as a user of the general authorisation shall be entitled to use the established general authorisation.

(5) The certification of an undertaking is required in order to use the general authorisation if such requirement is prescribed upon establishment of the general authorisation.

§ 26. Validity of general authorisation

(1) The general authorisation shall be established without a term unless otherwise decided upon establishment of the general authorisation.

(2) The amendment or termination of the national general authorisation shall be decided by the order of the Government of the Republic if:
1) it is necessary for the protection of security interests, public policy and the security of Estonia or the country of origin;
2) the purpose of the general authorisation has ceased to exist.

(3) The period of validity of the general authorisation for dual-use items, the amendment or termination thereof shall be decided by a regulation of the Council of the European Union.

§ 27. Application for registration as general authorisation user

(1) A natural person residing in Estonia or a legal person registered in Estonia may apply for the registration as a general authorisation user.

(2) A standard format application with the additional documents on paper or electronically shall be submitted to the commission for registration. The application shall be signed in person by a natural person or by a legal representative of the applicant who is a legal person.

(3) The following information shall be set out in an application:
1) the name, address, telephone and fax number and email and web page address of the applicant, and the personal identification code or date of birth if the applicant is a natural person and/or the registry code of a legal person;
2) a description of the goods or service and the field and place of end-use;
3) the country or place of location, the country of origin, the country of consignment and the country of final destination of the goods and the ISO codes of the specified countries;
4) the code of the customs procedure;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

5) the category symbol and number of the list of strategic goods;
6) the name, telephone number and e-mail address of the contact person and a representative;
7) the date of the submission of an application and the signature of the applicant.

(4) In an application the applicant shall confirm that he or she shall undertake to notify the commission immediately of the information with regard to the use of the goods for the purposes listed in § 77 of this Act that has become known to him or her.

(5) The format of an application for registration as a general authorisation user shall be established by a regulation of the minister responsible for the area.

(6) A state fee shall be paid for the review of the application for registration as a general authorisation user.

§ 28. Documents to be appended to application for registration as general authorisation user

(1) The following documents shall be appended to an application for registration as a general authorisation holder:
1) an activity licence if such a licence is required for handling the goods;
2) the documents reflecting the quality and technical indicators of the strategic goods (the structural formula of chemicals and CAS registration number if such number exists);
3) a document certifying payment of the state fee.

(2) The applicant may append other documents that the applicant deems relevant to the application. The documents of no relevance to the proceeding shall be returned or destroyed with the consent of the applicant.

(3) The commission may require the submission of other relevant data.

§ 29. Procedure of application for registration as general authorisation user

(1) The commission shall decide on the registration as a general authorisation user or the refusal to register within 30 working days as of the date of receipt of the application and all the required documents. The decision shall be based on the provisions of subsection 19 (3) of this Act.

(2) The commission shall make the decision concerning the registration as a user of general authorisation for dual-use items within ten working days as of the date of receipt of the application and all the required documents.

(3) The commission may extend the term specified in subsection (1) of this section if additional information is required for making the decision or the submitted information needs additional checking. The applicant shall be notified in writing of the extension of the term, the reasons therefor and of the new term.

(4) Upon refusal to process the application the commission shall notify the applicant thereof and shall return the submitted documents. The state fee that is paid shall be returned in the procedure provided for in the State Fees Act.

(5) The proceeding of the application shall be terminated if the applicant fails to submit the additional relevant information required by the commission within 30 days as of the receipt of the request.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 30. Registration as general authorisation user

(1) The applicant shall be notified in writing of the registration as a general authorisation user. The data of the person to be registered shall be entered into the database.

(2) By the decision concerning the registration as a general authorisation user the commission may impose restrictions on the rights of use of general authorisation with regard to certain goods.

§ 31. Refusal to register as general authorisation user

(1) The commission shall refuse or may refuse to register as a general authorisation user if the bases for refusal listed in § 19 of this Act exist.

(2) The bases for refusal to register as a user of general authorisation for dual-use items shall be provided for by a regulation of the Council of the European Union.

(3) The refusal to register as a general authorisation user shall not restrict a person’s possibility for transfer of the strategic goods or the provision of service on the basis of the licence.

§ 32. Term for use of general authorisation

(1) The general authorisation can be used within the term entered in the database upon registration as a user thereof but not longer than until the end of the expiry of the period of validity of the general authorisation.

(2) The term of use of the general authorisation shall not be extended. Upon expiry of the term the undertaking may apply for registration as a general authorisation user again.

§ 33. Amendment of data of general authorisation user in database

(1) In case of a change in the data concerning a general authorisation user the person shall submit a written request and the relevant documents to the commission for amendment of the data in the database.

(2) The commission shall decide on the amendment of the data concerning a general authorisation user or the refusal to amend, taking account of the bases provided for in § 19 of this Act.

§ 34. Revocation, suspension and annulment of right of use of general authorisation

(1) The commission shall decide on revocation of the right of use of the general authorisation in the following cases:
1) the user of the general authorisation submits a corresponding application in writing;
2) the information concerning the general authorisation user changes significantly;
3) the user of the general authorisation fails to comply with the conditions of the general authorisation;
4) the user of the general authorisation fails to comply with the legislation relating to strategic goods and the precepts made on the basis thereof;
5) the validity of the general authorisation expires;
6) a legal person who has been granted the right of use of the general authorisation is dissolved or a natural person dies.

(2) The commission shall decide on suspension of the right of use of the general authorisation in the following cases:
1) the user of the general authorisation submits a corresponding application in writing;
2) the user of the general authorisation fails to comply with the conditions of the general authorisation;
3) the user of the general authorisation fails to comply with the legislation relating to strategic goods and the precepts made on the basis thereof;
4) for elimination of the faults detected during state supervision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The commission shall decide on annulment of the right of use of general authorisation in the following cases:
1) during the inspection it becomes evident that the applicant for the general authorisation has knowingly submitted false information;
2) new facts become evident which, had they been known or existed at the time of reviewing the application for registration, would have resulted in a refusal to grant the right of use of the general authorisation.

(4) A member state of the European Union may apply for the control of the compliance with the conditions of the right of use of the general authorisation, suspension, revocation or annulment of the right of use of the general authorisation if the transfer may endanger essential security interests of the member state. Upon receipt of such application the commission shall make the decision after having consulted the parties.

(5) The commission may decide on the renewal of the validity of the right of use of the general authorisation if the circumstances being the basis for the decision to suspend the validity have ceased to exist.

(6) An entry shall be made in the database regarding the revocation, suspension, renewal or annulment of the right of use of the general authorisation. The right of use of the general authorisation shall be suspended or renewed upon making a relevant entry in the database.

(7) The commission shall immediately notify the user of the general authorisation, the Security Police and the Tax and Customs Board of the revocation, suspension, renewal or annulment of the right of use of the general authorisation.

§ 35. Preservation of documents and reporting obligation

(1) The requirements provided for in subsections 24 (1) and (2) of this Act shall be applied to the obligation of the general authorisation user to preserve the documents.

(2) The general authorisation user is required to submit a written report about its activities to the commission. The report shall be prepared for each previous half-year as at 30 June and 31 December and shall be submitted within 30 calendar days as of the end of the reporting period.

(3) The format of the report specified in subsection (2) of this section shall be established by a regulation of the minister responsible for the area.

Division 3
Certification of undertaking

§ 36. Requirement of certification of undertaking

(1) The certification of an undertaking means a proceeding in the course of which the compliance with requirements and the reliability of the undertaking engaged in dealing with strategic goods (hereinafter undertaking) is evaluated, in particular the capability to comply with this Act, the legislation issued on the basis thereof and the precepts and restrictions based on the decisions of the Commission.

(2) Certification is necessary if:
1) the undertaking is a recipient of defence-related products and the certification is a condition of the general authorisation for defence-related products issued in another member state of the European Union;
2) its is a condition of a licence or general authorisation.

(3) Upon certification the commission evaluates the compliance with the requirements and the reliability of an undertaking, guided by the criteria of certification and based on the information submitted to the commission by the undertaking.

(4) A certified undertaking is required to enable the commission to control the continual compliance of the undertaking with the certification criteria.

(5) Certification of the undertaking is not necessary if the undertaking has already been certified in another member state of the European Union.

§ 37. Certification criteria

(1) Upon certification the compliance with the requirements and the reliability of the undertaking shall be evaluated, guided by the following criteria:
1) the undertaking has a proven experience in the field of defence, in particular taking account of the data of the compliance with export criteria, the court judgments concerning these issues, the existence of the experienced management and the required activity licence;
2) the undertaking has relevant industrial activity in the field of defence-related products in the European Union, in particular an ability to integrate systems and subsystems;
3) a responsible person has been assigned from the senior management of the undertaking (hereinafter responsible person) who has a legal right of representation and who is responsible for the transfer of strategic goods and the provision of service by the undertaking;
4) a responsible person has confirmed with his or her signature in the name of the undertaking the commitment to take necessary measures in order to comply with and apply all the special conditions that are related to the end-use and export of the received component or product;
5) a responsible person has confirmed with his or her signature in the name of the undertaking the commitment to submit detailed information to the commission, responding to the questions and inquiries about the end-users or end-use concerning all the products that the undertaking has transferred or received on the basis of the special authorisation of another member state;
6) the undertaking has drawn up an internal compliance program of an undertaking engaged in strategic goods (hereinafter internal compliance program of undertaking) and a responsible person has confirmed the description of the internal compliance program of the undertaking with his or her signature.

(2) The commission may require that a responsible person shall confirm with the signature in the name of the undertaking that the products and systems and subsystems to be received:
1) shall be used in their production;
2) shall not be transmitted or exported as such except for the purposes of maintenance or repair.

(3) If certification is necessary as a condition of special authorisation, the certification criteria concerning defence-related products specified in subsection (1) of this section shall apply to other undertakings engaged in other strategic goods, taking account of the specifications in the field.

(4) An undertaking is required to comply with the criteria during the whole period of validity of the certificate or the period of validity provided for certification of the undertaking by the decision of the commission.

§ 38. Internal compliance program of undertaking

(1) The internal compliance program of an undertaking shall be in line with the scope of the strategic goods related activities of the undertaking. The undertaking shall follow the compliance program in everyday economic activities.

(2) The internal compliance program of an undertaking shall include the following information:
1) the name, location or the place of residence and contact data of an undertaking
2) the name, competence and contact data of the responsible person;

3) the resources allocated for administration of the transfers of strategic goods, pointing out organisational, technical and human resources separately;
4) the chain of responsibility concerning strategic goods control in the structure of the undertaking;
5) the internal audit procedures and the measures applicable;
6) the organisation of training in the field of strategic goods and a detailed plan of raising awareness of employees;
7) physical and technical security measures related to the transfer and export of strategic goods;
8) the procedure for keeping records concerning the transfers and export and for ensuring traceability of the transfer and export system.

(3) The proper preparation and implementation of the compliance scheme of an undertaking shall be ensured by a responsible person who shall confirm with his or her signature that the activities of the undertaking related to strategic goods shall be in compliance with the prepared scheme and the legislation in the field.

(4) The action plan shall be prepared in the Estonian language.

(5) An undertaking is required to submit the following data in the description of the compliance scheme of an undertaking specified in clause 37 (1) 6) of this Act:
1) the organisational, technical and human resources allocated for the administration of the transfer and export of strategic goods;
2) the chain of responsibility in the structure of the undertaking;
3) the measures of internal control;
4) a plan for raising awareness and training employees;
5) physical and technical security measures;
6) record-keeping and traceability of the transfers and export thereof.

§ 39. Application for certification

(1) A natural person who is permanently residing in Estonia or a legal person that is registered in Estonia may apply for certification.

(2) For certification a standard format application with additional documents shall be submitted to the commission electronically or on paper in exceptional cases. An applicant who is a natural person in person or a legal representative of the applicant that is a legal person shall sign the application.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(3) An application shall set out the following data:
1) the name, address, telephone and fax number and email and web page address of an applicant, and the personal identification code or date of birth if the applicant is a natural person and/or the registry code of a legal person;
2) a description of the goods or service, the field and place of end-use,
3) the name, personal identification code or date of birth, contact address, telephone number and e-mail address of the responsible person;
4) the date of the submission of an application and the signature of the applicant;

(4) A legal representative of an undertaking shall confirm with his or her signature in the certification application:
1) the commitment to comply with and apply all the special conditions that are related to the end-use and export of any received component or product;
2) the commitment to submit detailed data to competent authorities, responding to questions and inquiries concerning the end-users or end-use of all the products that the undertaking has exported, transferred or received on the basis of the transfer licence of another member state.

(5) An applicant shall confirm in the application the commitment to notify the commission immediately of the data concerning the use of the goods for the purposes listed in § 77 of this Act which have become known to him or her.

(6) The format of the certification application shall be established by a regulation of the minister responsible for the area.

(7) A state fee shall be paid for the review of the certification application.

§ 40. Documents to be appended to certification application

(1) A certification application shall be appended:
1) an activity licence if a licence is required for handling the goods;
2) the documents reflecting the quality and technical indicators of the strategic goods (the structural formula of chemicals and CAS registration number if such number exists);

3) a confirmation of the relevant experience in the field of production of defence-related products which would certify the capability to integrate the systems/subsystems in its production activities.
4) a confirmation of a proven experience in defence activities;
5) a description of the internal compliance program of an undertaking signed by a responsible person;
6) a document certifying the payment of a state fee.

(2) An applicant may append other data that the applicant deems relevant to the application. The documents of no relevance to the proceeding shall be returned or destroyed with the consent of the applicant.

(3) The commission may require the submission of the internal compliance program of an undertaking and the data being the basis for the preparation thereof or the submission of other relevant data.

§ 41. Certification application procedure

(1) The commission shall decide on the certification of an undertaking or the refusal to certify within 30 working days as of the date of receipt of the application and all the required additional documents. The decision shall be based on the provisions of subsection 19 (3) of this Act.

(2) The commission may extend the term specified in subsection (1) of this section if additional data is required for making the decision or the submitted data needs additional verification. The applicant shall be notified in writing of the extension of the term, the reasons therefor and of the new term.

(3) Upon refusal to process the application the commission shall notify the applicant thereof and return the submitted documents. The state fee paid shall be returned in the procedure provided for by the State Fees Act.

(4) The proceeding of the application shall be terminated if the applicant fails to submit the relevant additional data requested by the commission within 30 days as of the receipt of the request.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 42. Certification and issue of certificate

(1) Upon the certification of an undertaking the certificate or a transcript of the decision of the commission shall be issued within five working days as of making the decision. The data of the certified undertaking shall be entered in the database.

(2) An undertaking, certified as a recipient of defence-related products, shall be issued by the commission a certificate specified in Directive 2009/43/EC of the European Parliament and of the Council, which is valid in all the member states of the European Union.

(3) The commission shall issue a verified transcript of the certification decision to an undertaking certified pursuant to clause 36 (2) 2) of this Act.

(4) Upon making the certification decision the commission may:
1) restrict the list of goods permitted by the certificate on the basis of the field of activity of the undertaking;
2) determine the need for the follow-up verification of certification;
3) provide the conditions which, in case of a failure to comply with, shall form a basis for the suspension or annulment of the certificate issued to an undertaking.

(5) A certificate or a transcript of the certification decision shall be issued electronically or shall be sent to a person by post with a notice of delivery or by an ordinary letter or shall be served against signature. The person shall note the desirable delivery method in the application.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(6) The format of a certificate specified in subsection (2) of this section shall be established by a regulation of the minister responsible for the area.

§ 43. Refusal to certify

(1) The commission may refuse to certify an undertaking if the undertaking does not comply with the certification criteria or other bases for refusal listed in § 19 of this Act exist.

(2) The refusal to certify shall not restrict the possibility of an undertaking to transfer strategic goods under licence.

§ 44. Validity of certificate and certification decision

(1) The decision of certification relating to the general authorisation for defence-related products shall be valid until the end of the period of validity of the certificate but no longer than for five years.

(2) The certification decision made pursuant to clause 36 (2) 2) shall be valid until the end of the period of validity provided in the decision of the commission.

(3) The period of validity of a certificate or the certification decision shall not be extended. Upon the expiry of the period of validity of the certificate or the certification decision an undertaking may apply for certification again.

§ 45. Certification compliance check

(1) During the period of validity of a certificate or a certification decision the compliance of an undertaking with the certification criteria shall be monitored at least every three years after making the certification decision.

(2) For the elimination of the deficiencies that have become evident during the inspection the commission shall make a precept or shall decide on the necessity to reassess the compliance of an undertaking to the certification criteria.

(3) The commission or the authorities participating in the work of the commission shall carry out the compliance checks within their competence.

§ 46. Amendment of data of certified undertaking in database

(1) In case of a change in the data of a certified undertaking, the undertaking shall submit a written request and relevant documents to the commission for amendment of the data in the database.

(2) The commission shall decide on the amendment of the data or the refusal to amend, taking account of the bases provided in § 19 of this Act.

(3) In case of a change of data concerning certification criteria a certification compliance check shall be made before the decision.

§ 47. Revocation, suspension and annulment of certificate and certification decision

(1) The commission shall decide on the revocation of a certificate or a certification decision in the following cases:
1) an undertaking submits a corresponding application in writing;
2) an undertaking fails to comply with the certification conditions;
3) an undertaking fails to notify of the change in the data submitted upon application for certification;
4) an undertaking fails to comply with the legislation relating to strategic goods;
5) an undertaking that is a natural person dies or an undertaking that is a legal person is dissolved

(2) The commission shall decide on the suspension of a certificate or a certification decision in the following cases:
1) an undertaking submits a corresponding application in writing;
2) an undertaking fails to comply with the certification conditions;
3) an undertaking fails to notify of the change in the data submitted upon application for certification;
4) an undertaking fails to comply with the legislation relating to strategic goods;

(3) The commission shall decide on the annulment of a certificate or a certification decision in the following cases:
1) during the inspection it becomes evident that the undertaking has knowingly submitted false information;
2) an undertaking fails to comply with the conditions provided for pursuant to subsection 42 (4);
3) new facts become evident which, had they been known or existed at the time of review of the certification application, would have resulted in a refusal to grant certification.

(4) Upon the revocation, suspension or annulments of a certificate or a certification decision the right to receive defence-related products and the validity of special authorisation related to certification shall be suspended.

(5) The commission may decide on the renewal of the validity of a certificate or a certification decision if the facts being the basis for suspension have ceased to exist.

(6) An entry shall be made in the database regarding the revocation, suspension or annulment of a certificate or a certification decision.

§ 48. Preservation of documents and reporting obligation

(1) The requirements provided for in subsections 24 (1) and (2) of this Act shall be applied to the obligation of a certified undertaking to preserve the documents.

(2) In addition to the provisions of subsection (1) of this section a certified undertaking is required to preserve the documents that prove the compliance with the certification criteria.

(3) A certified undertaking is required to submit a written report about its activities to the commission. The report shall be prepared for each previous half-year as at 30 June and 31 December and shall be submitted within 30 calendar days as of the end of the reporting period.

(4) The format of the report specified in subsection (3) of this section shall be established by a regulation of the minister responsible for the area.

Division 4
Conditions for brokering of military goods

§ 49. Requirement on registration of military goods broker

(1) A person who is registered as a broker in the database may be engaged in brokering of military goods.

(2) A broker who has already been registered as a military goods broker in a country that participates in all the international export control regimes does not need to be registered, when submitting the respective confirmation.

(3) A registered military goods broker is required to apply for a licence for each brokering transaction, except for holding negotiations and entering into the preliminary contract with the person from the country of origin, the country of consignment and the country of final destination of the goods.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 50. Application for registration as military goods broker

(1) A natural person living permanently in Estonia or a legal person registered in Estonia may apply for the registration as a military goods broker.

(2) In order to apply for registration a standard format application together with additional documents shall be submitted to the commission electronically or on paper in exceptional cases. The application shall be signed in person by an applicant who is a natural person or by a legal representative of the applicant that is a legal person.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(3) The following data shall be set out in the application:
1) the name, address, telephone and fax number and email and web page address of the applicant, the personal identification code of a natural person and/or the registry code of a legal person;
2) countries related to goods or service;
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]
3) the description of the goods or service, the field and place of end-use;
4) the category symbol and number of the list of strategic goods;
5) the name, telephone number and e-mail address of a contact person and representative;
6) the date of the submission of an application and the signature of the applicant.

(4) An applicant shall confirm in the application that he or she shall undertake to notify the commission immediately of the data concerning the use of the goods for the purposes listed in § 77 of this Act that have become known to him or her.

(5) The format of an application for registration as a military goods broker shall be established by a regulation of the minister responsible for the area.

(6) A state fee shall be paid for the review of an application for registration.

§ 51. Documents to be appended to application for registration as military goods broker

(1) An application for registration as a military goods broker shall be appended:
1) an activity licence if a licence is required for handling the goods;
2) the documents reflecting the quality and technical indicators of the strategic goods (the structural formula of chemicals and CAS registration number if such number exists);
3) a list of employees with their personal identification codes or dates of birth, addresses and telephone numbers if the applicant is a legal person;
4) the description of previous business activities;
5) a document certifying the payment of a state fee.

(2) An applicant may append other data to the application, which the applicant deems relevant. The documents of no relevance to the proceeding shall be returned or destroyed with the consent of the applicant.

(3) The commission may additionally require the applicant to submit relevant data related to the description of the internal compliance program of an undertaking in accordance with clause 37 (1) 6) of this Act or other relevant data relating to the application.

§ 52. Procedure of application for registration as military goods broker

(1) The commission shall decide on the registration of a military goods broker or the refusal to register within 30 working days as of the date of the receipt of an application and all the required additional documents. The decision shall be based on the provisions of subsection 19 (3) of this Act.

(2) The commission may extend the term specified in subsection (1) of this section if additional information is required for making the decision or the submitted information needs additional checking. The applicant shall be notified in writing of the extension of the term, the reasons therefor and of the new term.

(3) Upon the refusal to process an application the commission shall notify the applicant thereof and shall return the submitted documents. The state fee that is paid shall be returned in the procedure provided for in the State Fees Act.

(4) The proceeding of the application shall be terminated if the applicant fails to submit the relevant additional data requested by the commission within 30 days as of the receipt of the request.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 53. Registration of military goods broker

(1) An applicant shall be notified in writing of the registration as a military goods broker. The data of the person to be registered shall be entered in the database within five working days as of the making of the respective decision by the commission.

(2) By the decision on the registration of a military goods broker the commission may impose restrictions concerning the list of the goods brokered and the countries of destination.

§ 54. Refusal to register military goods broker

The commission may refuse to register a military goods broker if:
1) an applicant has knowingly submitted false information or falsified documents upon application for registration;
2) within five years before application for registration an applicant or a related person has violated legislation concerning the transfer of strategic goods or provision of services or the precepts issued on the basis thereof;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
3) an applicant or a related person has violated an international sanction or a sanction of the Government of the Republic within five years prior to applying for registration;
4) misdemeanour proceedings have commenced with regard to an applicant or a related person concerning strategic goods, the transfer of strategic goods or the provision of service;
4) the transfer of strategic goods or the provision of service may endanger the interests or security of the country of destination;
5) other good reasons exist.

§ 55. Term of military goods brokering

(1) The right for military goods brokering shall be in force for five years unless the commission appoints a shorter term upon the registration of a broker.

(2) The term of military goods brokering shall not be extended. Upon the expiry of the term the registration as a military goods broker may be applied for again.

§ 56. Amendment of data concerning military goods broker

(1) In case of a change in the data concerning a registered military goods broker the broker shall submit a written request and relevant documents to the commission for the amendment of the data in the database.

(2) The commission may refuse to amend the data on the basis of clauses 54 1), 4) and 5).

§ 57. Deletion of military goods broker from database

The commission shall decide on the deletion of a registered military goods broker from the database if:
1) the broker submits a corresponding application in writing;
2) new facts become evident which, had they been known or existed at the time of review of the application for registration, would have resulted in a refusal to register the broker;
3) the broker fails to comply with the legislation relating to the transfer of strategic goods or the provision of service or the precepts made on the basis thereof;
4) the broker violates an international sanction or a sanction of the Government of the Republic;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

5) the broker that is a legal person is dissolved or the broker who is a natural person dies;
6) the broker violates the restriction imposed pursuant to 53 (2) of this Act;
7) the term of military goods brokering expires.

§ 58. Reporting obligation of military goods broker

(1) A military goods broker is required to submit a written report about its activities to the commission. The report shall be prepared for each previous half-year as at 30 June and 31 December and shall be submitted within 30 calendar days as of the end of the reporting period.

(2) The format of the report specified in subsection (1) of this section shall be established by a regulation of the minister responsible for the area.

Chapter 3
Ensuring state supervision over import and end-use of strategic goods at request of appropriate authority of country of consignment

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 59. Supervision over import and end-use of strategic goods at request of appropriate authority of country of consignment

(1) At the request of an appropriate authority of the country of consignment the commission shall grant a guarantee of the supervision over the import and end-use of strategic goods by issuing the end-used control documents.

(2) The commission may require additional data from the end-user of the goods about the existence of the goods or may use the right to check the goods and the end-use thereof in the rooms or territory of the recipient of the goods if such right has been provided for in the end-use control documents.

(3) The supervision over the import and end-use of strategic goods may also be ensured with regard to the goods that are not included in the list of strategic goods specified in subsection 2 (10) of this Act if this is required by the country of consignment.

(4) The supervision over the import and end-use of strategic goods is conducted by the Estonian Internal Security Service upon performance of functions arising from the Security Authorities Act, the Police and Border Guard Board on the basis of and pursuant to the procedure provided for in the Weapons Act and the Tax and Customs Board within their competence on the basis of the end-use control documents. The law enforcement agencies shall immediately notify the commission of the offences relating to strategic goods and violations of international sanctions and sanctions of the Government of the Republic.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

§ 60. End-use control documents

(1) The end-use control documents are:
1) an International Import Certificate that includes the confirmation of the commission that the owner of the goods shall undertake to import the goods in the indicated value and quantity to Estonia and not re-export without an appropriate special authorisation;
2) the End-User Certificate that includes the end-user confirmation of the commitment to import the goods in the indicated value and quantity to Estonia, use the goods only for indicated purposes and not to re-address the goods without a written consent of the commission, not to re-export the goods again without an appropriate special authorization, and the confirmation of the commission that the control over the use of the goods shall be ensured in Estonia; 3) a Delivery Verification Certificate which includes the confirmation of the commission that the recipient of the goods has received the goods in the indicated value and quantity in Estonia.

(2) Other conditions and precepts of the commission may be provided in the end-use control documents in addition to the confirmation specified in subsection (1) of this section, in order to meet the requests of the country of consignment.

§ 61. Application for end-use control document

(1) In order to obtain an end-use control document a standard format application with the additional documents shall be submitted to the commission electronically or on paper in exceptional cases. The application shall be signed in person by an applicant who is a natural person or by a legal representative of an applicant who is a legal person. A person authorised for that purpose may sign the application on behalf of a legal person governed by public law.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(2) An application shall contain the following information:

1) the name, address, telephone and fax number, email and web page address of the applicant and the personal identification code or date of birth of a natural person and/or the registry code of a legal person;
2) the name, address, telephone and fax number, e-mail and web page address of the recipient of the goods or service and the end-user of the goods, and the personal identification code or date of birth of a natural person or the registry code of a legal person;
3) a description of the goods or service, the field and place of end-use;
4) the country or place of location, the country of origin, the country of consignment and the country of final destination of the goods, and the ISO codes of the specified countries;
5) the quantity and value of goods;
6) the code of the goods according to the Customs Tariff Nomenclature;
7) the category symbol and number of the list of strategic goods;
8) the name, telephone number and e-mail address of a contact person and a representative;
9) the date of the submission of an application and the signature of an applicant.

(3) An applicant shall confirm in the application for end-user control documents that he or she shall undertake to comply with the conditions specified in an end-use control document to be issued.

(4) The format of an end-use control document shall be established by a regulation of the Ministry of Foreign Affairs.

(5) A state fee shall be paid for the review of an application for an end-use control document.

§ 62. Documents to be appended to application for end-use control document

(1) An application for an end-use document shall be appended:
1) an activity licence if a licence is required for handling the goods;
2) the documents certifying the origin and acquisition of the strategic goods;
3) the documents reflecting the quality and technical indicators of the strategic goods (the structural formula of chemicals and CAS registration number if such number exists);
4) an agreement signed with a person of the country of origin, the country of consignment or the country of destination of the goods on the basis of which the import, export or transit of the goods is carried out or a service is provided;
5) a document certifying payment of the state fee.

(2) The following data shall be noted in an agreement specified in clause (1) 4) of this section:
1) the names and contact data of the parties;
2) the name and type of agreement;
3) the name of goods or service being the object of the agreement (in case of chemicals the structural formula and CAS registry number), the quantity and value.

(3) An applicant may append other data to the application which the applicant deems relevant. The documents of no relevance to the proceeding shall be returned or destroyed with the consent of the applicant.

(4) The commission may additionally request an applicant to submit other relevant data related to the application.

§ 63. Procedure of application for end-use control document

(1) The commission shall decide on the issue of an end-use control document or the refusal to issue within 30 working days as of the date of receipt of the application and all the required additional documents. The decision shall be based on the provisions of subsection 19 (3) of this Act.

(2) The commission may extend the term specified in subsection (1) of this section if additional data is required for making a decision or the submitted data needs additional verification. The applicant shall be notified in writing of the extension of the term, the reasons therefor and of the new term.

(3) Upon refusal to process the application the commission shall notify the applicant thereof and return the submitted documents. The paid state fee shall be returned in the procedure provided for by the State Fees Act.

(4) The proceeding of the application shall be terminated if the applicant fails to submit the relevant additional data requested by the commission within 30 days as of the receipt of the request.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 64. Issue of end-use control document

(1) An end-use control document shall be issued within five working days as of making the decision. The data of the issued document shall be entered in the database.

(2) The end-use control document shall be sent to a person by post with the notice of delivery, an ordinary letter or shall be delivered against a receipt. The person shall note the desirable recommended delivery method in the application.

(3) The format of end-use control documents shall be established by a regulation of the minister responsible for the area.

§ 65. Refusal to issue end-use control document

The commission shall not issue an end-use control document if:
1) there is reason to believe that strategic goods may be used illegally in Estonia, be re-addressed or re-exported;
2) false information or falsified documents were knowingly submitted upon application for an end-use control document or information was concealed from the commission:
3) the applicant or a related person has violated an international sanction or a sanction of the Government of the Republic within five years prior to the decision to issue an end-use control document;
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
4) within five years before the decision to issue an end-use control document an applicant or a related person has violated legislation relating to the transfer of strategic goods or the provision of services or the precepts issued on the basis thereof;
5) misdemeanour proceedings have commenced with regard to an applicant or a related person concerning strategic goods, the transfer of strategic goods or the provision of service;
6) other reasons exist.

§ 66. Period of validity of end-use control document and return of document to commission

(1) The term of an end-use control document shall be six months as of the issue by the commission. The document shall be submitted to an appropriate authority of a foreign state within that term.

(2) If an end-use control document is not submitted to an appropriate authority of a foreign state within the term specified in subsection (1) of this section or the goods are not supplied, the document shall be returned to the commission together with a written explanation within ten working days as of the expiry of the period of validity of the document.

(3) Upon a failure to return an end-use control document to the commission on time, the commission may impose a precept pursuant to the procedure provided for in this Act.

§ 67. Revocation of end-use control document

(1) The commission shall revoke an end-use document with its decision if:
1) new facts become evident which, had they been known or existed at the time of reviewing the application for an end-use control document, would have resulted in a refusal to issue the document;
2) the holder of the document fails to comply with the conditions of the document or the legislation concerning the transfer of strategic goods and the provision of services;
5) the document is destroyed or lost;
6) a holder of the document who is a legal person is dissolved or a natural person dies.

§ 68. Request for documents on import of goods exported from Estonia into foreign state and end-use control documents

(1) The commission may request from an applicant for a special authorisation an End-User Confirmation issued by the recipient of the goods, an International Import Certificate issued by an appropriate authority of the country of destination or an End-User Certificate. The commission may apply for the assurance of additional conditions by an appropriate authority of the country of destination.

(2) The commission may require that the Delivery Verification Certificate, issued by an appropriate authority of the country of consignment, be submitted together with the licence to be returned after the transfer of goods.

§ 69. Obligation to preserve documents

The requirements provided for in subsections 24 (1) and (2) of this Act shall be applied to the preservation of the end-use control documents.

Chapter 4
Commission

§ 70. Membership and rules of procedure of commission

(1) The commission shall consist of the representatives of the Ministry of Foreign Affairs, the Ministry of Defence, the Security Police, the Ministry of Economic Affairs and Communications, the Tax and Customs

Board and the Police and Border Guard Board. The commission may involve representatives of other authorities and experts in its work.

(2) The minister responsible for the area, fulfilling the functions of the chairman of the commission, shall be responsible for the work of the commission.

(3) If the minister responsible for the area is unable to participate in the work of the commission, he or she shall appoint a member of commission who is an official of the Ministry of Foreign Affairs to substitute for him or her.

(4) The governmental authorities listed in subsection (1) shall appoint at least two representatives, one of whom is an alternate member.

(5) The commission shall be formed and the rules of procedure shall be established by a regulation of the Government of the Republic.

§ 71. Competence of commission

(1) The commission shall perform the following duties assigned to the commission by this Act and other legislation:
1) discuss and decide the issues related to the strategic goods control system;
2) discuss and update the lists of strategic goods regularly;
3) decide on the issue, amendment, revoke, suspension and annulment of licences;
4) decide on the registration of general authorisation users, the revocation of the right to use general authorisation, the suspension of validity or annulment and the amendment of the entry of the user of general authorisation in the database;
5) decide on the certification of the undertaking, the compliance checks, the revocation of the certification of undertaking, the suspension of validity of certification or annulment and the amendment of the data of certification of an undertaking, in the database;
6) decide on the registration of a military goods broker, the amendment of the data concerning the registered broker and the deletion of the registered broker from the database;
7) decide on the issue and revocation of an International Import Certificate, an End-User Certificate and the Delivery Verification Certificate;
8) co-operate with the appropriate authorities in foreign states and the international export control organisations;
9) issue necessary documents on the basis of its decisions;
10) perform other duties assigned to the commission by law, other legislation or treaty.

(2) In order to perform its duties, the commission has the right to:
1) involve representatives of administrative agencies and other experts in its functions;
2) form opinions on whether the goods have the characteristics of strategic goods due to their qualities or the end-use or the end-user, considering the public safety or human rights;
3) obtain information from supervisory agencies concerning the transfer of strategic goods, the provision of service, the import control and the end-use control;
4) obtain information about the offences relating to strategic goods from supervisory agencies
5) use other rights granted by law, other legislation or treaty thereto.

(3) The commission may change its decisions; revoke or annul in cases provided in this Act, also in the case it is necessary for public interest or for security interests.

(4) The commission shall notify of its decision, if necessary, to the appropriate authorities of foreign states, international organisations and supervisory bodies.

(5) The decisions of the commission may be disputed in an administrative court pursuant to the Code of Administrative Court Procedure. The contestation of the decision of the commission shall not release a person from compliance with it.
6) If the commission amends, revokes or annuls its decision due to predominant public interest or for security interests, the proprietary damage that is caused or may be caused to the person due to the person's certainty of continuation of the validity of commission’s decision shall not be compensated for to the person.

§ 72. Requirements of documents to be submitted to the commission

(1) Requests, applications and additional documents shall be submitted in the Estonian language.

(2) The data in the application for an end-use control document shall be submitted in the Estonian and English languages.

(3) The documents appended to the application, excluding in the English, German and Russian languages, shall be submitted with the translation into the Estonian or English language, certified by a sworn translator.

(4) The transcript of the document shall be submitted on paper. An end-use control document issued by an appropriate authority of a foreign state and the end-user confirmation shall be submitted in an original on paper.

(5) The electronically submitted documents shall be in the format Portable Document File Format (PDF). The electronically submitted documents shall be confirmed by a digital signature.

(6) If some pages are appended to the application for the submission of the data, the same person who signs the standard format application shall sign each additional page.

(7) A document that has been issued in a foreign state is required to be legalised or confirmed with an apostille at the request of the commission unless otherwise provided for by a treaty.

(8) The commission may request submission of the original document due to bad quality or illegibility of the scanned materials or to verify the authenticity of the documents.

Chapter 5
Database

§ 73. Database

(1) The purpose of the database is keeping record of the transfer of strategic goods, provision of service and undertakings engaged in strategic goods and the processing of data for the conduct of proceedings provided for in this Act in order to organise the strategic goods control system, execute strategic goods control policies and ensure efficient state supervision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The database of proceedings related to strategic goods shall be founded and its statutes shall be established by a regulation of the minister responsible for the area.

(3) The controller of the database is the Ministry of Foreign Affairs.

§ 74. Data to be entered in database

(1) The data on the following proceedings related to the strategic goods and the goods specified in the legislation imposing or implementing an international sanction or a sanction of the Government of the Republic shall also be entered into the database:
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]
1) the licences issued;
2) the users of general authorisation;
3) the certified undertakings;
4) the certified recipients of defence-related products;
5) the end-use control documents;
6) the registered military goods brokers.

(2) A detailed composition of the data to be entered in the database and the procedure for the transmission of data on the basis of international obligations shall be provided for in the statutes of the database.

§ 75. Disclosure of data

(1) The lists of certified undertakings, certified recipients of defence related products and registered brokers of military goods are public and they are published on the web page of the Ministry of Foreign Affairs, taking account of the specifications provided in this Act.

(2) The restrictions on access with regard to the licences issued and the data of end-use control documents are in force pursuant to this Act, the State Secrets and Classified Secrets of Foreign States Act, the Public Information Act and the Personal Data Protection Act.

(3) Third parties may apply for access to the data of licences issued and the end-use control documents. The commission may refuse to grant access if enabling it may damage the interest of the person to whose data access is applied for.

(4) The public data of the database are deemed to be correct with regard to third persons except in the case the third person knew or had to know that the entry is incorrect.

(5) The commission shall collect data concerning the certified recipients of defence-related products specified in Article 9 (8) of Directive 2009/43/EC of the European Parliament and of the Council and forward these data to the European Commission. The list of certified recipients of defence-related products shall be published on

the web page of the European Commission in the Central Register of Certified Recipients of the Member States of the European Union, which is publicly accessible via the web page of the Ministry of Foreign Affairs.

Chapter 6
Collection of data by means of surveillance activities

§ 76. Collection of data by means of surveillance activities and query to communications undertaking

(1) A competent authority specified in subsection 126^2(1) of the Code of Criminal Procedure may collect information about a person with the written consent of the person by means of the surveillance activities specified in subsection 126^3(1) of the Code of Criminal Procedure and query to communications undertaking about the data provided for in subsections 111^1(2) and (3) of the Electronic Communications Act if this is necessary to decide the conduct of the proceeding prescribed in clauses 71 (1) 3)-8) of this Act and if the commission finds that the applicant or his or her background, his or her reliability or the data submitted by him or her are raising reasonable doubt and other options to check them have been depleted.

(2) A person shall be notified of the surveillance activities conducted with regard to him or her after completion thereof and passing the resolution by the commission and at the request of the person she or he may examine the data collected by means of surveillance activities in the procedure provided for in the Code of Criminal Procedure.
[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

Chapter 7
Notification obligation

§ 77. Notification of possible use of strategic goods for military purpose and for purpose endangering security

If a holder of the strategic goods or a service provider related thereto has information or doubt that the goods or part of it are intended to use for military purpose or any other purpose endangering the national security, for the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of a weapon of mass destruction or for the development, production, maintenance or storage of missiles capable of delivering such weapons, he or she is required to notify immediately the commission, the Security Police or the Police and Border Guard Board thereof.

§ 78. Notification of Customs authorities upon intra-Community transfer

(1) Upon intra-Community transfer of military goods and dual-use items listed in *Category 5,Part 2*of Annex I of Council Regulation (EC) No 428/2009 which are not listed in Annex IV, the customs authorities shall be notified electronically of the data of special authorisation, the goods and the transfer at least 24 hours before the export from Estonia or the import into Estonia of the goods.

(2) The customs authorities shall be immediately notified of a change in the data submitted pursuant to subsection (1) of this section.

(3) The customs authorities shall confirm at the earliest opportunity electronically the receipt of the data to the submitter of the data.

(4) The customs authorities are entitled to request submission of the special authorisation, the consignment documentation and the goods for inspection at the time and place designated by the customs authorities.

(5) The customs authorities shall forward the data notified to the customs authorities pursuant to subsection (1) of this section to the commission for each previous half-year.

(6) The procedure for the notification of the customs authorities in case of intra-Community transfer of strategic goods shall be established by a regulation of the Government of the Republic.

§ 79. Notification of customs authorities upon transfer of weapon by air

(1) Upon the transfer of a weapon by air on the basis of a special authorisation for strategic goods the exact data on the special authorisation, the goods and the transfer shall be notified to the customs authorities electronically at least 24 hours before the transfer of the goods from Estonia or to Estonia.

(2) The customs authorities shall be notified of a change in the data submitted pursuant to subsection (1) of this section.

(3) The customs authorities shall confirm electronically the receipt of the data to the submitter of the data at the earliest opportunity.

(4) The customs authorities are entitled to request the submission of the special authorisation, the consignment documentation and the goods for inspection at the time and place designated by the customs authorities.

(5) The customs authorities shall forward the data notified to the customs authorities pursuant to subsection (1) of this section to the commission for each previous half-year.

(6) The procedure for the notification of the customs authorities in case of the transport of weapon by air shall be established by a regulation of the Government of the Republic.

§ 80. Change in facts of notification and data

A person who has been issued a licence or an end-use control document or who is entered into the database as a general authorisation user, a certified undertaking or a military goods broker, is required to notify the commission in writing of any changes in the facts or data which were the basis for the issue of the said document or the entry in the database within five working days.

§ 81. Notification of destruction or loss of documents issued by commission

A person who has been issued a licence, a certificate or an end-use control document is required to notify in writing the commission of the destruction or loss of the said document within five working days.

§ 82. Notification of destruction, demolition, dismantling and total depreciation of strategic goods

The commission shall be notified in writing of the total or partial destruction, depreciation, of the intentional, partial or total dismantling or demolition of strategic goods which were brought to Estonia on the basis of special authorisation or an end-use confirmation as a result of which the goods have become unusable, within ten working days as of the occurrence or establishment of the fact. The relevant evidence shall be appended to the written notice.

§ 83. Notification of restrictions established on end-use and re-export of strategic goods

The exporter of strategic goods or provider of service is required to notify the consignee of the conditions of the licence or special authorisation, including the restrictions on the end-use or re-export of goods.

Chapter 71
Demilitarisation of military goods

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83^{1}. Allowing demilitarisation of military goods

(1) A list of military goods which are allowed to be demilitarised and the technical requirements for demilitarisation shall be established by a regulation of the minister responsible for the area.

(2) Demilitarisation of military goods for the purposes of this Act is the changing of the military properties of the product or the changing or removal of the functions as a result of which it is possible to transfer the product to a private entity pursuant to the procedure provided in this Act.

(3) Only military goods specified in the list established on the basis of subsection (1) of this section are allowed to be demilitarised. Persons are allowed to bring into Estonia only the demilitarised military goods specified in the list established on the basis of subsection (1) of this section.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83^{2}. Establishment of compliance with requirements of demilitarised military goods

(1) The military goods of the Defence Forces, other governmental authority, the Defence League or military goods demilitarised in other country are required to comply with the technical requirements established by a regulation on the basis of subsection 83^{1}(1) of this Act.

(2) A person shall notify the commission in writing of the import of the military goods demilitarised in another country at least 20 working days before the import of the goods. The following data concerning the military goods demilitarised in another country shall be submitted to the commission:

1) the given name and surname, personal identification code, residence, telephone number and email address of the owner or possessor, in the case of a legal person the name, registry code or registration number, address, name and telephone number of the contact person;
2) name of military goods and other relevant data about the military goods;
3) data and documents proving the origin and transfer of the military goods demilitarised in another country;
4) the mode of transport and presumed time of import into Estonia.

(3) The documents specified in clause (2) 3) of this section shall be translated into the Estonian or English language and certified by a certificate (*apostille*) unless otherwise provided by an international agreement.

(4) A person who has imported into Estonia military goods demilitarised in another country shall submit an application to the Defence Forces, together with the data specified in subsection (2) of this section, in order to establish the compliance of the military goods with the technical requirements established on the basis of subsection 83^{1}l(1) of this Act.

(5) The application shall be reviewed by the Defence Forces within 20 working days as of the transfer of the military goods demilitarised in another country to the possession of the Defence Forces. The term for reviewing the application may be extended by 20 working days if this is necessary due to the complexity of the case.

(6) If the Defence Forces establish the compliance of the military goods demilitarised in another country with the technical requirements established on the basis of subsection 83^{1}l(1) of this Act, other state authorities and specialists may be involved in the establishing.

(7) A state fee shall be paid for the establishing of the compliance with the technical requirements of the demilitarised military goods.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83^{3}. Bringing of demilitarised military goods into compliance with technical requirements

(1) If the military goods demilitarised in another country are not in compliance with the technical requirements established on the basis of subsection 83^{1}(1) of this Act, the owner of the military goods may have it altered to be in compliance with the technical requirements by the person who is holding the activity licence provided in clause 83^{33}(1) 2) of the Weapons Act or return if the military goods is a military weapon. In the case of a vehicle or other product the vehicle or other product may be brought into compliance with the technical requirements with the consent of the commission by a natural or legal person who is engaged in repairing vehicles or other products of such kind.

(2) A natural or legal person, who has the right to bring the military goods into compliance with the technical requirements established on the basis of subsection 83^{1}(1) of this Act, is required to give all the materials and components which he or she removes from the equipment, vehicle or other product over to the Defence Forces together with the equipment, vehicle or other product, except a person who is holding an activity licence provided in clause 8333 (1) 2) of the Weapons Act..

(3) If the possessor of the military goods which are not in compliance with the technical requirements established on the basis of subsection 83^{1}l(1) of this Act, foregoes the bringing of the military goods into the compliance with technical requirements and wishes to take them back, this is performed on the basis of the special authorisation provided in subsection 6 (1) of this Act.

(4) If the possessor of the military goods which are not in compliance with the technical requirements established on the basis of subsection 83^{1}l(1) of this Act, foregoes the bringing of the military goods into the compliance with technical requirements and returning them, he or she shall transfer it without charge to the Defence Forces.

(5) The expenses concerning the proceedings related to the bringing into the compliance with technical requirements of the military goods provided in subsection (1) of this section shall be borne by the person who has imported the military goods to Estonia
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83^{4}. Recognition of compliance of demilitarised military goods with requirements

(1) If the military goods demilitarised in another country comply with the technical requirements established on the basis of subsection 83^{1}l(1) of this Act, the Defence Forces shall declare that the military goods are in compliance with the technical requirements and shall issue the certificate of compliance of the demilitarised military goods with technical requirements.

2) The compliance of the demilitarised military goods with the technical requirements is presumed in the Defence Forces, other state authority or the Defence League. The Defence Forces shall issue a certificate of compliance of the demilitarised military goods with the technical requirements.

(3) The form of the certificate of compliance of demilitarised military goods with the technical requirements shall be established by a regulation of a minister responsible for the area.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83[5]. Registration of demilitarised military goods

If the obligation of registration is imposed, after being demilitarised, on the goods in the list of military goods established on the basis of subsection 83[1](1) of this Act, these demilitarised military goods shall be registered in the relevant register.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 83[6]. Prohibition on restoration of demilitarised military goods

In the course of demilitarisation of military goods the restoration of their military properties or functions (remilitarisation) is prohibited.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

Chapter 8
State supervision

§ 84. State supervisory authorities

(1) The state supervision over the compliance with the requirements provided for in this Act or legislation established on the basis thereof shall be exercised by:
1) the commission;
2) the Security Police;
3) the Tax and Customs Board;
4) the Police and Border Guard Board.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(2) The Estonian Internal Security Service and the Tax and Customs Board shall notify the commission immediately of any detected offences relating to strategic goods and of violations of international sanctions or sanctions of the Government of the Republic.
[RT I, 19.03.2019, 11 - entry into force 01.01.2020]

§ 85. Competence of commission

The competence of the commission is the supervision of the compliance of the activities of an undertaking engaged in strategic goods with the requirements of this Act.

§ 86. Competence of Security Police

The Security Police shall exercise supervision over the transfer of strategic goods and the provision of services related to strategic goods within its competence in line with this Act.

§ 87. Competence of Tax and Customs Board

The Tax and Customs Board shall exercise the supervision over the transfer of strategic goods within its competence in line with this Act.

§ 87[1]. Competence of Police and Borer Guard Board

The Police and Border Guard Board shall exercise supervision over the compliance with the requirements of handling demilitarised military goods within the limits of their competence in accordance with this Act.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 88. Special measures of state supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) An official exercising state supervision in the name of the commission shall be entitled to apply special measures of state supervision provided for in §§ 30 and 50 of the Law Enforcement Act on the basis of and in the procedure provided for in the Law Enforcement Act.

(2) An official exercising supervision in the name of the Estonian Internal Security Service and the Tax and Customs Board shall be entitled to apply special measures of state supervision provided for in subsection (30) (3) and §§ 50 and 51 of the Law Enforcement Act with regard to an undertaking engaged in strategic goods on the basis of and pursuant to the procedure provided in the Law Enforcement Act. The Estonian Internal Security Service may apply the provisions on the processing of personal data in the Security Authorities Act for the purpose of exercising state supervision provided for in this Act.
[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(3) The measures shall be applied with regard to a person responsible for public policy. Where there is a reason to believe that a person is a responsible person for public order, measures shall be applied with regard to him or her if it is necessary for identification of the danger and prevention thereof.

(4) The Estonian Internal Security Service may apply direct coercion on the basis of and in the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 89. Upper limit of penalty payment

Upon a failure to comply with the precept made in the course of state supervision the state supervisory authority may implement penalty payment in the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment is 640 euros.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 90. Decision

(1) The commission has the right to make a decision constituting a basis for the suspension of validity or the revocation of special authorisation, the right of use of special authorisation or a registry entry made if:
1) a precept has not been complied repeatedly or
2) an undertaking does not comply with the requirements established for operation in the field of activities concerned.

(2) A person shall be notified of the decision specified in subsection (1) of this section and it shall be delivered against the receipt or sent by post with notice of delivery within two working days as of the date of making the decision.

§ 91. Contestation of precept or proceeding

A person with regard to whom a precept or other proceeding has been made has the right, in case of disagreement, to contest it in the challenge procedure provided for in the Administrative Procedure Act.

§ 92. Administrative supervision over activities of commission and reporting

(1) Administrative supervision over the activities of the commission is exercised by the Government of the Republic.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The commission shall submit an activity report to the Government of the Republic at least once a year.

Chapter 9
Liability

§ 93. Violation of notification obligation

(1) A failure to comply with the notification obligation provided for in §§ 77- 83 of this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.

§ 93[1]. Violation of conditions of special authorisation for strategic goods

(1) A failure to comply with the conditions of special authorisation for strategic goods is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.
[RT I, 12.07.2014, 1- entry into force 01.01.2015]

§ 94. Non-compliance with obligation of preservation of documents and reporting

(1) A failure to comply with the obligation to preserve documents and the reporting obligation provided for in §§ 24, 35, 48, 58 and 69 of this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.

§ 95. Procedure

(1) [Repealed –RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The bodies conducting extra-judicial proceedings concerning the misdemeanours provided for in this Chapter are, within their competence, the Security Police and the Tax and Customs Board.

(3) The body conducting extra-judicial proceedings or the court may apply the confiscation of the substance or object that was the direct object of committing the misdemeanour provided for in § 93 of this Act in accordance with § 83 the Penal Code.

Chapter 10
Implementing provisions

§ 96. Validity of special authorisation issued

(1) Licences and end-use control documents issued on the basis of the legislation which was in force prior to the entry into force of this Act shall be valid until the end of their period of validity or until revocation thereof. The provisions in force at the time of the issue of the documents shall apply to the revocation and return of the documents.

(2) The certificates issued and registry entries made on the basis of the legislation in force until now shall be valid until 30 June 2012 unless a written request has been submitted to the commission before the specified date for the verification of the compliance of the conditions of a certificate or a registry entry.

(3) If the commission decides to amend a certificate or a registry entry valid currently to check the compliance with the conditions of a certificate or a registry entry, the undertaking shall submit the required additional documents.

§ 97. Review of applications submitted earlier

An application submitted before the entry into force of this Act shall be processed pursuant to the provisions in force during the submission of the application.

§ 98.–§ 103.[Omitted from this text.]

§ 104. Entry into force of Act

(1) This Act shall enter into force on 1 January 2012.

(2) Subsections 14 (6), 25 (5), §§ 36-48 and 51 (3) shall enter into force on 30 June 2012.

[1]EU Council Joint Action 2000/401/CFSP (OJ L 159, 30.06. 2000); EU Council Common Position 2003/468/CFSP (OJ L 156, 25.06.2003); EU Council Common Position 2008/944/ÜVJP (OJ L 335, 13.12.2008); Directive 2009/43/EC of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146/1, 10.06.2009) and Commission Directive 2010/80/EU (OJ L 308/11, 24.11.2010) amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products.