

**Wassenaar Arrangement
on
Export Controls for Conventional Arms and
Dual-Use Goods and Technologies**

**Guidelines & Procedures,
including the
Initial Elements^(A)**

December 2011

Note: Amendments made to the Initial Elements since their adoption on 12 July 1996 are indicated by lettered endnotes following Appendix 5 of the Initial Elements.

Initial Elements

I. Purposes

As originally established in the Initial Elements adopted by the Plenary of 11-12 July 1996 and as exceptionally amended by the Plenary of 6-7 December 2001.^(B)

1. The *Wassenaar Arrangement* has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. Participating States will seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.
2. It will complement and reinforce, without duplication, the existing control regimes for weapons of mass destruction and their delivery systems, as well as other internationally recognised measures designed to promote transparency and greater responsibility, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest.
3. This Arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.
4. This Arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations.
5. In line with the paragraphs above, Participating States will continue to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as by individual terrorists. Such efforts are an integral part of the global fight against terrorism.^(C)

II. Scope

1. Participating States will meet on a regular basis to ensure that transfers of conventional arms and transfers in dual-use goods and technologies are carried out responsibly and in furtherance of international and regional peace and security.
2. To this end, Participating States will exchange, on a voluntary basis, information that will enhance transparency, will lead to discussions among all Participating States on arms transfers, as well as on sensitive dual-use goods and technologies, and will assist in developing common understandings of the risks associated with the transfer of these items. On the basis of this information they will assess the scope for co-ordinating national control policies to combat these risks. The information to be exchanged will include any matters which individual Participating States wish to bring to the attention of others, including, for those wishing to do so, notifications which go beyond those agreed upon.
3. The decision to transfer or deny transfer of any item will be the sole responsibility of each Participating State. All measures undertaken with respect to the Arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.
4. In accordance with the provisions of this Arrangement, Participating States agree to notify transfers and denials. These notifications will apply to all non-participating states. However, in the light of the general and specific information exchange, the scope of these notifications, as well as their relevance for the purposes of the Arrangement, will be reviewed. Notification of a denial will not impose an obligation on other Participating States to deny similar transfers. However, a Participating State will notify, preferably within 30 days, but no later than within 60 days, all other Participating States of an approval of a licence which has been denied by another Participating State for an essentially identical transaction during the last three years.¹
5. Participating States agree to work expeditiously on guidelines and procedures that take into account experience acquired. This work continues and will include, in particular, a continuing review^(D) of the scope of conventional arms to be covered with a view to extending information and notifications beyond the categories described in [Appendix 3](#). Participating States agree to discuss further how to deal with any areas of overlap between the various lists.
6. Participating States agree to assess, on a regular basis, the overall functioning of this Arrangement.^(E)

¹ This notification is applicable to items in the Sensitive List and the Very Sensitive List.

- **Scope (contd.)**

7. ^(F)In fulfilling the purposes of this Arrangement as defined in Section I, Participating States have, *inter alia*, agreed to the following guidelines, elements and procedures as a basis for decision making through the application of their own national legislation and policies:
 - “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” - adopted December 1998 and amended in 2004 and 2011;
 - “Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW)” - adopted December 2002 and amended December 2007;
 - “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” - adopted December 2003 and amended December 2007;
 - “Elements for Effective Legislation on Arms Brokering” – adopted December 2003;
 - “Statement of Understanding on Control of Non-Listed Dual-Use Items” – adopted December 2003;
 - “Best Practices for Implementing Intangible Transfers of Technology Controls” - adopted December 2006;
 - “Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons (SALW) through Air Transport” – adopted December 2007;
 - “Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies” – adopted December 2011;
 - “Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the WA Initial Elements” – adopted December 2011;
 - “Elements for Controlling Transportation of Conventional Arms Between Third Countries” – adopted December 2011.^(G)

III. Control Lists

1. Participating States will control all items set forth in the Lists of Dual-Use Goods and Technologies and in the Munitions List ^{2 (H)}(see Appendix 5), with the objective of preventing unauthorised transfers or re-transfers of those items.
2. The List of Dual-Use Goods and Technologies (Dual-Use List) has two annexes: 1) sensitive items (Sensitive List) and 2) very sensitive items (Very Sensitive List).^(I)
3. The lists will be reviewed regularly to reflect technological developments and experience gained by Participating States, including in the field of dual-use goods and technologies which are critical for indigenous military capabilities. In this respect, studies shall be completed to coincide with the first revision to the lists to establish an appropriate level of transparency for pertinent items.

² The Russian Federation and Ukraine view this list as a reference list drawn up to help in the selection of dual-use goods which could contribute to the indigenous development, production or enhancement of conventional munitions capabilities.

IV. Procedures for the General Information Exchange

1. Participating States agree to exchange general information on risks associated with transfers of conventional arms and dual-use goods and technologies in order to consider, where necessary, the scope for co-ordinating national control policies to combat these risks.
2. In furtherance of this objective, and in keeping with the commitment to maximum restraint as a matter of national policy when considering applications for the export of arms and sensitive dual-use goods to all destinations where the risks are judged greatest, in particular to regions where conflict is occurring, Participating States also agree to exchange information on regions they consider relevant to the purposes of the Arrangement. These Regional Views should be based on, but not limited to, Section 2 of the “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” (adopted by the 1998 Plenary).⁽⁴⁾
3. A list of possible elements of the general information exchange on non-participating states is contained in Appendix 1.

V. Procedures for the Exchange of Information on Dual-Use Goods and Technology

1. Participating States will notify licences denied to non-participants with respect to items on the List of Dual-Use Goods and Technologies, where the reasons for denial are relevant to the purposes of the Arrangement.
2. For the Dual-Use List, Participating States will notify all licences denied relevant to the purposes of the Arrangement to non-participating states, on an aggregate basis, twice per year. The indicative content of these denial notifications is described in Appendix 2.
3. For items in the Sensitive List and Very Sensitive List, Participating States will notify, on an individual basis, all licences denied pursuant to the purposes of the Arrangement to non-participating states. Participating States agree that notification shall be made on an early and timely basis, that is, preferably within 30 days but no later than within 60 days, of the date of the denial. The indicative content of these denial notifications is described in Appendix 2.
4. For items in the Sensitive List and Very Sensitive List, Participating States will notify licences issued or transfers made relevant to the purposes of the Arrangement to non-participants, on an aggregate basis, twice per year. The indicative content of these licence/transfer notifications is described in Appendix 2.
5. Participating States will exert extreme vigilance for items included in the Very Sensitive List by applying to those exports national conditions and criteria. They will discuss and compare national practices at a later stage.
6. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VI. Procedures for the Exchange of Information on Arms

1. Participating States agree that the information to be exchanged on arms will include any matters which individual Participating States wish to bring to the attention of others, such as emerging trends in weapons programmes and the accumulation of particular weapons systems, where they are of concern, for achieving the objectives of the Arrangement.
2. As an initial stage in the evolution of the new Arrangement, Participating States will exchange information every six months on deliveries to non-participating states of conventional arms set forth in Appendix 3, derived from the categories of the UN Register of Conventional Arms. The information should include the quantity and the name of the recipient state and, except in the category of missiles and missile launchers, details of model and type.
3. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VII. Meetings and Administration

1. Participating States will meet periodically to take decisions regarding this Arrangement, its purposes and its further elaboration, to review the lists of controlled items, to consider ways of co-ordinating efforts to promote the development of effective export control systems, and to discuss other relevant matters of mutual interest, including information to be made public.
2. Plenary meetings will be held at least once a year and chaired by a Participating State on the basis of annual rotation. Financial needs of the Arrangement will be covered under annual budgets, to be adopted by Plenary Meetings.
3. Working Groups may be established, if the Plenary meeting so decides.
4. There will be a secretariat with a staff necessary to undertake the tasks entrusted to it.
5. All decisions in the framework of this Arrangement will be reached by consensus of the Participating States.

VIII. Participation

The new Arrangement will be open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria in Appendix 4. Admission of new participants will be based on consensus.

IX. Confidentiality

Information exchanged will remain confidential and be treated as privileged diplomatic communications. This confidentiality will extend to any use made of the information and any discussion among Participating States.

General Information Exchange

Indicative Contents

The following is a list of possible principal elements of the general information exchange on non-participating states, pursuant to the purposes of the agreement (not all elements necessarily applying to both arms and dual-use goods and technology):

1. Acquisition activities

- Companies/organisations
- Routes and methods of acquisition
- Acquisition networks inside/outside the country
- Use of foreign expertise
- Sensitive end-users
- Acquisition patterns
- Conclusions.

2. Export policy

- Export control policy
- Trade in critical goods and technology
- Conclusions.

3. Projects of Concern

- Description of the project
- Level of technology
- Present status of development
- Future plans
- Missing technology (development and production)
- Companies/organisations involved, including end-user(s)
- Diversion activities
- Conclusions.

4. Other matters

Appendix 2

Specific Information Exchange on Dual-Use Goods and Technologies

Indicative Content of Notifications

The content of denial notifications for the Dual-Use List will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Country of destination
- Item number on the Control List
- Short description
- Number of licences denied
- Number of units (quantity)
- Reason for denial.

Denial notification for items in the Sensitive List and the Very Sensitive List will be on the basis of, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Consignee(s)
 - Intermediate consignee(s) and/or agent(s):
Name
Address
Country
 - Ultimate consignee(s) and/or end-user(s):
Name
Address
Country
- Stated end-use
- Reason for the denial
- Other relevant information.

The content of notifications for licences/transfers in the Sensitive List and the Very Sensitive List^(K) will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Destination (country).

Specific Information Exchange on Arms
Content by Category

1. Battle Tanks

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tonnes unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre.

2. Armoured Combat Vehicles

2.1 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability designed, or modified and equipped:

2.1.1 to transport a squad of four or more infantrymen, or

2.1.2 with an integral or organic weapon of at least 12.5 mm calibre, or

2.1.3 with a missile launcher.

2.2 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability specially designed, or modified and equipped:

2.2.1 with organic technical means for observation, reconnaissance, target indication, and designed to perform reconnaissance missions, or

2.2.2 with integral organic technical means for command of troops, or

2.2.3 with integral organic electronic and technical means designed for electronic warfare.

2.3 Armoured bridge-launching vehicles.^(M)

3. Large Calibre Artillery Systems^(N)

3.1 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm to 155 mm, inclusive.

3.2 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre above 155 mm.

3.3 Multiple-launch rocket systems capable of engaging surface targets, including armour, by delivering primarily indirect fire with the calibre of 75 mm and above.

3.4 Gun-carriers specifically designed for towing artillery.^(O)

4. Military Aircraft/Unmanned Aerial Vehicles

4.1 Military Aircraft:

Fixed-wing or variable-geometry wing aircraft which are designed, equipped or modified:

4.1.1 to engage targets by employing guided missiles, unguided rockets, bombs, guns, machine guns, cannons or other weapons of destruction.

4.1.2. to perform reconnaissance, command of troops, electronic warfare, electronic and fire suppression of air defence systems, refuelling or airdrop missions.

4.2 Unmanned Aerial Vehicles:

Unmanned aerial vehicles, specially designed, modified, or equipped for military use including electronic warfare, suppression of air defence systems, or reconnaissance missions, as well as systems for the control and receiving of information from the unmanned aerial vehicles.

"Military Aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

5. Military and Attack Helicopters

Rotary-wing aircraft which are designed, equipped or modified to:

5.1 engage targets by employing guided or unguided, air-to-surface, anti-armour weapons, air to sub-surface or air-to-air weapons, and equipped with an integrated fire-control and aiming system for these weapons.

5.2 perform reconnaissance, target acquisition (including anti-submarine warfare), communications, command of troops, or electronic warfare, or mine laying missions.

6. Warships^(P)

Vessel or submarines armed and equipped for military use with a standard displacement of 150 metric tonnes or above, and those with a standard displacement of less than 150 metric tonnes equipped for launching missiles with a range of at least 25 km or torpedoes with a similar range.

7. Missiles or Missile Systems

Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 km, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories 1 to 6.

This category:

- 7.1 also includes remotely piloted vehicles with the characteristics for missiles as defined above;
- 7.2 does not include ground-to-air missiles.

8. Small Arms and Light Weapons – Man-Portable Weapons made or modified to military specification for use as lethal instruments of war^(Q)

- 8.1 Small Arms – broadly categorised for reporting purposes as: those weapons intended for use by individual members of armed forces or security forces, including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.
- 8.2 Light Weapons – broadly categorised for reporting purposes as: those weapons intended for use by individual or several members of armed or security forces serving as a crew and delivering primarily direct fire. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibre less than 75 mm.
- 8.3 Man-Portable Air-Defence Systems – broadly categorised for reporting purposes as: surface-to-air missile systems intended for use by an individual or several members of armed forces serving as a crew.

Participation

Criteria

When deciding on the eligibility of a state for participation, the following factors, *inter alia*, will be taken into consideration, as an index of its ability to contribute to the purposes of the new Arrangement:

- Whether it is a producer/exporter of arms or industrial equipment respectively;
- Whether it has taken the WA Control lists as a reference in its national export controls;^(R)
- Its non-proliferation policies and appropriate national policies, including:
 - Adherence to non-proliferation policies, control lists and, where applicable, guidelines of the Nuclear Suppliers Group, the Zangger Committee,^(S) the Missile Technology Control Regime and the Australia Group; and through adherence to the Nuclear Non-Proliferation Treaty, the Biological and Toxicological Weapons Convention, the Chemical Weapons Convention and (where applicable) START I, including the Lisbon Protocol;
- Its adherence to fully effective export controls.

Appendix 5

Lists of Dual-Use Goods and Technologies and Munitions List*

* For the most recent version of the Lists of Dual-Use Goods and Technologies and the Munitions List, see the Wassenaar Arrangement's website: www.wassenaar.org

Endnotes indicating the amendments made to the Initial Elements since their adoption on 12 July 1996

- (A) Title amended by the December 2003 Plenary.
- (B) Section I, Purposes - first sentence added by the December 2003 Plenary.
- (C) Section I, Purposes – new paragraph 5 added by the December 2001 Plenary.
- (D) Section II, Scope - first part of paragraph 5 added by the December 2003 Plenary.
- (E) Section II, Scope – new paragraph 6 added by the December 2003 Plenary.
- (F) Section II, Scope – new paragraph 7 added by the December 2003 Plenary.
- (G) Section II, Scope – list of documents referenced in paragraph 7 amended in 2007 and expanded to include 2006 ITT and 2007 Air Transport of SALW documents. The list was amended again in 2011 to include documents concerning ICP, Re-export, and Transportation Between Third Countries, all adopted in 2011.
- (H) Reference to France removed from the footnote at its request – December 2009 Plenary.
- (I) The 2003 Plenary agreed to make the following changes in terminology throughout the Initial Elements:
- Tier 1 is now called the Dual-Use List
 - Tier 2 is now called the Sensitive List
 - Sub-set of tier 2 is now called the Very Sensitive List
- (J) Section IV, Procedures for the General Information Exchange – new paragraph 2 added by the December 2003 Plenary.
- (K) Appendix 2 – reference to the Very Sensitive List added through silence procedure in 2004.
- (L) Appendix 3 expanded to include sub-categories under Categories 2, 3, 4, 5 and 7 by the December 1999 Plenary.
- (M) Appendix 3, sub-category 2.3 added by the December 2001 Plenary.
- (N) Appendix 3, sub-categories 3.1 and 3.3 – the threshold calibre parameter modified from 100 mm to 75 mm by the December 2003 Plenary.
- (O) Appendix 3, sub-category 3.4 added by the December 2001 Plenary.
- (P) Appendix 3, Category 6 - the standard displacement parameter modified from 750 to 150 metric tonnes by the December 2002 Plenary.
- (Q) Appendix 3, Category 8 added by the December 2003 Plenary.
- (R) Appendix 4, Participation Criteria, additional criterion added by the December 2003 Plenary.
- (S) Appendix 4, Participation Criteria, reference to the Zangger Committee added by the December 2003 Plenary.