

Wassenaar Arrangement: Updated *List of Advisory Questions* – 2018

Recently, the Participating States of the Wassenaar Arrangement (“**WA**”) have decided to update the *List of Advisory Questions for the Industry Manual* that was adopted in its Plenary Session in the year 2003. It is a progressive step by the member nations of the Wassenaar Arrangement, , to further strengthen its *Best Practices and Guidelines* for the Industry and National Export Control Authorities.

In contrast with its erstwhile list which was first published in the year 2003, the recently issued *List of Advisory Questions* are more comprehensive in nature and are essentially designed to provide guidance to companies on certain points when suspicion should be raised and a contact with the national export licensing authority is advisable.

The *List of Advisory Questions* are broadly categorized into those relating to:

- (a) **Product** – Its dual-use capability, correct control classification and any unusual customization demanded by the customer in the product which has the potential of dual use;
- (b) **End-user & End-use** – Proper know how of the customer, his/ her credibility, the intended end-use of the product, its connection with military and defence organisations and soundness of information exchange with the customer;
- (c) **Shipment** – Unusual shipping route, nature of packaging demanded and collection of products by third party other than the customer; and
- (d) **Contract conditions** – Party by whom actual payment is to be made, area where actual installation is to be done and insistence for self-installation of product by customer.

The *List of Advisory Questions* has essentially been designed to promote greater responsibility among its members in export of dual use items and to prevent destabilizing accumulations. For any multinational company, these questions would serve as guidelines for comprehensive scrutiny of their exports.

The complete *List of Advisory Questions* can be viewed by clicking on the following link:

<https://www.wassenaar.org/app/uploads/2018/12/Advisory-Questions-for-Industry-Amended.pdf>

ELP COMMENTS:

The fact that the WA Participating States have updated the (non-exhaustive) List of Advisory Questions for its members quite evidently indicates the level of seriousness which is expected from the companies operating in cross-border transactions. This would also further entail, respecting and adhering to the export control regime prevalent in the respective domestic jurisdiction. These recommendations would essentially serve as guiding principles which companies must consider while dealing with overseas customers before executing the contracts, particularly in a scenario where the product in question can potentially be put to dual-use.