

Tracker Best Practices Seminar



WARSAW • POLAND • 2009

Licensing process in Poland

Presentation by
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Ministry of Economy
Poland

SCOPE OF CONTROL

- CONVENTIONAL ARMS**
- SALW**
- MANPADS**
- DUAL-USE GOODS**
- WEAPONS OF MASS DESTRUCTION**
- CWC**
- TRADE WITHIN „CATCH ALL” CLAUSE**
- BROKERING SERVICES**
- TECHNICAL ASSISTANCE**



BASIC LAWS

- ❑ **Council Regulation (EC) No 1334/2000 of 22 June 2000 establishing a Community regime for the control of exports of dual-use items and technology**
- ❑ **Law of 29 November, 2000 on international trade in goods, technologies and services strategically relevant for state security and maintenance of international peace and security**
- ❑ **Law of 22 June, 2001 on economic activity (concerning licensing of production, trade, using arms and dual-use products for military and police purposes within the territory of Poland)**



BASIC LAWS

- ❑ **Ordinance by the Council of Ministers specifying a list of countries where items of strategic importance shall not be exported or their export shall be limited**
- ❑ **List of EU embargoes on arms exports, UN Security Council embargoes on arms exports and arms embargoes imposed by the OSCE**



CONTROL LISTS

- ❑ **Council Regulation (EC) No 1167/2008 of 24 October 2008 amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology (ANNEX I List of Dual-Use Items and Technology referred to in Article 3 of Regulation (EC) No 1334/2000)**
- ❑ **Ordinance by the Minister of Economy of 13 November 2008 on the list of military goods (export-transit and import control lists)**



LICENSING & AUTHORISATION

- ❑ **Export and Re-export**
- ❑ **Import**
- ❑ **Transit**
- ❑ **Related services (brokering, business consultations brokering, contract negotiating assistance, business consultations, forwarding, shipment loading and agency services etc.)**
- ❑ **Technical assistance**



LICENSING & AUTHORISATION

- **For the export of dual-use items, brokering services, and technical assistance related to dual-use items, are issued:**
 - **individual,**
 - **general,**
 - **global licenses**

(as defined in Council Regulation (EC) No 1334/2000)



LICENSING & AUTHORISATION

- For the export, import, and transit of military goods, an individual authorisation shall be required.
- The Minister of Economy may adopt an Ordinance specifying a list of spare parts of military goods whose export shall be subject to global authorisations, taking into account the volumes and directions of supplies.
- For the provision of brokering, forwarding services and technical assistance related to military goods, individual, general or global authorisations shall be issued.



LICENSING & AUTHORISATION

- **Individual or global licenses shall be issued following an application by any natural or legal person.**
- **An application for an individual or global license should specify:**
 - 1) **the name of the natural or legal person (applicant), their registered office and address;**
 - 2) **the number of entry in the Register of Entrepreneurs as defined in the National Court Register Act of 20 August 1997 (Journal of Laws of 2001, No 17, item 209, as amended);**
 - 3) **the type and scope of business activity carried out by the natural or legal person;**
 - 4) **the exporter's or importer's name, their registered office and address;**
 - 5) **the name of the producer and end user, their registered offices and addresses;**
 - 6) **types of items of strategic importance, brokering services or technical assistance to be traded with foreign partners, their description, value and quantity;**
 - 7) **the intended use of items of strategic importance by the end user;**
 - 8) **a country of final destination;**
 - 9) **a statement of the natural or legal person with a commitment to take any action necessary to deliver items declared in the application to the end user, and to inform a foreign importer that any change of declared end-use of these items or any change of their end user requires a prior approval of the Polish trade control authority.**



LICENSING & AUTHORISATION

- **License application for an individual or global license for trade in items of strategic importance should be accompanied by:**
 - 1) **a statement confirming that there are no circumstances referred to in Article 10 (1) of the Law of 29 November, 2000 on international trade in goods, technologies and services strategically relevant for state security and maintenance of international peace and security,**



LICENSING & AUTHORISATION

- 2) a copy of the concession to carry out trade in explosives, weapons and ammunition, as well as products and technologies to be used for the military or police purposes, as defined in the Law of 22 June 2001 laying down the conditions of business activity related to production and trade in explosives, weapons and ammunition, as well as products and technologies to be used for the military or police purposes (Journal of Law No 67, item 679, as amended);
- 3) a draft of trade agreement;
- 4) a copy of the valid ICP certificate;
- 5) an import certificate or end user statement (in a case of export).



THE MINISTER OF ECONOMY

Plac. Trańca, Rynek 3/5, 00-903 Warszawa

SECTION A

Application

Form No. 1

Part A page 1

Submission date: <small>(to be completed by the Ministry of Economy)</small>	Application no.: <small>(to be completed by the Ministry of Economy)</small>	Application no.: <small>(to be completed by the applicant)</small>
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APPLICATION FOR:

(re: foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security)

IMPORT CERTIFICATE , **CONFIRMATION OF THE END USER STATEMENT** ,

LICENCE: INDIVIDUAL , GLOBAL for:

EXPORT , **IMPORT** , **TRANSIT** , **TECHNICAL ASSISTANCE** **SERVICES**

Type of service: **Brokering** **Business consulting** **Contracts execution assistance** **Other**

- Please type or write in block letters to complete the application.
- Do not use abbreviations.
- Please fill appropriate boxes.
- If the space is not sufficient to provide all required information, enter additional information in box 25 and in sections Band C.

1. Applicant			
Name (company):		No. of concession issued by the Ministry of the Interior and Administration:	
Street / no.:		REGON (statistical number):	
Town / postcode:		No. of entry in the Register of Entrepreneurs:	
Phone no.:	Fax no.:	e-mail:	
2. Type and scope of business activity pursued by the applicant:			
3. Items covered by the application:		from the list of military goods <input type="checkbox"/>	from the list of dual-use items <input type="checkbox"/>
		exported to countries covered by restrictions <input type="checkbox"/>	
4. Intended use of items of strategic importance by the end user:?			
5. Country of final destination:			
6. Polish border crossing point / customs office:			
7. Type of transport:3			11. Planned transaction date:
8. Forwarding country:			
9. Country where items are or will be held:			
10. Country where items will be subject to customs procedures:			

1. Application form - Country must be indicated in accordance with Annex IV to Council Regulation (EC) No 111/2000 and relevant goods specified in the application.

2. When applying for an import licence, complete box 6 also in the English language.

3. Services only.

Application

Form No. 1

Part A page 2

12	Exporter:	Name (company):	No. of concession issued by the Ministry of the Interior and Administration*:		
		Street / no. / Town / postcode:	REGION (statistical number)*:		
		Country:	No. of entry in the Register of Entrepreneurs*:		
		Phoneno.:	Faxno.:	e-mail:	
13	Importer:	Name (company):	No. of concession issued by the Ministry of the Interior and Administration*:		
		Street / no. / Town / postcode:	REGION (statistical number)*:		
		Country:	No. of entry in the Register of Entrepreneurs*:		
		Phoneno.:	Faxno.:	e-mail:	
14	End users:	Name (company):	No. of concession issued by the Ministry of the Interior and Administration*:		
		Street / no. / Town / postcode:	REGION (statistical number)*:		
		Country:	No. of entry in the Register of Entrepreneurs*:		
		Phoneno.:	Faxno.:	e-mail:	
15	Producer:	Name (company):	No. of concession issued by the Ministry of the Interior and Administration*:		
		Street / no. / Town / postcode:	REGION (statistical number)*:		
		Country:	No. of entry in the Register of Entrepreneurs*:		
		Phoneno.:	Faxno.:	e-mail:	
16	Other trading partner:	Name (company):	No. of concession issued by the Ministry of the Interior and Administration*:		
		Street / no. / Town / postcode:	REGION (statistical number)*:		
		Country:	No. of entry in the Register of Entrepreneurs*:		
		Phoneno.:	Faxno.:	e-mail:	
Type of transaction-related activities:					
17	Person appointed by the applicant to co-ordinate the control of trade items of strategic importance	Name and surname:			
		Position:			
		Phone no.:	Fax no.:	e-mail:	

Submission date: <i>(to be completed by the Ministry of Economy)</i>		Application no. : <i>(to be completed by the Ministry of Economy)</i>		Applicant's application no. : <i>(to be completed by the applicant)</i>			
APPLICATION FOR: IMPORT CERTIFICATE, CONFIRMATION OF THE END USER STATEMENT, INDIVIDUAL / GLOBAL LICENCE (re: foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security)							
<ul style="list-style-type: none"> Please type or write in block letters to complete the application. 							
No.	Name and detailed description of items of strategic importance or services (type, brand, class, serial number)	Producer ²	Control number ² (cex, gov, subaction)	Quantity	Unit of measure	Unit value	Value
							Total value:

No. of the last item listed on this page

Page:

No. of pages:

Application

Form No. 1

Part B

Submission date: <i>(to be completed by the Ministry of Economy)</i>		Application no. : <i>(to be completed by the Ministry of Economy)</i>		Application no. : <i>(to be completed by the applicant)</i>	
APPLICATION FOR: IMPORT CERTIFICATE, CONFIRMATION OF THE END USER STATEMENT, INDIVIDUAL / GLOBAL LICENCE (for trading partners other than specified in boxes 14, 15 and 16 in section A of the application, pursuing trading goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security)					
Please type or write in block letters to complete the application.					
No.:	Name (company):				No. of concession issued by the Ministry of the Interior and Administration ¹ :
Street / no.:					
Town / postcode:		No. of entry in the Register of Entrepreneurs ¹ :			
Country:		REGON (statistical number) ¹ :			
Phoneno.:		Faxno.:		e-mail:	
Type of transaction-related activities:					
No.:	Name (company):				No. of concession issued by the Ministry of the Interior and Administration ¹ :
Street / no.:					
Town / postcode:		No. of entry in the Register of Entrepreneurs ¹ :			
Country:		REGON (statistical number) ¹ :			
Phoneno.:		Faxno.:		e-mail:	
Type of transaction-related activities:					
No.:	Name (company):				No. of concession issued by the Ministry of the Interior and Administration ¹ :
Street / no.:					
Town / postcode:		No. of entry in the Register of Entrepreneurs ¹ :			
Country:		REGON (statistical number) ¹ :			
Phoneno.:		Faxno.:		e-mail:	
Type of transaction-related activities:					
No.:	Name (company):				No. of concession issued by the Ministry of the Interior and Administration ¹ :
Street / no.:					
Town / postcode:		No. of entry in the Register of Entrepreneurs ¹ :			
Country:		REGON (statistical number) ¹ :			
Phoneno.:		Faxno.:		e-mail:	
Type of transaction-related activities:					

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page:

Page:

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pages:

Application

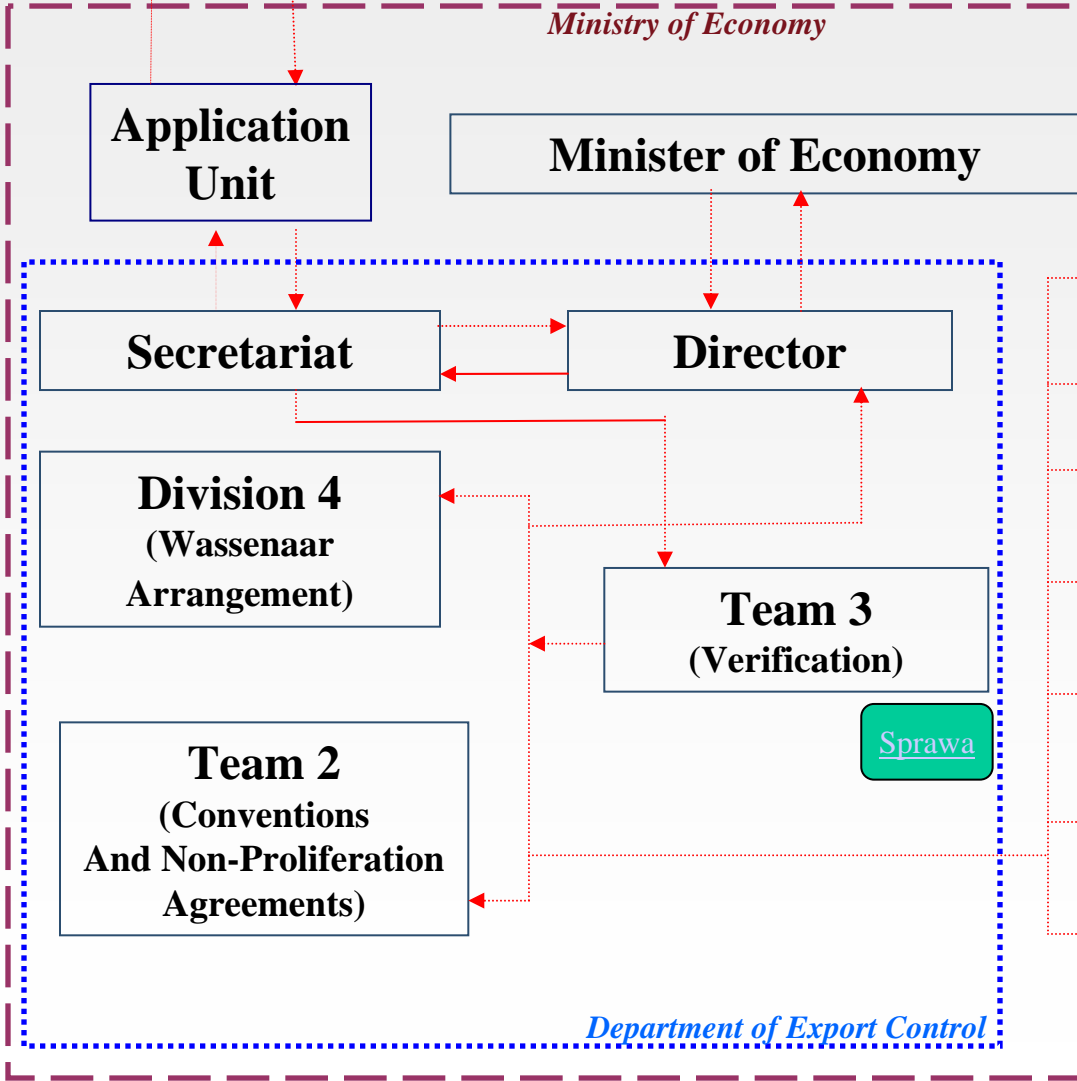
Form No. 1

Part C

WORKFLOW

realised with TRACKER

ENTREPRENEUR
LICENSE

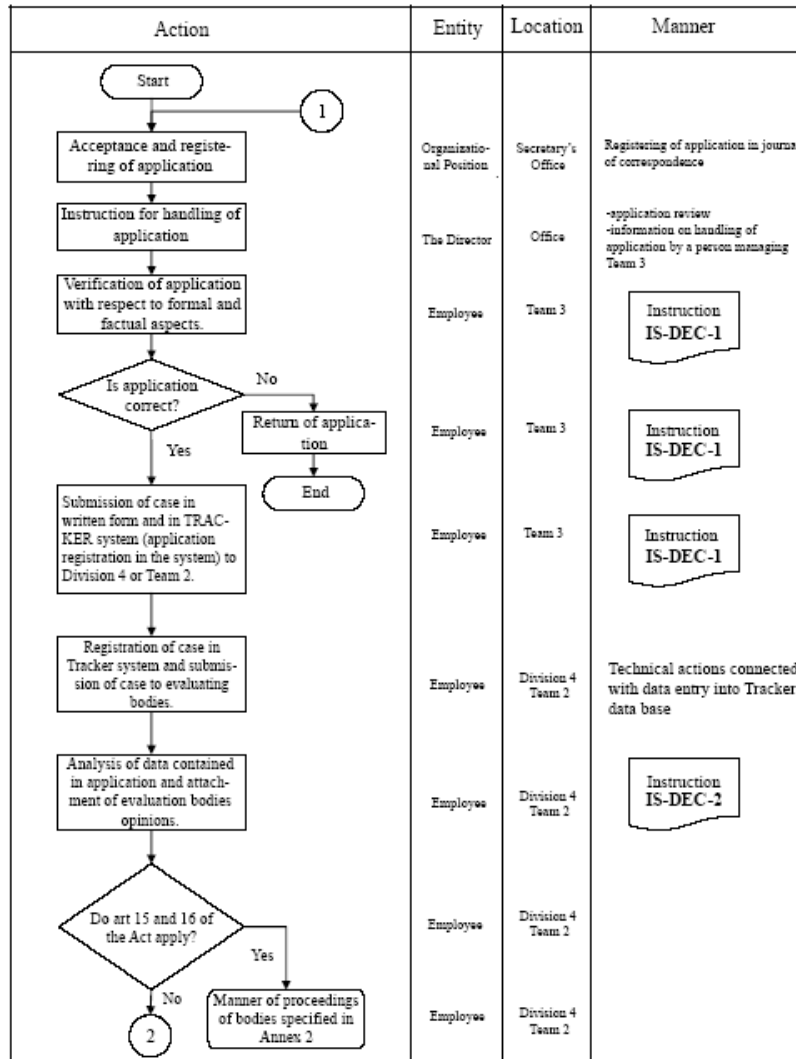


- Ministry of Foreign Affairs**
- Ministry of Defence**
- Internal Security Agency**
- Agency of Intelligence**
- Ministry of Internal Affairs and Administration**
- Ministry of Finance (Customs)**
- National Atomic Energy Agency**



Evaluation of applications and issuing of licenses

Department of Export Control ME	Evaluation of applications and issuing permits for foreign trade in goods of strategic importance	P-DEC-1 Annex 1
	PROCESS CHART	Edition 6

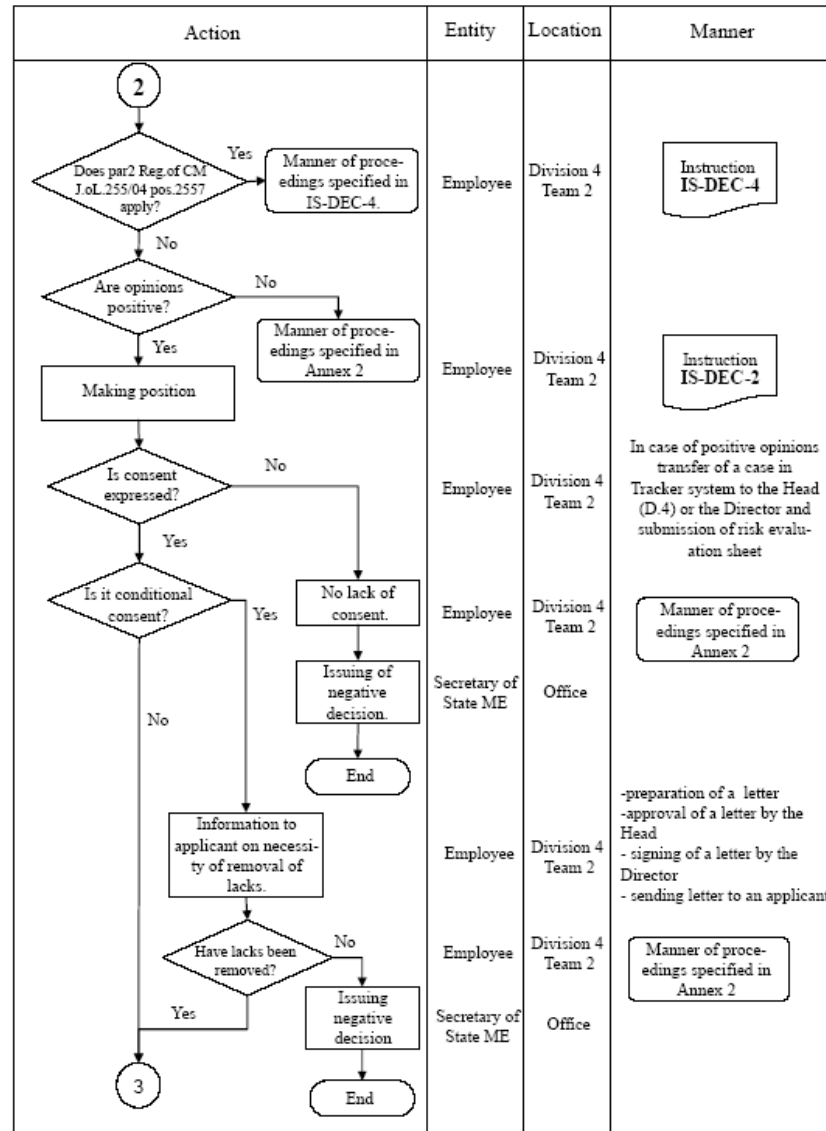


IS-DEC-1

IS-DEC-2

Evaluation of applications and issuing of licenses

Department of Export Control ME	Evaluation of applications and issuing permits for foreign trade in goods of strategic importance	P-DEC-1 Annex 1
	PROCESS CHART	Edition 6

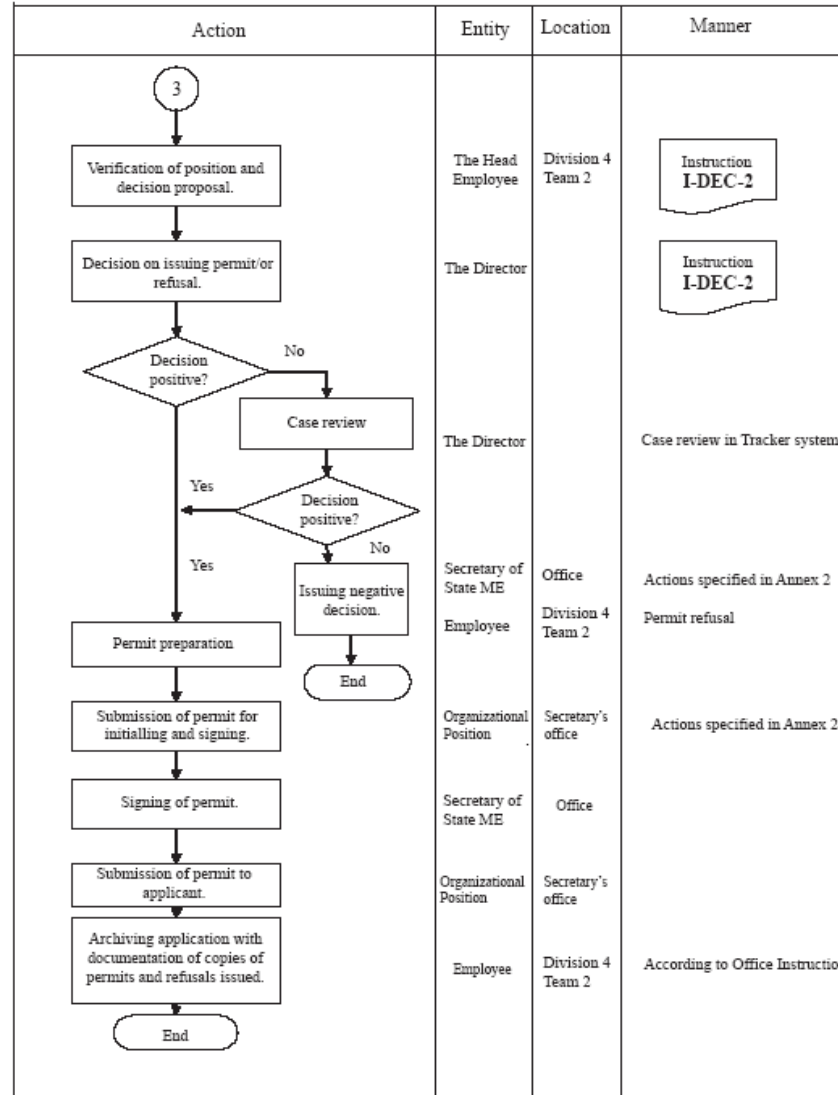


IS-DEC-4

Annex 2

Evaluation of applications and issuing of licenses

Department of Export Control ME	Evaluation of applications and issuing permits for foreign trade in goods of strategic importance	P-DEC-1 Annex 1
	PROCESS CHART	Edition 6



Evaluation of applications and issuing of licenses

ZEZWOLENIE INDYWIDUALNE NA EKSPORT UZBRONIENIA	1. Eksporter	2. Numer zezwolenia	3. Data ważności
	1 Bumar Sp. z o.o.	E/LU/I/9054/07	23.07.2008
	4. Osoba prowadząca sprawę	5. Adres i dane kontaktowe	
	Al. Jana Pawła II 11 00-828 Warszawa Polska	PL Departament Kontroli Eksportu Ministerstwo Gospodarki skr. pocztowa 59, 00-955 Warszawa 15 tel. (+48 22) 6935171; faks: (+48 22) 6934033	
	6. Organ wydający zezwolenie	7. Adres i dane kontaktowe	
	Minister Gospodarki Plac Trzech Krzyży 3/5 00-507 Warszawa Polska	GE Ministerstwo Obrony Gruzji 20 General Kvinitadze Tbilisi 0112 Gruzja	
	8. Kraj pochodzenia	Kod	
	9. Kraj wysyłki towaru	Kod	PL
	Polska		
10. Końcowy użytkownik	11. Państwo członkowskie, w którym obecnie jest lub w przyszłości będzie ulokowany towar	Kod	
Ministerstwo Obrony Gruzji			
12. Państwo członkowskie, planowanego objęcia towaru procedurami celowymi	Kod		
20 General Kvinitadze Tbilisi 0112			
13. Kraj końcowego przeznaczenia	Kod		
Gruzja	GE		
14. Opis towarów	15. Kod towarowy	16. Numer kontroli	
System		ML4b	
17. Wartość i waluta	18. Ilość		
1 000 000,00 USD	15.0 Sztuki		
19. Sposób wykorzystania towarów przez końcowego użytkownika	20. Data kontraktu	21. Celne procedury eksportowe	
System będzie wykorzystany przez Ministerstwo Obrony Gruzji			
22. Dodatkowe informacje			
<p><i>Na podstawie art. 7 ust. 1 ustawy z dnia 29 listopada 2000r. o obrocie z zagranicą towarów, technologii i usługami o znaczeniu strategicznym dla bezpieczeństwa państwa, o także dla utrzymania międzynarodowego pokoju i bezpieczeństwa. (Dz.U. Nr 118, poz. 1210, z późn. zm.)</i></p>			
<p>Zezwolenie indywidualne oraz upoważnienie z niego wynikające są nieodpłatne. Zezwolenie indywidualne ma obrotowy charakter o znaczeniu strategicznym jest dokumentem mającym znaczenie dla kontroli celnej.</p> <p>1. Od momentu decyzji nie należy zmieniać adresów. Jedynie zmianę adresów wiodących z decyzji może zwrócić się do tego samego organu, który jej wydał z wnioskiem o ponowne rozpatrzenie sprawy w terminie 14 dni od dnia jej otrzymania (art. 127 § 3 i 129 § 2 Kpa).</p> <p>2. Po wypracowaniu wniosku odwoławczego w trybie art. 127 § 3 Kpa strona za pośrednictwem art. 53 ustawy z dnia 30 sierpnia 2002r. – Prawo o postępowaniu przed sądami administracyjnymi (Dz.U. Nr 153, poz. 1270), może wnieść skargę do sądu administracyjnego w terminie 30 dni od dnia doręczenia decyzji stronie. Na podstawie art. 54 § 1 ustawy z dnia 30 sierpnia 2002r. – Prawo o postępowaniu przed sądami administracyjnymi skarga wchodzi nie na postępowanie organu, który wydał decyzję będącą przedmiotem skargi.</p>		<p>Do wypełnienia przez organ wydający zezwolenie</p> <p>Podpis _____ Placzący _____</p> <p>Z up.</p> <p>Organ wydający zezwolenie MINISTER GOSPODARKI</p> <p>Data _____</p>	

THANK YOU VERY MUCH FOR YOUR ATTENTION

Jacek Gaca

Department of Export Control

Ministry of Economy

POLAND

e-mail: Jacek.Gaca@mg.gov.pl

