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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF FOREIGN AFFAIRS

NOTIFICATION

Islamabad, the 29th May, 2009

S.R.O. 450(I)/2009.- In exercise of the powers conferred by section 3 of the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 (V of 2004), the Federal Government is pleased to make the following rules, namely:-

1. Short title and commencement - (1) These rules may be called the Export Control (Licensing and Enforcement) Rules, 2009.

(2) These rules shall come into force at once.

2. Definitions - In these rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004 (V of 2004);

- (b) "appropriate officer", means the officer belonging to any department, service, law enforcement entity, *etc* to whom the powers for enforcement of the Act and rules made thereunder are entrusted by the Federal Government;
- (c) "applicant" means any person who applies to SECDIV for registration or license as an exporter for export of goods and technology of item(s) included in the Control Lists;
- (d) "Control Lists" means the lists issued under Notification No. S.R.O 1078(I)/2005 dated the 19th October, 2005, as amended from time to time;
- (e) "detain", in relation to goods and technology, means "detain" as defined under section 2 (kk) of the Customs Act, 1969;
- (f) "IIC" means International Import Certificate;
- (g) "license" means a license issued to the applicant under these rules;
- (h) "registration" means registration with SECDIV prior to the export of Control Lists item(s);
- (i) "SECDIV" means Strategic Export Control Division, Ministry of Foreign Affairs; and
- (j) "SRN" means SECDIV Registration Number.

3. Registration - (i) Any person, intending to export, goods and technology as specified in the Act and the Control Lists shall apply for registration to SECDIV in the form set out in Annex-I to these rules.

(ii) SECDIV after verification and scrutiny of the application filed under sub-rule (1) shall issue a registration number referred to as the "SECDIV Registration Number" or "SRN" to the applicant.

4. License application form - (1) Subject to sub-rule (2) any registered person holding "SRN" may apply to the SECDIV for export license under these rules. The applicant shall apply for license in the form set out as Annex-II to these rules at least ninety days prior to the intended export of the item(s), to,-

Director (Licensing & Regulations),
Strategic Export Control Division
Ministry of Foreign Affairs, Islamabad.

(2) The application shall be entertained only if it is submitted along with the prescribed documents such as,

(a) End-User Certificate duly verified and signed by the End-User and consignee in form prescribed as Appendix A to these rules;

(b) copy of the International Import Certificate (IIC) for the item or if the IIC is not issued in the importing country, an import authorization issued by the appropriate agency of the Foreign State giving explicit approval for the import concerned or No Objection Certificate (NOC) by the relevant authorities, agencies, *etc.* of the importing State; and

(c) any other document as mentioned in the License Application Form or those required in addition by SECDIV.

5. Incorrect or false statements - Incorrect or false statement or declaration by the applicant shall be an offence under the Act and these rules.

6. Issuance of license -

(1) SECDIV may after considering the application submitted under these rules issue an export license to the applicant in the form prescribed as Annex-III to these rules for a specific period and purpose as it may deem appropriate.

(2) Each application form shall deal with item or items earmarked for one destination. However, nothing contained in these rules shall prevent issuance of a single license for more than one items or more than one license for different items to the same exporter for a single destination.

(3) No amendment whatsoever shall be made once the license has been issued. Any mistake or misprint shall be corrected by the SECDIV through issuing of fresh copy of the same license.

(4) An exporter is under legal obligation to abide by all other laws, rules and regulations etc. that are in force and relevant to the export.

7. Right to reject any application - The SECDIV reserves the right to reject any application for the registration or export license on the information or suspicion that the goods or technology are intended in connection with nuclear or biological weapons or missiles capable of delivering such weapons, or for reasons of national security, foreign policy objectives, counter terrorism, and other international obligations.

8. Rejection of application - The application may also be rejected if the applicant fails to prove legitimacy of the intended export or fails to give sufficient information to establish authenticity of the application or export.

9. License may be suspended or cancelled - If the SECDIV has sufficient information or evidence that an exporter has violated or circumvented any of the provisions of the Act or rules made thereunder, it may by order in writing, after giving the opportunity of hearing to the exporter, suspend or cancel the export license.

10. Enforcement - The Federal Government may delegate or entrust its function to restrict and prohibit the export, re-export, transshipment and transit of goods, technologies, material and equipment relating to nuclear and biological weapons and means of delivery

of such weapons for the effective enforcement of these rules to any other government department, statutory body, agency or appropriate officers, *etc.*

11. Search, seize and arrest - (i) The appropriate officer, in case he has reasons to believe, that any person is exporting goods, technologies, material and equipment relating to nuclear and biological weapons or related thereto, may search such person if he is on board or is about to board a vessel within the territory of Pakistan or is about to get into or is in any other conveyance or about to leave Pakistan.

(ii) The appropriate officer who has reasons to believe that any person has committed an offence or is likely to commit an offence under the Act or rules may conduct search of any premises, cordon off any particular site, seize the goods and effect arrest of any such person.

12. Seizure of goods, technology, material, etc - The goods, technology, material and equipment under the Act being exported in contravention of these rules shall be liable to confiscation along with the conveyance used for committing the offence, provided that the final disposal of the seized goods, technology, material and equipment shall be made in accordance with the direction or procedure as prescribed by the SECDIV.

13. Information to SECDIV - SECDIV shall be kept informed by Pakistan Customs and other designated agency or agencies by SECDIV, of any acts of confiscation, investigation, arrest and prosecution from the violation of the Act and rules framed thereunder.

14. Punishment for contravention of these rules - Any person who contravenes any provision of these rules shall be guilty of an offence punishable with imprisonment for a term which may extend to fourteen years or with fine not exceeding five million rupees or both.



Ministry of Foreign Affairs
Strategic Export Control Division (SECDIV)
Islamabad
SECDIV REGISTRATION FORM

1. <u>Name of Exporter /Company (if any):</u>		
a) <u>Full Address:-</u> i) <u>Main office :</u> ii) <u>Branch office (if any) :</u>	b) <u>Telephone Number:</u>	c) <u>Fax Number:</u>
	d) <u>Email:</u>	e) <u>Website:</u>
f) <u>Postal Address (if different than (a)):</u>	g) <u>Proprietorship/Partnership/ Public limited / Private limited:</u>	
h) <u>Date of Establishment:</u>	i) <u>Capital Value:</u>	
j) <u>Number of Employees:</u>	k) <u>Sales Tax Registration #</u>	
l) <u>National Tax Number:</u>	m) <u>Name of Bankers with Address:</u>	
n) <u>Registration # (Registrar of Firms):</u>		
o) <u>Membership # FPCCI / Chamber of Commerce & Industry / Any trade associations</u>		
p) <u>Type of Activity</u> (Please check)	<u>List of products with detailed description</u> <u>intended to be exported</u>	<u>Details of previous transactions with</u> <u>destination within last 5 years</u>
Manufacture <input type="checkbox"/>		
Export <input type="checkbox"/>		

Re-Export <input type="checkbox"/>			
Transit <input type="checkbox"/>			
Transshipment <input type="checkbox"/>			
2. Name of Proprietor / Managing- Partner / Managing Director (Mr/Miss/Mrs)	<u>First</u>	<u>Middle</u>	<u>Last</u>
a) <u>Citizenship:</u>	b) <u>Dual/other citizenship, (if any):</u>		
c) <u>Full Address:- Office:</u>		<u>Residence:</u>	
d) <u>Postal Address:</u>			
e) <u>Telephone Number</u> <u>Office:</u> <u>Residence:</u>		f) <u>Fax Number:</u> g) <u>Mobile Number:</u> h) <u>Email:</u>	
i) <u>CNIC Number:</u>		j) <u>Passport Number:</u>	
<u>Date of Issue:</u>	<u>Place of Issue:</u>	<u>Date of Issue:</u>	<u>Place of Issue:</u>
k) <u>Foreign Passport # (If dual citizenship)</u>		<u>Date of Issue:</u>	<u>Place of Issue:</u>
l) Whether the proprietor or any member of his family of any Partner(s)/Director(s) is/are also Proprietor(s)/Partner(s)/Director(s) of any other Firm(s)/company(s), if so state :			
Name, Address of the Firm/Company with status	SECDIV Registration no	Composition of firm	Nature of business
m) <u>Also state:</u>			
Full name of the person (s) in possession of interest	Relationship between family member	Nature of Interest/Percentage Share	

3. Details of Internal Compliance Programme relating to implementation of strategic export control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems, (if any)

4. Details of Export Control Expert, if any

a) Name:

b) Qualifications:

c) Designation :

d) Date of Employment:

e) Date of termination of contract (if any)

f) Full Address Office:

Residence:

Postal Address :

g) Telephone Number Office:

Residence:

h) Fax Number:

i) Mobile Number:

j) Email:

k) CNIC Number:

l) Passport Number:

Date of Issue:

Place of Issue:

Date of Issue:

Place of Issue:

m) Foreign Passport Number (If dual citizenship)

Date of Issue:

Place of Issue:

5. Details of person authorized to sign the SECDIV License Application Form

a) Name:

b) Designation:

c) Telephone Number :- Office:

Residence:

d) CNIC Number:

e) Passport Number:

Date of Issue:

Place of Issue:

Date of Issue:

Place of Issue:

f) Foreign Passport # (If dual citizenship)

Date of Issue:

Place of Issue:

g) Three Specimen Signatures _____

Declaration

I/We certify that the information provided in this application is correct to the best of my knowledge. I/We, further affirm that in case any of the above information is found incorrect/false or misleading, I/we will be liable for prosecution/administrative action under the *Export Control Act on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems (Act V of 2004)* and Rules there under.

Signature of Proprietor /

Name of Signatory (in block letters)

Managing- Partner /

Managing Director

All Partners

All Directors

Date: _____

List of Documents to be Attached with Registration Form.

- i. Copy of CNIC
- ii. Copy of Passport (Also foreign passport in case of Dual Nationality)
- iii. NTN Certificate
- iv. Sales Tax Certificate
- v. Company Registration Certificate
- vi. Company profile / Brochure with product literature

Note: Please provide full details as above in case of more than one owner. This Form shall be signed by all owners.

FOR OFFICIAL USE:

Application No. _____

Date: _____

Instructions for Applicants for SECDIV Registration

- 1) A SECDIV registered firm will be eligible to apply for Export License for the Control Lists commodities, only to SECDIV.
 - 2) No Exporter shall be entitled to registration as of right, and SECDIV registration may be refused or, if granted may be suspended or cancelled for
 - i) Contravening or failing to comply with the provisions of Export Control Act 2004(V of 2004).
 - ii) For under invoicing/over invoicing.
 - iii) For selling, transferring or violating the condition of export control Act.
 - iv) For obtaining or attempting to obtain any such license by fraud.
 - v) For non-possession of real assets in Pakistan to the extent considered adequate by SECDIV.
 - vi) For refusal to furnish the original export contract entered with the foreign buyers or information or data relating to such contract on demand by SECDIV.
 - vii) For non communication of changes in ownership or location of the firm to SECDIV.
 - 3) Only one firm will be registered as exporter:
 - (i) In case of Proprietary firms:-
 - a) Where the proprietor has more than one firm
 - b) Where the proprietors of two or more firms are the member of family (Family means: husband/wife including dependent children).
 - c) Where the proprietor is share holder in partnership firm whose partners are member of his family.
 - ii) In case of partnership:-
 - a) Whether two or more firms have the same set of partners or are members of the same family.
 - iii) In case of private limited firm:-
 - a) Where two or more firms have the same set of share holders or are members of the same family.
 - 4) Foreign firm will be registered provided is already registered as a company in Pakistan under the Companies Ordinance 1984.
 - 5) SECDIV has the right to change/relax these rules any time for any one or for all.
 - 6) In case of dispute the SECDIV's decision will be final and would have an immunity from legal proceedings in any court of law.
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Ministry of Foreign Affairs
Strategic Export Control Division (SECDIV)
Islamabad

SECDIV LICENSE APPLICATION FORM

1. SECDIV Registration #(SRN):

2. Particulars of Applicant:

- a) Name First _____ Middle _____ Last _____
- b) Other/Alias (if any) _____
- c) Date of birth _____ Place of birth _____
- d) Citizenship _____
- e) Dual/other citizenship (if any)
- f) Name of company/organization:
- g) Membership # with Chamber of Commerce :
- h) Address (Office) _____ Ph _____ Fax _____ Mobile _____
(Residence) _____ Ph _____ Fax _____ Mobile _____
- i) Address for the last 5 years, if different than (h): _____
- j) Email _____
- k) CNIC # _____ National Identity of Overseas Pakistanis # _____ Passport # _____ (if dual national) _____
i. Date of issue _____ i. Date of issue _____ i. Date of issue _____ i. Date of issue _____
ii. Place of issue _____ ii. Place of issue _____ ii. Place of issue _____ ii. Place of issue _____

3. Particulars of Export

a. Type of shipment a) Export Re-Export Transit Transshipment Other (Please specify)._____

b) Route of shipment (indicate all ports/flights/places/vessels/Name of Airlines/shipping lines etc) _____

b. Control List item/s

Item # (as per Control List)	Full Description	Quantity of Items produced/dealt with by company per year	Quantity of Items for which License is required	FOB value / whether the LC opened / Amount realized in favor of exporter or not	Destination	Previous Exports of the Item (Number/Destination) (give full address)

4. Particulars of End User

- a) Name **First** _____ **Middle** _____ **Last** _____
- b) Alias (if any) _____
- c) Date of birth _____ **Place of birth** _____
- d) Address (Office) _____ **Ph** _____ **Fax** _____
(Residence) _____ **Ph** _____ **Fax** _____
- e) Email _____
- f) Identity document # _____
- g) Citizenship _____
- h) Dual citizenship (if any) _____
- i) Passport number _____ i. Date of issue _____ ii. Place of issue _____
- j) Other passport _____ i. Date of issue _____ ii. Place of issue _____

5. Consignee (if different from end user):

- a) Name **First** _____ **Middle** _____ **Last** _____
- b) Alias (if any) _____
- c) Date of birth _____ **Place of birth** _____
- d) Address (Office) _____ **Ph** _____ **Fax** _____
(Residence) _____ **Ph** _____ **Fax** _____
- e) Email _____
- f) Identity document # _____
- g) Citizenship _____
- h) Dual citizenship (if any) _____
- i) Passport number _____ i. Date of issue _____ ii. Place of issue _____
- j) Other passport _____ i. Date of issue _____ ii. Place of issue _____

6. Details of use by the End User: (Attach more sheets if required, extra sheets must have exporter/applicant's signature and date)

7. For transshipment / transit / others (specify)

a.) Details of shipper
Name _____ Address _____ Ph _____ fax _____
Email _____
Arriving from _____ Departing to _____

b) Licenses of export from originator: _____

c) Licenses of import from importer: _____

d) Route of shipment (indicate all ports/flights/places etc.) _____

8. Exporter's Undertaking:

- (i) I hereby declare that the particulars given herein are true, and the goods shall be exported as declared above.
- (ii) I undertake to ensure that the goods for which license has been applied for in this Form will only be used by or transferred to end-user as certified by the End-user in the End-user Certificate.
- (iii) I further certify that the goods will not be used for any purpose connected with biological or nuclear weapons, or missiles capable of delivering such weapons; that they will not be re-exported or otherwise re-sold or transferred if it is known or suspected that they are intended or likely to be used for such purposes.
- (iv) I undertake to inform the End-user of the Export Control Act No V of 2004, the Control Lists, and SECDIV Rules.
- (v) I understand and agree that all or any of the information provided in this Form may be disclosed by the SECDIV to third parties either in Pakistan or elsewhere, if such disclosure is necessary to facilitate consideration of this application or any other stage thereof.
- (vi) I agree to allow all and any of the inspections by SECDIV designated authorities with regard to this transaction at any time.
- (vii) I fully understand and agree to the clauses of the Export Control Act on *Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems (Act V of 2004)* and SECDIV Rules and the penalties in case of their violation.

I APPLICANT

Signature: _____

Name: _____

Designation: _____

Date: _____

Company stamp and seal:

II EXPORTER, IF DIFFERENT FROM APPLICANT

Signature: _____

Name: _____

Designation: _____

Date: _____

Company stamp and seal:

List of Documents to be Attached with the Form.

- i. Complete technical details of the item(s) with photograph.
- ii. Copies of Passport, CNIC, Chamber of Commerce/other specific trade organization registration, shipment documents and other details thereof, as applicable.
- iii. End-User Certificate.
- iv. Copy of invoice/export contract.
- v. A copy of an import authorization /IIC (verified by the concerned country's Ministry of Foreign Affairs and the Pakistan Embassy in that country or Pakistan Embassy accredited to that country) issued by the End-user's country.
- vi. In case of re-export, export authorization of Foreign Exporting or product's originating country and import authorization issued from Pakistani authorities.
- vii. In case this Form is being submitted on behalf of a SRN holder, an authority letter from the SRN holder in the name of the applicant should be attached.

Note: Extra sheets may be added if required (Duly signed and proper dated).

FOR OFFICIAL USE:

Application No. _____

Date: _____

**MINISTRY OF FOREIGN AFFAIRS
STRATEGIC EXPORT CONTROL DIVISION (SECDIV)
ISLAMABAD**

SECDIV EXPORT LICENSE

1. License No: _____
2. Date of issue: _____
3. Date of expiry: _____
4. Name of exporter: _____
5. Name of agent: _____
6. Name of end-user: _____
7. Consignee (if different from end-user): _____
8. SECDIV registration number: _____
9. The Strategic Export Control Division allows M/s. _____ to export / re-export / transship / transit the following item(s) to _____:

S. No.	Items description	Country of origin	Control lists No.	Quantity	Model/Serial No	Shipment details

The License is subject to the following conditions, namely:-

- (1) This Export License is granted by the Strategic Export Control Division (SECDIV) on the information declared on the SECDIV License Application Form (Form # SECDIV (II)/2008) and only valid for the goods/items mentioned herein.**
- (2) The goods covered by the license are not to be used in relation to goods, technologies, material and equipment related to nuclear and biological weapons and their delivery systems under the Export Control Act 2004 (V of 2004).**
- (3) Vigilance on behalf of the license of any contravention of the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004 (V of 2004) whereby the goods and technology may be destined for use in their entirety, or in part, in connection with nuclear or biological weapons or missile systems capable of delivering such weapons. In case of any suspicion in this regard, the licensee must not export any of the items in question, inform SECDIV immediately and return the license to SECDIV.**
- (4) The license is non-transferable.**
- (5) This license has been issued without amendments or alterations and is void if any amendments or alternations are detected on this License. If so, the license may be confiscated and returned to SECDIV.**
- (6) Others -----**

**Director (Licensing & Regulations)
STRATEGIC EXPORT CONTROL DIVISION
Signatures & Seal**

3. End-User personal details:

a) Name:	First _____	Middle _____	Last _____
b) Date of birth	_____		
c) Country of birth	_____		
d) Citizenship	_____		
e) Dual citizenship (if any)	_____		
f) i. Passport No.	_____	iii. Place of Issue	_____
ii. Date of issue	_____	iv. Date of Expiry	_____
g) Other Passports held	_____		
Passport No.	_____		
i. Date of issue	_____	ii. Place of Issue	_____
h) National ID Card Number	_____		
Date of issue	_____		
i) Address (Company)	_____		Telephone No.

Fax No.	Email	Website	
_____	_____	_____	
j) Address (Residence)	_____		Telephone No.
Fax No.	_____		

4. Details of items requested /ordered by the End-User:

Item Number (under Pakistan's Control Lists)	EU/ Other List Number	Technical Name of Item	Quantity	Description	Details on Use of Item

5. End-User Undertaking:

We - the person or body named at 1(e) - certify that we are the end-user of the goods described in Section 4, which are to be supplied by the exporter named in 1(a), will not be deviated from the stated end use given in para-4. We further certify that the goods will not be used for any purpose connected with biological or nuclear weapons, or missiles capable of delivering such weapons; that they will not be re-exported or otherwise re-sold or transferred if it is known or suspected that they are intended or likely to be used for such purposes; and that the goods, or any replica of them, will not be used in any biological or nuclear weapons, or missiles capable of delivering such weapons.

Sign here _____ Date _____
(Signature of end-user)

Print _____
(Name and title of signatory in capitals)

6. Consignee undertaking:

We - the person or body named at 1(c) - certify that we are the importer of the goods described in para 4 and will not be deviated from the stated end use given in para-4. We further certify that the goods will not be re-exported, sold for export or otherwise transferred from the country where we are based, namely _____.

Sign _____ Date _____
(Signature of Consignee)

Print _____
(Name and title of signatory in capitals)

7. **Attested by Ministry of Foreign Affairs (in End User's Country)** _____
(name of country)

8. **Attested by Embassy/Consulate General of Pakistan (in End-User's Country)** _____
(name of country)

[F.No. _____]

(Salman Bashir)
Secretary
Ministry of Foreign Affairs
Islamabad