



IMPORT AND EXPORT ORDER (CONTROL OF DUAL-PURPOSE GOODS, SERVICES AND TECHNOLOGY EXPORTS), 5766-2006

In my capacity according to Article 2 to the Import and Export Ordinance [New Version] 5739-19791[1] (hereinafter the Ordinance), and with the authorization of the Economic Affairs Committee of the Knesset, according to Article 21a to Basic Law: the Knesset²[2], and Article 2(b) to the Penal Law, 5737-19773[3], I hereby order as follows:

Definitions 1. In this Order –

"Wassenaar Arrangement" – a multilateral arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies;

"The Committee of Director Generals" - the Director General of the Ministry, together with the Director General of the Ministry of Defense and the Director General of the Ministry of Foreign Affairs;

"Goods" – materials, equipment and equipment systems, inclusive of their components and parts;

"Technology" – specific information required for the development, or manufacturing of any item included in the List, or for the use of which, exclusive of information which is common knowledge, and basic scientific research; information as mentioned may contain technical data, or technical assistance;

"Export" – transfer, or cause the transfer from Israel, by sea, land, or air, inclusive of transfer to the territories under the Palestinian civil responsibility, as defined under the Currency Control Regulations (foreign resident definitions), 5758-1998⁴[4];

"Production" – inclusive of production engineering, integration, assembly, inspection, testing and quality assurance;

"Basic Scientific Research" –experimental, or theoretical work, the main objective of which is to acquire new knowledge, regarding the fundamental principles of observable facts and phenomena, and which is not primarily aimed at a specific practical aim, or objective;

"Information in the Public Domain " – available technology, without any limitation to the duration of its distribution; limitation to copyrights do not exclude technology from being in the public domain;

"End User" – the final body, which the goods, technology, or services are intended for;

1[1] Law of the State of Israel, New Version 32, p. 625.

2[2] Statute Book, 5718, p.69; 5761, p.166.

3[3] Statute Book, 5737, p.226; 5754, p.348.

4[4] Collection of Regulations, 5758, p.945.



"Technical Data" – including blueprints, plans, designs, models, formulas, engineering drawing and specifications, instruction manuals, written, or recorded on magnetic, optic, or any other media;

"Technical Assistance" – including instruction, skills, training, working knowledge, consulting services, and including the transfer of technical data;

"Development" – including the phases prior to production, such as design, design research, design analysis, design concepts, assembly and testing of prototypes, experimental production series and design data, process of transforming design data into a product, configuration, design, integration and layout drawings;

"The Authority" – the Director of the Chemistry and Environment Administration in the Ministry of Industry, Trade and Labor (hereinafter: "the Office"), his Deputy, or whomever the Office's General Director has authorized;

"The List" – a list based on the list of the dual-use goods and technologies of the Wassenaar Arrangement, which Israel has decided to act upon, and of which a copy is made available to the public at the district offices of the Ministry, and on its internet site; the titles of chapters of the list are detailed in the Schedule;

"Use" – including operation, installation, maintenance, repair and recondition;

"End Use" – the application for which the goods, technology, or services are required.

- Objective 2. The objective of the Order herein is to apply supervision to the export from Israel, of goods and technology detailed in the list, and to the export from Israel of services related to the goods as mentioned, as a part of Israel's efforts to assist in keeping world peace and stability, by increasing international responsibility in the export of dual-use goods, technology and services.
- Export License 3. (a) A person shall not export goods or technology detailed in the list, or services related to the goods mentioned, whether for consideration or not, unless according to a License by the Authority (hereinafter: "a License"), unless the goods, technology, or services were such that regarding which, a permit, or License is required by the Ministry of Defense by virtue of the Control of Products and Goods Order (Export of Security Equipment and Security Knowledge), 5752-19915[5].
- (b) The Authority, in consultation with the Ministry of Defense and the Ministry of Foreign Affairs, is authorized to grant an exemption from the obligation to

5[5] Collection of Regulations 5752, p. 609; 5764, p. 269.



obtain a License, according to countries and according to the types of goods, or technology from those detailed in the list, or services related to the goods as mentioned, when the end user is not an army, or other security force.

License
Application

4. (a) Anyone applying for a License, will file an Application to the Authority, according to the form provided by the Authority, which is available on the internet site of the Ministry, and which indicates the end use and the end user of the goods, the technology, or the services, when it is completed with all its details (hereinafter: "the Application").

(b) The Authority may require any information, document, or object needed for the purpose of examining the Application, including documents relating to the end use and the end user, within 10 work days from receiving the Application.

(c) The Authority shall reply to an Applicant within 20 working days from receiving the Application as mentioned in sub-section (a), or within 10 working days from fulfilling all the additional requirements according to sub-section (b), whichever is later, except if the Application is such regarding which the position of the Ministry of Defense and the Ministry of Foreign Affairs is not required, according to Article 6(a); to an Application regarding which the position of the Ministries mentioned is not required, the Authority shall reply within 5 work days from receiving the Application, or from the date in which all the additional requirements have been fulfilled, according to the later.

(d) In exceptional cases and for special reasons, which will be recorded, the Authority is entitled to extend the periods of time set in sub-section (c) for an additional maximum of 10 working days; the Minister of Defense, or the Minister of Foreign Affairs, are entitled, for reasons of national security, or Israel's foreign relations, to extend the period mentioned; a notice will be delivered to the Applicant, of the extension of the periods of time, according to the sub-section herein.

(e) Without derogating from its other authorities by law, the Authority is entitled to condition a License, or to refuse to grant it.

(f) The Authority is entitled to suspend, or revoke the License after it was granted, in the occurrence of one of the following:

(1) The License was granted based on false, or erroneous information;

(2) Any of the License provisions was breached;

(3) The owner of the License has violated any of the provisions of the Order herein, according to the Customs Ordinance^{6[6]}.

6[6] Law of the State of Israel, New Version 3, p. 39.



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- (g) Additional Licenses owned by the holder of more than one License, according to the Order herein, may be conditioned, or cancelled, in the event any of the provisions detailed in sub-section (f) has occurred.
- Grant of License 5. A License may be granted to a certain Applicant, regarding certain goods, services, and technology, or for a certain consignment of goods.
- Transfer of Application for review 6. (a) The Authority shall transfer the License Application to the Ministry of Defense and to the Ministry of Foreign Affairs immediately upon its receipt, except if agreed with the Ministry of Defense and with the Ministry of Foreign Affairs, types of Applications, regarding which, the positions of the Ministries mentioned are not required.
- (b) The Ministry of Defense and the Ministry of Foreign Affairs shall examine the existence of security implications, or implications on the foreign relations policy of the State of Israel, respectively, and each shall notify its position, within 15 work days from receiving the License Application.
- (c) In exceptional cases and for special reasons, which will be recorded, the period of time mentioned in sub-section (b) will be extended for an additional maximum of 10 working days; the Minister of Defense, or the Minister of Foreign Affairs are entitled, for reasons of national security, or Israel's foreign relations, to extend the abovementioned period..
- Decision in the Application 7. (a) The Authority shall decide regarding the Application, after considering the position of the Ministry of Defense and the position of the Ministry of Foreign Affairs, it has received according to Article 6(b), except if the positions of the Ministries mentioned are not required according to Article 6(a).
- (b) The decision of the Authority, regarding the granting of the License in the matter of export, when the end user is an army, or other security force of a country, shall be granted according to the position of the Ministry of Defense and the Ministry of Foreign Affairs.
- (c) The decision of the Authority regarding the granting of a License for an Application relating to an export, when the end user is not an army, nor other security force of a country, shall be given after it has considered the positions of the Ministry of Defense and the Ministry of Foreign Affairs, if such were given, and will notify the abovementioned Ministries of its intent to grant the License.
- (d) In the event the Ministry of Defense, or the Ministry of Foreign Affairs have objected to the Authority's intent to grant a License, or in the event the Authority disagrees with the objection of the abovementioned Ministries to its intent to grant a License, or the Ministries disagree between them regarding the Application relating to an export, when the end user is an army, or other security force of a country, the Authority, the Ministry of Defense, and the Ministry of Foreign Affairs, according to the circumstances, shall bring the dispute to the ruling of the Committee of Director Generals, within 7 work

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days from receiving the notice of the Authority's intent to grant a License, or from receiving the position of the Ministry of Defense, or the Ministry of Foreign Affairs, all according to the circumstances.

(e) The decision of the Committee of Director Generals shall be by mutual consent; in the event a disagreement was raised as mentioned, before the Committee of Director Generals, the periods of time, mentioned in sub-section 4(c) will be extended by an additional 15 working days, even if they have already been extended according to Article 4(d); if the Committee of Director Generals failed in deciding – the disagreement shall be brought to the ruling of the Prime Minister, who shall decide, within 30 days from the date of the disagreement being brought before him, as mentioned; a notice will be given to the Applicant regarding the extension of the periods of time, according to the sub-section herein.

Appeal	8. The Applicant is entitled to appeal the Authority's decision, before the Committee of Director Generals, within 14 work days from the date it was delivered to him.
Activities Of the Authority	9. For the implementation of the Order herein, the Authority shall initiate supervision and enforcement, including inspections, in collaboration with the Ministry of Foreign Affairs, the Ministry of Defense and the Israel Tax Authority.
Violations	10. Each of the following will be considered an act in violation of this Order of Supervision as mentioned in sub-section 7(a) to the Ordinance: (1) Exporting without a License; (2) Exporting contrary to the conditions of a License.
Protection Of laws	11. The Order herein is intended to add to any other law, and not to derogate from it.
Application	12. The Order herein will apply as of the 1st of the fourth month after its publication.

Schedule

(Article 1 – definition of "the List")

List of the dual-use goods and technologies	According to the detailed in the Wassenaar arrangement
Advanced Materials	Category 1
Materials Processing	Category 2
Electronics	Category 3
Computers	Category 4
Telecommunications	Category 5(1)
Information Security	

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The Article herein is controlled by the
Control of Goods and Services (Occupation
in Coding Devices) Order, 5735-19747[7]
Sensors and "Lasers"
Navigations and Avionics
Marine
Propulsion
Definitions

Category 6
Category 7
Category 8
Category 9

29 of Av, 5766 (August 23, 2006)
(תמ3-3604)

[Eliyahu Yishai](#)
Minister of Industry, Trade and Labor

7[7] Collection of Regulations 5735, p. 45; 5758, 1107.