Translated from Russian

Information on national legislation on the transfer of arms, military equipment and dual-use goods and technology, referred to in paragraph 2 of General Assembly resolution 58/42

I. Legal codes of the Republic of Azerbaijan

1. In accordance with article 95 of the Air Transport Code, the conditions for the transportation by air of explosives, weapons, ammunition and toxic, inflammable, radioactive and other dangerous substances and items are established by special rules.

2. In accordance with article 136 of the Civil Code, articles which are banned from public circulation (items excluded from public circulation) must be explicitly indicated in the law. Items which may be in the possession of only certain members of the public, or which may be in public circulation only by special permission (items in restricted public circulation) are determined in accordance with procedures established by law.

3. In accordance with articles 206 and 228 of the Criminal Code:
   • The transfer across the customs border of the Republic of Azerbaijan without the knowledge of or in concealment from customs inspectors or through the fraudulent use of documents or means of customs identification, or involving the failure to make a declaration or the making of a false declaration, of the following: psychotropic, virulent, toxic, poisonous, radioactive or explosive substances or explosive devices, military weapons and technology (excluding smooth-bore hunting weapons, and ammunition for them), firearms and ammunition, nuclear, chemical, biological and other weapons of mass destruction, materials and equipment which may be used to produce weapons of mass destruction or which are subject to special rules regarding transfer across the customs border, are punished by a prison term of three to seven years, with or without confiscation of assets. The same acts, if carried out repeatedly, by a group of persons acting in conspiracy or by an official in abuse of his official position, or if involving violence against a customs inspector, are punished by a prison term of five to eight years, with or without confiscation of assets. Acts carried out by an organized group are punished by a prison term of 7 to 12 years, with confiscation of assets.
   • The illegal acquisition, transfer, sale, storage, transport or bearing of firearms, firearm components or ammunition (excluding smooth-bore hunting guns and ammunition), or of explosives or explosive devices is punished by up to two years of corrective labour or up to three years of imprisonment. The same acts, if committed by a group of persons acting in conspiracy, or if carried out repeatedly, are punished by a prison term of three to five years, and if committed by an organized group, by a prison term of five to eight years.

4. In accordance with articles 113, 345, 346 and 347 of the Code of Administrative Offences:
   • The import of radioactive waste, non-recyclable spent nuclear fuel, toxic and other hazardous industrial and household wastes appearing on a list established
pursuant to the appropriate regulatory and legislative acts, other radioactive substances and nuclear materials, non-recyclable non-toxic waste and also substances and technologies whose use and recycling constitutes an environmental threat, is punished by a fine of 10 to 30 standard financial units (in the case of individuals) or 50 to 70 standard financial units (in the case of officials).

• Violation of the rules for the storage, transportation or proper use of service weapons and ammunition by the staff of businesses, institutions and organizations responsible for their transportation or storage is punished by a fine of 25 to 30 standard financial units (in the case of officials).

• Violation of the rules for the storage, transportation or sale of civilian weapons and ammunition for such weapons by individuals who have received authorization from the appropriate executive authorities of the Republic of Azerbaijan (the Ministry of Internal Affairs) is punished by a fine of 25 to 30 standard financial units, with or without confiscation of the weapons and ammunition.

• Violation of the rules established by law for the manufacture, import, export, collection, exhibition, dispatch, use, confiscation or destruction of civilian weapons is punished by a fine of 10 to 20 standard financial units (in the case of natural persons), with or without accompanying confiscation of the weapons.

II. Laws of the Republic of Azerbaijan

1. In accordance with the act “On service and civilian weapons”, the circulation of the following is prohibited:

• Firearms for hunting with an overall length of less than 800 millimetres, and also when designed to be stored, dismantled and reassembled without losing the capability of being fired;

• Firearms whose shape is designed to resemble other objects;

• Armour-piercing, incendiary, or explosive ammunition for pistols and revolvers, and also ammunition with small-shot shells;

• Weapons and other objects whose harmful effect is based on the use of electricity, radiation and biological factors;

• Gas weapons causing a medium degree of harm by means of tear-generating, irritant, toxic, nerve-paralysing or other virulent substances, whose use is not authorized by an appropriate executive authority of the Republic of Azerbaijan;

• Gas pistols loaded for the purposes of self-defence with special bullets (with steel centres, armour-piercing, tracer, explosive or expanding) and also those equipped with any type of asphyxiating gas or with a night-vision scope.

The circulation of service and civilian weapons in the Republic of Azerbaijan is monitored by the appropriate executive authorities (Ministry of Internal Affairs). The body empowered to monitor the circulation of service and civilian weapons may:

• inspect weapons and places where weapons are manufactured, sold, stored and destroyed;
• require individuals and legal entities to supply the appropriate documents and written or oral information for monitoring purposes;

• issue binding instructions to civilians and officials to eliminate any violations that it may have discovered;

• undertake other steps provided for in legislation.

The rules governing the import and export of service and civilian weapons are determined by the appropriate executive authority (the Ministry of Internal Affairs). Persons who import or export service and civilian weapons must adhere to the requirements of the law and to the legislation of the foreign country concerned.

The export and import of service and civilian weapons are governed by inter-State agreements concluded by the Republic of Azerbaijan. Imports of service and civilian weapons are carried out by legal entities and individuals possessing the right to produce and sell such weapons and authorization to acquire them, after the weapons have been certified and information to that effect has been recorded in the Register. Imported weapons and ammunition must carry symbols or seals of compliance with the standard.

2. In accordance with the act “List of articles banned from public circulation (excluded from public circulation)”, the following have been included on the list:

• Military technology for operational use;

• Ammunition and weapons whose circulation is prohibited by law;

• The communications network of the State executive authorities, and communications networks used for defence, security and maintaining social order;

• Special equipment belonging to the members of defence, national security and military counter-intelligence bodies and special State protection services, and regulatory and technical documents regarding their production and use;

• Goods connected with military mobilization.

III. Presidential decrees

1. In accordance with annex I to the rules governing import and export operations in the Republic of Azerbaijan, approved by presidential decree No. 609 of 24 June 1997 concerning the further liberalization of foreign trade of the Republic of Azerbaijan, the import and export of weapons and military technology and components needed for their manufacture, gunpowder, explosive substances, explosive and pyrotechnic devices, nuclear materials, technology, equipment and installations, specific non-nuclear materials and radioactive materials, including nuclear waste, are exported and imported on the basis of decisions of the Cabinet of Ministers.

2. In accordance with paragraph 3 of presidential decree No. 310 of 28 March 2000 on measures to improve the issuance of special authorization (licences) for certain types of entrepreneurial activity in the Republic of Azerbaijan, the import and export of military weapons and ammunition is undertaken by State enterprises or by joint-stock companies in which the State holds a controlling stake. The list of activities referred to in this paragraph is clarified and approved by the Cabinet of Ministers.
3. In accordance with the rules on the import of service and civilian weapons into the Republic of Azerbaijan and their export from the Republic of Azerbaijan, drawn up pursuant to article 11 of the act “On service and civilian weapons” and approved by presidential decree No. 769 of 24 August 2002, service and civilian weapons may be imported into the Republic of Azerbaijan by Azerbaijani nationals and legal entities. Foreign nationals may import civilian weapons into the Republic of Azerbaijan only for use, in accordance with established procedures, at weapons exhibitions or sporting events (in response to an invitation from the organizers of the exhibition or event) or for hunting (on the basis of an agreement with Azerbaijani legal entities engaged in hunting in accordance with established procedures).

The import and export of service and civilian weapons and ammunition is subject to the authorization of the Ministry of Internal Affairs. The export from the Republic of Azerbaijan of one-of-a-kind civilian weapons must comply with the procedure laid down by the law on the basis of authorization from the Ministry of Internal Affairs, with the agreement of the Ministry of Culture. Weapons forming part of the museum collections of the Republic of Azerbaijan, and ammunition for such weapons, may be exported temporarily for the purpose of organizing and holding exhibitions, on the basis of authorization from the Ministry of Culture, with the agreement of the Ministry of Internal Affairs.

Authorization for the import and export of service and civilian weapons and ammunition is granted on the basis of an application from the appropriate individual or legal entity. The application must indicate the name, make, type and quantity of weapons and ammunition being imported or exported, the purpose and duration of the import or export, and details of the certification of weapons imported into the Republic of Azerbaijan.

Within 15 days of receipt of the application, a decision to authorize or deny the import or export of weapons must be taken. If authorization is denied, reasons must be given. All types of service and civilian weapons and ammunition imported into the Republic of Azerbaijan must be certified, unless:

- The weapons and ammunition have a certificate (if an international agreement to which the Republic of Azerbaijan is a party provides for recognition of the results of certification of foreign-made weapons and ammunition);
- The weapons are being imported for the organization and holding of arms exhibitions;
- The weapons are needed to take part in sporting events, in accordance with established procedures, or for hunting in the territory of the Republic of Azerbaijan.

Weapons and ammunition imported into or exported from the Republic of Azerbaijan must be inspected. The inspection takes place when the weapons and ammunition are transported across the customs border in accordance with the procedure established by law. Inspections are conducted by staff of the Ministry of Internal Affairs, the State Customs Committee, the State Agency for Standardization, Metrology and Patents and by other bodies, where necessary. The transit of service and civilian weapons and ammunition across the territory of the Republic of Azerbaijan is based on authorizations issued by the Ministry of Internal Affairs, and on the requirements of these Rules.
Persons importing or exporting service and civilian weapons and ammunition must comply with the requirements of the weapons legislation of the Republic of Azerbaijan and the appropriate legislation of foreign States.

3. In accordance with paragraph V of the rules for the recording, storage, bearing, transportation, dispatch or proper use of service and civilian weapons and the rules for the transportation and dispatch of service and civilian weapons, established pursuant to the requirements of part one, article 15, and also to articles 8, 9, 22 and 23 of the act “On service and civilian weapons” and approved by presidential decree No. 769 of 24 August 2002, State bodies and legal entities may, with the authorization of the Ministry of Internal Affairs, transport weapons and ammunition belonging to them from one place to another. Authorization to transport weapons and ammunition is granted on the basis of an application from the appropriate State body or legal entity. The application must include:

- The name, make, type and quantity of weapons and ammunition to be transported;
- The route to be taken, the means of transport to be used and the destination;
- Information about the individuals who will guard the weapons and ammunition, if guards are used;
- Information on how the weapons and ammunition are packed.

The application must be accompanied by copies of the documents confirming that the weapons and ammunition lawfully belong to State bodies or legal entities. Within 15 days of receipt of the application, the Ministry of Internal Affairs must take a decision to authorize or deny transportation. If authorization is denied, reasons must be given.

Transportation of weapons and ammunition by State bodies or legal entities must comply with the following rules:

- The transportation route and the means of transportation must be agreed upon with the internal affairs authority with which the weapon is registered;
- The weapons and ammunition being transported must be in a technically sound condition, must not be directly observable from a distance and must be kept from falling into the hands of unauthorized persons;
- Weapons being transported must be empty (unloaded);
- The weapons and ammunition being transported must be packed in sealed factory packaging, or in a special container;
- In the case of transportation of more than five firearms or more than 400 cartridges, at least two guards equipped with firearms must accompany the shipment along its entire route;
- If more than two vehicles are used to transport weapons and ammunition, provision must be made for them to be guarded by at least three persons equipped with firearms, and special vehicles must be used;
- The quantity of ammunition transported by rail or water must not exceed the standard (10 kg of cartridges and 10 kg of powder).

If indications are found that vehicles transporting weapons and ammunition have been opened or that the packaging, containers or seals have been damaged, the guards must immediately inform the internal affairs agencies and draw up a report.
Transportation of weapons and ammunition must take place on the basis of an agreement regarding transportation concluded by the appropriate State agency and legal entity with the legal entities undertaking the carriage of goods, in accordance with the procedures established by law, in agreement with the internal affairs agencies. Following conclusion of the agreement, the transport company must take the following action:

- Draw up credit, debit and consignment documents;
- If necessary, install special technical equipment at the transport location;
- If obstacles to safe transportation arise, place the weapons and ammunition in temporary secure storage, and inform the nearest internal affairs agencies without delay;
- Transport the weapons and ammunition in compliance with the requirements of these Rules.

Azerbaijani nationals must transport weapons and ammunition belonging to them on the basis of the documents referred to in paragraph 3.1.4 of these Rules (no more than 5 firearms or 400 cartridges).

Deputies of the Milli Mejlis of the Republic of Azerbaijan and other officials designated by law must transport service weapons in accordance with the legislative acts which provide for the issuance of those weapons to them and in accordance with the appropriate document assigning the weapon directly to them.

Foreign nationals must transport weapons and ammunition belonging to them in the territory of the Republic of Azerbaijan on the basis of authorizations for the acquisition of civilian weapons in the territory of the Republic of Azerbaijan (on condition that such weapons are exported from the country no later than five days after acquisition), on the basis of an agreement with the appropriate Azerbaijani legal entity regarding hunting in the Republic of Azerbaijan, or on the basis of an invitation from the organizers of a sporting event or an arms exhibition (in connection with weapons imported into the Republic of Azerbaijan by a foreign national).

Compressed air weapons and aerosol devices transported as ordinary shipments must comply with the same procedures, with the condition that they cannot be transferred to another person. Special provisions to apply to one-of-a-kind weapons and ammunition for those weapons are determined by the Ministry of Culture, in agreement with the Ministry of Internal Affairs.

Firearms and ammunition may not be shipped by mail. Firearms and ammunition may not be shipped by individuals.