

DUAL-USE TECHNOLOGY TRANSFERS IN THE EAEU: RISKS, REGULATIONS AND REALITIES

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This article examines the role of export control mechanisms in preventing the proliferation of dual-use goods and technologies, with a focus on Armenia's participation in international agreements. It analyzes the Minsk Agreement of 1992 and the Eurasian Economic Union's (EAEU) approach to export controls, highlighting regulatory challenges and inconsistencies among member states' systems. The research emphasizes the need for a unified legal framework to enhance regional security and compliance with global non-proliferation standards.

Keywords: *export control, dual-use goods, international agreements, non-proliferation, Eurasian Economic Union*

As technology advances, more and more high-tech goods and innovations enter global markets. These products are often designed for peaceful purposes, as in medicine, energy, or communications. However, the same technologies can also be misused to develop weapons of mass destruction (WMD) and their delivery systems. Accordingly, it's so important to have strong export controls in place. These controls prevent sensitive goods and technologies from being illegally exported, helping to ensure they don't end up in the wrong hands.

Countries and terrorist groups are similarly continually working to enhance their scientific and technological capabilities, and some are even seeking to develop their own WMDs. This makes it crucial to have a well-functioning system that can regulate the trade of goods and technologies that could be diverted for military purposes or for terrorism. Export controls are an essential part of global security, as they prevent the spread of nuclear, chemical, biological, and toxin-based weapons, as well as military equipment. Strengthening these measures and international cooperation is key to stopping these dangerous items from being misused and keeping global peace intact.

Armenia's engagement in the international export control system is primarily guided by national security interests and shaped by a combination of economic, political, and strategic considerations. This commitment is reflected in its participation in key

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international agreements aimed at preventing the proliferation of sensitive goods and technologies.

One such agreement is the Minsk Agreement of 1992, which was signed to coordinate export controls among former Soviet republics. At the time, these newly independent states faced the challenge of establishing their own regulatory frameworks while navigating a rapidly evolving global security landscape. On June 26, 1992 an important agreement was signed in Minsk to coordinate efforts on export control for raw materials, equipment, technologies, and services that could be used in the creation of weapons of mass destruction and their delivery systems. Armenia officially ratified this agreement on December 9, 1995, through Decree No. NH-528 [1]. Other countries that ratified the agreement include Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine. Turkmenistan also showed interest in joining but requested a detailed list of controlled materials before making a final decision. The agreement took effect immediately after being signed, establishing a framework for post-Soviet states to work together on controlling sensitive exports. Recognizing the risks associated with the uncontrolled transfer of dual-use technologies, Armenia ratified the agreement in 1995, joining efforts with other signatories to strengthen regional cooperation in this critical area.

While the agreement laid the groundwork for a coordinated export control system, its implementation has not been without challenges. Differences in legal interpretations between post-Soviet states and Western nations have influenced on how obligations under such agreements are enforced. In the European Union, legal commitments are typically seen as binding and strictly implemented, whereas in many post-Soviet countries, similar provisions are often viewed as general guidelines. These variations in the approach have shaped the way export controls are applied in different regions.

Another key factor is timing. In 1992, when this agreement was signed, the global system for controlling sensitive exports was still in its infancy. Many of the international export control regimes that exist today were just beginning to take shape, which influenced the content and expectations of the agreement. Articles 4 to 7 of the document are especially important because they laid out clear responsibilities for each country, requiring them to set up national export control mechanisms as soon as possible. The goal was to monitor and regulate the export of raw materials, equipment, and technologies that could be used to develop weapons of mass destruction.

To make this work in practice, the agreement focused on two main tools: export licensing, which ensures that sensitive goods don't end up in the wrong hands, and customs control, which helps enforce these rules at borders. Many parts of this agreement were inspired by European Union practices, but differences in legal culture and enforcement approaches across the post-Soviet space have influenced how effectively these controls are implemented.

The **Minsk Agreement of 1992** is now seen as outdated, especially when compared to the evolving needs of modern export control systems. When the agreement was first signed, it aimed to create **unified lists of controlled goods and technologies**, but this goal has not been achieved within the framework of the agreement so far. Additionally, the provisions in the agreement are **non-binding** for its signatories, which means there is room for interpretation, and the application of the rules can vary greatly from one country to another. This flexibility, while allowing nations to adapt the rules to their specific circumstances, also leads to inconsistency in how the agreement is applied across the region.

A key example of this is **Article [7]**, which deals with the **re-export of controlled materials**. Practically, many countries do not enforce the required consent for re-exporting such materials, which weakens the effectiveness of export controls and could lead to sensitive goods being diverted for unintended purposes. Since the agreement was signed, there haven't been any significant changes or updates proposed by its members, which suggests that most of the countries involved are content with the status quo. The agreement exists on paper, but in reality, each state is largely free to manage its export controls as it sees fit. This gap between formal commitments and real-world practices is creating challenges for global non-proliferation and export control efforts.

Furthermore, the Minsk Agreement does not establish preferential trade conditions between its member states. This means that when Armenia transfers controlled goods or technologies to another signatory country, it's subject to the same export control rules as if the transfer were happening to any other non-member country. This lack of preferential treatment limits the potential for smoother trade relations and stronger export control cooperation between the signatories [6].

In response to these challenges, and in an effort to promote regional economic integration, the Eurasian Economic Union (EAEU) Customs Union was created in 2010. This new framework aimed to establish a unified export control system for Belarus, Kazakhstan, and Russia, addressing many of the weaknesses in the original Minsk Agreement. It also worked toward creating **common lists of controlled goods and technologies**, ensuring that the countries involved were on the same page when it came to regulating sensitive exports.

On July 5, 2010, the EurAsEC Interstate Council, through Decision No. 52 [7], called for the creation of a common export control system and a unified list of controlled products and technologies. This was a significant step forward in terms of regional cooperation on export controls.

Based on the above mentioned, the Eurasian Economic Union Treaty was signed and came into force on January 1, 2014 [2]. This treaty transformed the existing **Customs Union** into a more comprehensive regional organization focused on **economic integration**. Armenia became a member of the EAEU in January 2015 [3], aligning its

trade policies and export control systems with those of the union. Kyrgyzstan joined in August 2015, further expanding the group. This expansion of the EAEU reflects a collective effort to strengthen regional trade ties and improve export control measures, helping member countries better address the challenges posed by global security and technology advances.

The Eurasian Economic Union (EAEU) was established with the goal of creating a seamless economic space where goods, services, capital, and labor could move freely among its member states. By removing customs duties and trade barriers, the treaty aimed to make cross-border trade easier and more predictable. In theory, this should have encouraged stronger economic ties, more investment, and deeper industrial and technological collaboration. Member states also committed to harmonizing various forms of government oversight to create a more unified regulatory environment.

However, not all aspects of the treaty have been fully implemented. While the agreement set out to create a unified customs space and facilitate smoother trade, differences in national policies, legal systems, and enforcement approaches have led to inconsistencies. Each country has its own economic priorities and level of commitment to international trade agreements, which means that businesses still face regulatory and administrative challenges when operating across borders within the EAEU.

Beyond trade and economic cooperation, the treaty also plays a role in security, particularly in controlling the export of sensitive goods and technologies. One of its key goals is to prevent the unauthorized transfer of materials that could be used for military purposes, including the development of weapons of mass destruction. In principle, a shared export control framework should strengthen regional security and align member states with international non-proliferation efforts. However, the reality is more complicated. The way these rules are enforced varies widely across member states, leading to gaps in how export controls are applied in practice.

For the treaty's security provisions to work as intended, all EAEU countries need to participate in international export control regimes and adopt similar standards. But in reality, their levels of involvement differ significantly. Some countries have well-developed regulatory systems, while others struggle with enforcement due to institutional or administrative limitations. These differences create inconsistencies in how export controls function across the region, which can lead to regulatory loopholes and potential security risks.

A closer look at the laws governing export controls in EAEU countries shows that national policies are shaped by a mix of factors, including security concerns, economic interests, and political considerations. These elements influence how strictly each country enforces export control measures and how closely they align with international best practices. While the treaty laid the foundation for better economic and security

cooperation, the challenge remains in ensuring that all member states apply these rules consistently.

Particularly:

1.Varying Levels of Participation in International Control Regimes: EAEU member states take different approaches when it comes to participating in international agreements and initiatives aimed at preventing the spread of weapons of mass destruction. Some countries fully align with the commitments and standards set by organizations as the Nuclear Suppliers Group (NSG) [4] or the Missile Technology Control Regime (MTCR) [5], while others engage at different levels or follow alternative regulatory practices. These differences create inconsistencies in national control systems, making coordination among member states more complex. Without a shared approach, it becomes challenging to ensure that sensitive technologies and materials are effectively monitored, increasing the risk of unauthorized transfers.

2.Lack of a Unified Export Control Framework in the EAEU: Each EAEU country currently sets its own rules and procedures for export control, which allows for flexibility but also results in significant inconsistencies. The absence of a unified framework reduces transparency, complicates information-sharing between countries, and weakens cross-border cooperation. These gaps create vulnerabilities that could be exploited by individuals or organizations attempting to bypass restrictions. A more coordinated approach would strengthen security measures, facilitate smoother trade operations, and provide greater predictability for businesses engaged in international trade.

3.The Absence of a Common List of Controlled Goods and Technologies: A standardized list of controlled goods and technologies is essential for maintaining consistent and effective export controls. However, EAEU member states currently apply different criteria to determine which items require restrictions, leading to regulatory discrepancies. This lack of uniformity poses challenges for customs enforcement and increases the likelihood of security oversights. Additionally, varying control lists create opportunities for illicit trade and sanctions evasion, making enforcement efforts less effective. Establishing a unified list would not only streamline compliance for businesses but also strengthen security by closing potential loopholes.

Ensuring effective export control within the Eurasian Economic Union (EAEU) is a complex challenge that requires close cooperation among member states. The transfer of customs inspections to the union's external borders, while beneficial in many ways, has also created opportunities for unscrupulous actors to exploit gaps in the system. In particular, controlled goods and technologies could be exported to third countries without proper authorization, raising serious concerns for both regional and international security.

Customs oversight plays a crucial role in export control, as it enforces regulations governing the movement of sensitive items across borders. However, for export control to be truly effective, there must be seamless coordination between customs procedures and

national regulatory frameworks. Without this, enforcement can become inconsistent, leaving room for vulnerabilities that could be exploited.

One of the key risks stems from differences in how EAEU member states regulate export controls. Since customs checks within the union's internal trade network have been largely eliminated, dual-use goods and technologies can move freely between member states. This means that an item subject to strict controls in one country may be transferred to another where the regulations are more relaxed, and from there, it can be exported outside the EAEU without proper control. Such gaps not only undermine national efforts to comply with international non-proliferation commitments but also weaken the collective security of the region.

Addressing this issue requires a unified legal framework across the EAEU, ensuring that all member states follow the same standards for export control. This includes the development of a common regulatory system, the prompt adoption of uniform procedures, and the establishment of shared lists of controlled goods and technologies. A harmonized approach would make it significantly more difficult for unauthorized parties to acquire sensitive items and technologies [8] .

The urgency of this matter has grown in recent years, particularly as global security threats, including those posed by terrorist organizations, have become more sophisticated. A well-coordinated export control system within the EAEU would not only enhance regional stability but also strengthen international confidence in the union's ability to prevent the misuse of controlled technologies.

Implementing these measures will require dedicated collaboration among EAEU member states, with a strong emphasis on aligning national laws to close existing loopholes. Export control is not just a bureaucratic requirement – it is a matter of national, regional, and global security. By unifying their efforts, EAEU countries can create a more secure trade environment, reinforce economic integration, and demonstrate their commitment to preventing the unauthorized proliferation of sensitive technologies.

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ԵՎՐԱՍԻԱԿԱՆ ՏՆՏԵՍԱԿԱՆ ՄԻՈՒԹՅՈՒՆՈՒՄ ԿՐԿՆԱԿԻ ՆՇԱՆԱԿՈՒԹՅԱՆ ՏԵԽՆՈԼՈԳԻԱՆԵՐԻ ՓՈԽԱՆՑՈՒՄ. ՌԻՍԿԵՐ, ԿԱՐԳԱՎՈՐՈՒՄ և ԻՐԱԿԱՆՈՒԹՅՈՒՆ

Տիտանյան Է.Լ .

Հոդվածում դիտարկվում է արտահանման վերահսկողության մեխանիզմների դերը կրկնակի նշանակության ապրանքների և տեխնոլոգիաների տարածման կանխարգելման գործում: Որպես հետազոտական խնդիր՝ հեղինակի կողմից փորձ է արվել այս համալսարանում գնահատել Հայաստանի Հանրապետության մասնակցությունը միջազգային համաձայնագրերին: Զգալի ուշադրություն է հատկացվում ինչպես 1992 թ. Մինսկի համաձայնագրի վերլուծությանը, այնպես էլ կրկնակի նշանակության ապրանքների արտահանման վերահսկողությանն առնչվող Եվրասիական տնտեսական միության մոտեցումներին: Հիմնավորվում է այն միտքը, որ, ընդհանուր առմամբ, առկա են իրավակարգավորման պրակտիկայում խնդիրներ, ինչպես նաև՝ կրկնակի նշանակության ապրանքների վերահսկողության ոլորտի գործող օրենսդրության պահանջներում անհամապատասխանություններ Եվրասիական տնտեսական միության անդամ պետությունների միջև: Կատարված հետազոտությունների հիման վրա ամփոփ ներկայացվում են իրականացված աշխատանքի որոշակի արդյունքներ: Առաջ է քաշվում տեսակետ՝ կապված

միավորված նորմատիվ իրավական դաշտի վերամշակման անհրաժեշտության վերաբերյալ՝ տարածաշրջանային անվտանգության ամրապնդման և միջազգային անվտանգության հիմնարար նորմերին համապատասխանության ապահովման նպատակով: Նշվում է նաև, որ դիտարկվող խնդիրը բավարար չափով ուսումնասիրված չէ և պահանջում է արտասահմանյան փորձի ներառմամբ հետազոտ խորացված հետազոտություններ:

Բանալի բառեր. Արտահանման հսկողություն, կրկնակի նշանակության ապրանքներ, միջազգային համաձայնագրեր, անվտանգության միջազգային նորմեր, Եվրասիական տնտեսական միություն:

ТРАНСФЕР ТЕХНОЛОГИЙ ДВОЙНОГО НАЗНАЧЕНИЯ В ЕВРАЗИЙСКОМ ЭКОНОМИЧЕСКОМ СОЮЗЕ: РИСКИ, РЕГУЛИРОВАНИЕ И РЕАЛИИ

Титанян Э.Л.

В статье рассматривается роль механизмов экспортного контроля в предотвращении распространения товаров и технологий двойного назначения. В качестве исследовательской задачи автором была определена попытка оценить в данном контексте участие Республики Армении в международных соглашениях. Значительное внимание уделяется анализу как Минского соглашения от 1992 года, так и подходам евразийского экономического союза к экспортному контролю товаров двойного назначения. Обосновывается мысль о том, что, в общем и целом, реально существуют проблемы в регуляторной практике и несоответствия требований действующих законодательств государств-членов Евразийского экономического союза в области контроля товаров двойного назначения. На основании выполненных исследований по теме подведены некоторые итоги проделанной работы, которые позволяют обосновать необходимость разработки единой правовой базы с целью усиления региональной безопасности и приведения в соответствие с международными нормами безопасности. Отмечается, что затронутая проблема мало изучена и требует дальнейших исследований, в том числе и зарубежного опыта.

Ключевые слова: экспортный контроль, товары двойного назначения, международные соглашения, международные нормы безопасности, Евразийский экономический союз.

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