

# REFERENCES

## *LITERATURE*

- Baker, Stewart A. & Hurst, Paul R.*; The Limits of Trust: Cryptography, Governments and Electronic Commerce, Kluwer Law International, The Hague, The Netherlands 1998.
- Baker, Stewart A.*; Decoding the OECD's Guidelines for Cryptography Policy, International Lawyer, 1997.
- Berg, Jens Petter*; Overvakning av kryptert datakommunikasjon på internettet, in publication: Elektronisk handel – rettslige aspekter, Randi Punsvik (ed.), Nordisk årsbok i Rättsinformatik, Norets Juridik, 1997.
- Controlling East-West Trade and Technology Transfer*; Bertch (ed.), Article: "COCOM: An Appraisal of Objectives and Needed Reforms", 1988.
- Cornish, Paul*; Joint Action, 'The Economic Aspects of Security' and the Regulation of Conventional Arms and Technology Exports from the EU; in publication: Common Foreign and Security Policy, The Record and Reforms, Holland, Martin (ed.), Pinter, London 1997.
- Cryptography and Liberty 1999*; An International Survey of Encryption Policy, Electronic Privacy Information Center, Washington D.C., United States of America [<http://www.epic.org/> 4. 4.2000].
- Cryptography's Role in Securing the Information Society*; The Report of the US National Research Council Committee to Study National Cryptography Policy; Dam, Kenneth W. & Lin, Herbert S. (eds.), Committee to Study National Cryptography Policy, Computer Science and Telecommunications Board, Commission on Physical Sciences, Mathematics, and Applications, National Research Council, National Academy Press, Washington, D.C., USA, 1996.
- Domeij, Bengt*; Fokus på patenträtten: en introduktion till patenträtten, BrandEye Stockholm, Sweden, 1997.
- Eeckhout, Piet – Govaere, Inge*; On Dual Use Goods and Dualist Case Law: The Aimé Richardt Judgment on Export Controls; in publication: Common Market Law Review 29: 941-965, Kluwer, The Netherlands 1992.
- Emiliou, Nicholas*; Restrictions on Strategic Exports, Dual-Use Goods and the Common Commercial Policy, on publication: European Law Review 22, Sweet & Maxwell, 1997.
- Eurooppaoikeus*; Joutsamo, K; Aalto, P; Kaila, H; Maunu, A; 3<sup>rd</sup> Revised Edition, Lakimiesliiton kustannus, Helsinki 2000.
- Eurooppaoikeus*; Joutsamo, K; Aalto, P; Kaila, H; Maunu, A; Lakimiesliiton kustannus, Helsinki 1996.
- Gladman, Brian*; The Wassenaar Arrangement and Controls on Cryptographic Products, FIPR - Foundation for Information Policy Research, Worcester, United Kingdom, August 1998, [<http://www.fipr.org/publications/gladmanex.pdf> 16. 2.2000].

- Govaere Inge*; Case C-70/94, Fritz Werner Industrie-Ausrüstungen GmbH v. Federal Republic of Germany, [1995] ECR I-3189 and Case C-83/94, Criminal proceedings against Peter Leifer, Reinhold Otto Krauskopf, Otto Holzer, [1995] ECR I-3231; judgments of the Court of Justice of 17 October 1995; in publication: *Common Market Law Review* 34, 1019-1037, 1997, Kluwer Law International, The Netherlands.
- Hunnings, March*; *Legal Aspects of Technology Transfer to Eastern Europe and the Soviet Union*, in Schaffer (ed.), *Technology Transfer and East-West Relations*, 1985.
- Kapteyn, P. J. G.*; *Introduction to the law of the European communities: after the coming into force of the Single European Act*, 2<sup>nd</sup> ed., Laurence W. Gormley (ed.), Deventer Kluwer Law and Taxation 1990 (1989).
- Koops, Bert Jaap*; *Crypto Law Survey* [<http://cwis.kub.nl/~frw/people/koops/lawsurvey.htm> 20. 6.2000].
- Koutrakos, Panos*; *Export of Dual-use Goods Under Law of the European Union*, *European Law Review*, June 1998.
- Kuyper*; *Trade Sanctions, Security and Human Rights and Commercial Policy*, in Mareceau (ed.), *The European Community's Commercial Policy after 1992: The Legal Dimension*, 1993.
- Lenstra, Arjen K. – Verheul, Eric R.*; *Selecting Cryptographic Key Sizes*, November 24, 1999 [<http://www.cryptosavvy.com/5.4.2000/>].
- McDonald, Stuart*; *Technology and the Tyranny of Export Controls: Whisper Who Dares*, 1990.
- La Politique Française de Contrôle des Exportations d'Armements et de Biens et Technologies à Double Usage*; [[http://www.wassenaar.org/docs/fr1\\_fr.pdf](http://www.wassenaar.org/docs/fr1_fr.pdf) 20. 6.2000].
- Proliferation of Weapons of Mass Destruction: Assessing the Risks*; U.S. Congress, Office of Technology Assessment, Washington, DC; U.S. Government Printing Office, August 1993.
- Ramberg Jan*; *International Commercial Transactions*, Norstedts Juridik, Stockholm 1998.
- Schneier, Bruce*; *Applied Cryptography: Protocols, Algorithms, and Source Code in C*, John Wiley & Sons, 1995.
- Schroeder-Köchncke*; *Community Regime For the Control of Exports of Dual Use Goods*, *International Trade Law Review* 1995.
- Strategic Export Controls: The Impact On Cryptography*; Bohm, Nicholas; Brown, Ian; Gladman, Brian; A Response by The Foundation For Information Policy Research (FIPR) to the Department of Trade and Industry (UK), 1998 [<http://www.fipr.org/publications/fexport.html> 16. 2.2000].
- Tietoturvallisuus ja laki – näkökohtia tietoturvallisuuden oikeudellisesta sääntelystä*; Ahti Saarenpää (toim.), Tuomas Pöysti (toim.), Mikko Sarja, Viveca Still, Ruxandra Balboa-Alcoreza.

## **OFFICIAL DOCUMENTS**

### **European Union**

- COM (97) 503*; *Towards A European Framework for Digital Signatures And Encryption*, Official Journal of the European Communities, November 4, 1996.

*Declaration on Non-Proliferation and Arms Exports*; European Council, Luxembourg 29 June 1991.

*Échanges Intérieurs Textes*; Commission publication, 1987 No 1.

*Interception Capabilities 2000*; European Parliament, Directorate General for Research, Directorate A, The STOA Programme, Author: Duncan Campbell - IPTV Ltd – Edinburgh, Editor: Mr. Dick Holdsworth, Head of STOA Unit, April 1999, PE Number: PE 168.184/Part 4/4.

*KOM (98) 257 lopullinen*; Ehdotus Neuvoston asetukseksi (EY) kaksikäyttötuotteiden ja teknologian vientiä koskevan yhteisön valvontajärjestelmän käyttöönottamisesta, Bryssel 15. 5.1998.

*KOM (98) 258 lopullinen*; Komission kertomus Neuvoston asetuksen 3381/94/EY soveltamisesta.

*Poettering Report*; Report on the Outlook for a European Security Policy: The Significance of European Security Policy and its Implications for European Political Union, European Parliament Session Documents, A3-0107/91, PE 146.269/fin., 29 April 1991.

*SEC (92) final*

*The Lisbon Criterion*; European Council, Lisbon, 1992.

### **OECD**

*OECD Adopts Guidelines for Cryptography Policy*; Press Release, OECD, Paris, 27 March 1997.

*OECD Guidelines for Cryptography Policy*; OECD, 27 March 1997.

*Report on Background and Issues of Cryptography Policy*; OECD 1997 [<http://www.oecd.org> 4. 4.2000].

### **Wassenaar Arrangement**

*Initial Elements*; [<http://www.wassenaar.org/docs/IE96.html> 14. 2.2000].

*List of Dual-use Goods and Technologies and Munitions List*;  
[<http://www.wassenaar.org/list/WALIST991.zip> 14. 2.2000].

*WA Public Statement For 1999 Plenary*, Vienna, December 3rd , 1999  
[[http://www.wassenaar.org/docs/press\\_5.html](http://www.wassenaar.org/docs/press_5.html) 14. 2.2000].

### **Finland**

*Hakuohjeet ja asiakirjamallit*; Kauppa- ja teollisuusministeriö, Suomi  
[[http://www.vn.fi/ktm/2/vientivalvonta/1\\_6.htm](http://www.vn.fi/ktm/2/vientivalvonta/1_6.htm) 20. 6.2000].

*HE 69/1996 vp*; Hallituksen esitys Eduskunnalle laiksi kaksikäyttötuotteiden vientivalvonnasta.

*Kaksikäyttötuotteiden vientivalvonta*; Kauppa- ja Teollisuusministeriö, Suomi  
[<http://www.vn.fi/ktm/vientiv/> 20. 6.2000].

*KK 1430/1998 vp*; Written question, Outi Siimes /kok: On Expanding the Wassenaar Arrangement (in Finnish).

*KK 1445/1998 vp*; Valtiopäivät 1998; Kirjallinen kysymys 1445 N:o 1423 Jaakko Laakso /vas: Salausohjelmien vientivalvontasopimuksesta; N:o 1445 Erkki Pulliainen /vihr: Wassenaar-sopimuksen vaikutuksesta Suomen teollisuuden kilpailukykyyn.

*Salauspolitiikassa noudatettavat periaatteet*; 30.9.1998, Finnish Ministry of Transportation, memorandum approved by Council of State 7.10.1998 [<http://www.vn.fi/lm> 13.11.1999].

*Valtion etäyön tietoturvaluussuositus*; Valtionhallinnon tietoturvaluuden johtoryhmä 1/1999, Valtiovarainministeriö.

*Vientivalvonta - Exportkontroll*; Kauppa- ja teollisuusministeriö, 1999.

### **Germany**

*Export Controls - Brief Outline*; Bundesausfuhramt (BAFA), 9 April 1999.

*Roth, Harald H.*; Encryption Controls in Germany [<http://www.export-control.com/> 25. 6.2000].

### **Sweden**

*Kryptopolitik - möjliga svenska handlingslinjer*; En rapport från Regeringskansliets referensgrupp för krypteringsfrågor, Regeringskansliet, Oktober 1997.

*Lag och förordning*; Inspektionen för strategiska produkter (ISP) [<http://www.isp.se/SP/splagar.htm> 20. 6.2000].

*Regeringens Proposition 1995/96:31*; Ny myndighet för kontroll över krigsmateriel och andra strategiskt känsliga produkter.

*Tillståndstyper SP*; Inspektionen för strategiska produkter (ISP) [<http://www.isp.se/SP/tillstndsp.htm> 20. 6.2000].

### **United Kingdom**

*Annual Report on Strategic Export Controls*; Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence, October 1999.

*Guidance on Supporting Documentation Needed When Applying For a Standard Individual Export Licence (SIEL)*; Export Control Organization, UK 1999.

*Do I need a licence? A brief guide to controls administered by the Export Control Organisation*; Export Control Organization, UK 1999 [<http://www.dti.gov.uk/export.control/pdfs/briefguide.pdf> 25. 6.2000].

*Export Controls: A Guide for Business: Supplementary Guidance Notes*; Export Control Organization, UK 1999 [<http://www.dti.gov.uk/export.control/publications/bizguide/xtec.htm> 25. 6.2000].

*Supplementary Guidance Note on the End Use Control*; Export Control Organization, UK 1999 [<http://www.dti.gov.uk/export.control/publications/bizguide/enduse.htm> 25. 6.2000].

*Appendix C - Suspicious Enquiries*; Export Control Organization, UK 1999 [<http://www.dti.gov.uk/export.control/> 25. 6.2000].

### **United States of America**

*Federal Register / Vol. 65, No. 10 / Friday, January 14, 2000 / Rules and Regulations Part III*; Department of Commerce, Bureau of Export Administration, 15 CFR Parts 734, 740, et al., Revisions to Encryption Items; Interim Final Rule.

# REFERRED CASES

## *Court of Justice of the European Communities*

Case 6/64, *Costa v. ENEL*, ECR 1964, 585.

Case 74/69, *Krohn & Co*, ECR 1970, 451.

Case 42/71, *Politi*, ECR 1971, 1039.

Case 18/72, *Granaria Graaninkoopmaatschappij*, ECR 1972, 1163.

Opinion 1/75, ECR 1975, 1364.

Opinion 1/78, ECR 1979, 2871.

Case 72/83, *Campus Oil Ltd.*, ECR 1984, 2727.

Case 41/76, *Donckerwolke v Procureur de la République*, ECR 1976, 1921.

Case 50/76, *Amsterdam Bulb*, ECR 1977, 137.

Case 68/76, *Commission v France*, ECR 1977, 515.

Case 53/76, *Procureur de la République v Bouhelier*, ECR 1977, 197.

Case 106/77, *Simmenthal*, ECR 1978, 629.

Case 251/78, *Dencavit Futtermittel v. Minister für Ernährung, Landwirtschaft und Forsten*, ECR 1979, 3369.

Case 292/82, *Merck*, ECR 1983, 3781.

Case 337/82, *St Nicolaus Brennerei*, ECR 1984, 1051.

Case 174/84, *Bulk Oil (Zug) AG v Sun International Limited and Sun Oil Trading Company*, ECR 1986, 559.

Case C-62/88, *Chernobyl*, ECR 1990, I-1527.

Case 117/88, *Trend-Moden Textilhandel*.

Case C-367/89, *Criminal proceedings against Aimé Richardt and Les Accessoires Scientifiques SNC*, ECR 1989, I-4621.

Case C-70/91

Case C-70/94, *Fritz Werner Industrie-Ausruestungen GmbH v Federal Republic of Germany*, ECR 1995, page I-3189.

Case C-83/94, *Criminal proceedings against Peter Leifer, Reinhold Otto Krauskopf and Otto Holzer*, ECR 1995, I-3231.

Case C-120/94, *Commission v Greece (Re FYROM)*, ECR 1995, I-1513.

Case T-194/94, *Carvel*, 1995, II-2765.

## ***Finland***

### ***KKO***

KKO 1991:81; *Crime against the State*, delivered 4. 6.1991.