

Licensing regime for transit and trans-shipment of defence-related products, other materials for military use, law enforcement materials, civilian firearms (incl. essential parts and ammunition)

### TRANS-SHIPMENT<sup>1</sup>

#### EEA MEMBER STATE TO EEA MEMBER STATE <sup>2</sup>

In principle, no trans-shipment licence is required (on the condition that the sending Member State has issued a transfer licence).

#### EEA MEMBER STATE TO THIRD COUNTRY

A trans-shipment licence is required, except in the following cases:

- 1) The EEA Member State is the Netherlands or Luxembourg and the Dutch or Luxembourg authorities have issued an export licence;
- 2) The shipment concerns an export of civilian firearms (incl. essential parts and ammunition) and the sending Member State has issued an export licence on the basis of EU Regulation 258/2012;
- 3) The end use is in an "exempted third country"<sup>3</sup> (or in an EEA Member State)<sup>4</sup>;
- 4) The goods remain under the ownership of the armed forces of an EEA Member State or an "exempted third country" and are shipped for the exclusive use of those armed forces.

In cases 3) and 4), the sending State and the consignee State need to have approved the export and the import.<sup>5</sup>

#### THIRD COUNTRY TO EEA MEMBER STATE

In principle, no trans-shipment licence is required if the end use is in an EEA Member State (or an "exempted third country") and the sending State and the consignee State have approved the export and the import.

#### THIRD COUNTRY TO THIRD COUNTRY

A trans-shipment licence is required, except in the following cases:

- 1) The end use is in an "exempted third country" (or in an EEA Member State);
- 2) The goods remain under the ownership of the armed forces of an EEA Member State or an "exempted third country" and are shipped for the exclusive use of those armed forces.

The sending State and the consignee State need to have approved the export and the import.

<sup>1</sup> Trans-shipment is understood here as the transportation of goods that are exclusively brought into Belgium to be transported through its territory into another country, whereby the goods are transported in one of the following ways: a) they are loaded from one means of transport to another; or b) they are unloaded from one means of transport and are then later reloaded onto the same means of transport.

<sup>2</sup> **The EEA is the European Economic Area. Its Member States are the 27 Member States of the EU and Norway, Iceland and Liechtenstein.**

<sup>3</sup> **The "exempted third countries" are the following NATO and Wassenaar Arrangement Member States: Argentina, Australia, Canada, Japan, Montenegro, New Zealand, South Korea, Switzerland, the United Kingdom and the United States of America.**

<sup>4</sup> The exemption also applies if the country of end use is an "exempted third country" (or an EEA Member State), but not the country of destination.

<sup>5</sup> Supporting documents or documents demonstrating that the export or import can be carried without approval must be able to be presented.

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**ATTENTION!**

In cases where there is no systematic licence requirement, a licence may still be required in exceptional situations.<sup>6</sup>

This is always the case if the trans-shipment concerns prohibited goods included in Annex 1, section 1, of the Government of Flanders Arms Trade Decree of 20 July 2012.

For other goods subject to licensing, a trans-shipment licence is also required if:

- a) the goods are or may be intended for a country that at the time of the proposed trans-shipment is subject to an arms embargo or other restrictive measures of the UN, the EU or the OSCE;
- b) the goods are or may be intended for a country for which the Government of Flanders at the time of the proposed trans-shipment has suspended or revoked all licences (with the application of article 43 of the Arms Trade Act) or has decided that no transfer, export, transit and trans-shipment with that country as the country of destination or end use is allowed (with the application of article 43/1 of the Arms Trade Act);
- c) the goods are or may be intended for the commission of genocide, crimes against humanity or war crimes, as defined by international agreements to which Belgium is a Party;
- d) the trans-shipment is or may be in violation of the obligations of the Flemish Region or Belgium as a Party to international agreements or as a member of international regimes concerning non-proliferation or disarmament;
- e) the trans-shipment poses or may pose a threat to the public order, the public safety or essential security interests of the Flemish Region or Belgium, other Member States of the EU or NATO or of friendly or allied countries.

**TRANSIT<sup>7</sup>**

**ALL CASES**

A transit licence is always required if the transit concerns prohibited goods included in Annex 1, section 1, of the Government of Flanders Arms Trade Decree of 20 July 2012.

For other goods subject to licensing, a transit licence is required if:

- a) the goods are or may be intended for a country that at the time of the proposed transit is subject to an arms embargo or other restrictive measures of the UN, the EU or the OSCE;
- b) the goods are or may be intended for a country for which the Government of Flanders at the time of the proposed transit has suspended or revoked all licences (with the application of article 43 of the Arms Trade Act) or has decided that no transfer, export, transit and trans-shipment with that country as the country of destination or end use is allowed (with the application of article 43/1 of the Arms Trade Act);
- c) the goods are or may be intended for the commission of genocide, crimes against humanity or war crimes, as defined by international agreements to which Belgium is a Party;
- d) the transit is or may be in violation of the obligations of the Flemish Region or Belgium as a Party to international agreements or as a member of international regimes concerning non-proliferation or disarmament;
- e) the transit poses or may pose a threat to the public order, the public safety or essential security interests of the Flemish Region or Belgium, other Member States of the EU or NATO or of friendly or allied countries.

<sup>6</sup> Except if the sending country or the country of destination is the Netherlands or Luxembourg and the Dutch or Luxembourg authorities have issued an export or import licence.

<sup>7</sup> Transit is understood here as the transportation of goods that are exclusively brought into Belgium to be transported through its territory into another country, whereby the goods are not unloaded from its means of transport.