

INFORMATION SHEET 3 FOR LOGISTIC SERVICE PROVIDERS:

GOODS

Determining whether or not the goods in the transaction are subject to authorisation is essential in order to be able to make the correct risk analysis. The commodity code is often the only instrument for logistics service providers, but it also has its limitations. This information sheet gives an overview of the different steps that can be taken to correctly classify dual-use goods. We will also consider the 4-group approach used by the Strategic Goods Control Unit. Finally, we provide a number of 'red flags' questions that can be used in relation to the commodity code classification.

Key words: goods code - dual-use classification

In General

It is in the first place up to the exporter to make a correct commodity code classification and also to check whether or not the goods are included in the dual-use checklist. However, it is also useful to check the commodity code for exports outside the EU as a service provider. In case of correlation with a dual-use control number, you can ask the contracting authority for a statement on dual use (see annex of this sheet) in order to be sure to get the correct information about the product classification. If you have the technical data (e.g. technical data sheet) of the products yourself, you can also carry out a dual-use classification yourself. If desired or necessary, the technical experts of the Strategic Goods Control Unit (dCSG) are available for advice. The Strategic Goods Control Unit uses the 4-group approach, as explained below.

The 4-group approach

Since 2016, the Strategic Goods Control Unit has been using the following interpretation framework to assess the proliferation sensitivity and licensing requirement of dual-use goods destined for transit or export.

Group I contains goods for which the commodity code does not appear in the Correlation table.

Group II contains goods of which the commodity code (first eight digits) appears in the Correlation table, but which have no actual link to goods and activities in the European 'dual-use' checklist. The transfer, transit or export of Group I and II goods is completely free of formalities.

Group III contains transactions where the goods have a commodity code that gives a hit in the Correlation Table. **Group III** goods are proliferation-sensitive. Depending on the information provided on the transaction (route to be completed, consignee, end-user, end-use, etc.), the Strategic Goods Control Unit assesses whether the transaction is proliferation-sensitive or not.

Group IV contains transactions for which the goods have a commodity code that is mentioned in the Correlation Table, and for which the company and the Strategic goods Control Unit confirm

that the goods technically comply with the parameters in the European 'dual-use' list. Group IV goods therefore belong to the 'dual-use' goods and are subject to an authorisation requirement. More information about the 4-group approach can be found on the following link: <https://www.fdfa.be/nl/niet-vergunningsplichtige-goederen>

Dual-use classification on the basis of the correlation table

A dual-use control number describes specific technical parameters that a physical or non-physical item must meet in order to be considered a dual-use product under [regulation \(EU\) n°. 428/2009, as amended](#). A commodity code is a globally agreed customs nomenclature with a generic description of the nature of the goods.

[The correlation table](#) is an instrument of the European Commission that links commodity codes from the Combined Nomenclature to dual-use control numbers from the EU dual-use checklist. This Correlation Table is updated annually and is converted into the TARIC and [TARBEL](#) online tools.

The Correlation Table is an important instrument in the dual-use risk management of Belgian customs. It is important to note that the Correlation Table only gives an indication: if the commodity code is listed in this Correlation Table, only a (very) limited number of goods meets one of the corresponding dual-use control numbers.

Red Flags questions

In order to reduce the risk of the contracting authority providing incorrect information with regard to the commodity code classification, there are a number of 'red flags' questions that can be asked, where a positive answer to one or more of the questions below may indicate a risk of incorrect classification.

- Is the contracting authority a trader/distributor where there is a suspicion that he/she is insufficiently aware of the nature of the goods offered?
- Is knowledge of the goods insufficient to be able to rely on the information provided?
- Is the applicant unfamiliar with the goods and therefore has no or insufficient knowledge about the possible applications?
- Are there any requirements set by the contracting authority that are not in conformity with the standard handling of goods with a specified goods code?
- Does the contracting authority specifically ask not to use a certain commodity code on the application?
- Do you yourself have any doubts about the commodity code provided by the contracting authority?
- Does the contracting authority refuse to fill out and sign a dual-use declaration (see annex)?
- Is the contracting authority a well-known producer of dual-use goods?

VERKLARING GOEDEREN VOOR TWEEËRLEI GEBRUIK (DUAL-USE)

Datum,

De firma (*firmanaam en adres*)
vertegenwoordigd door (*naam van gemachtigd persoon*)
verklaart dat volgende goederen:

..... (*goederenomschrijving*)
wel/niet (*schrappen wat niet past*) voldoen aan de technische parameters opgenomen in de lijst van goederen voor tweeërlei gebruik (dual-use) zoals voorzien in Bijlage I bij Verordening (EG) nr. 428/2009 van 5 mei 2009 (zoals gewijzigd) tot instelling van een communautaire regeling voor controle op de uitvoer, de overbrenging, de tussenhandel en de doorvoer van producten voor tweeërlei gebruik en dat deze goederen wel/niet (*schrappen wat niet past*) het onderwerp uitmaken van mogelijke internationale of Europese beperkende maatregelen of bijkomende nationale controlemaatregelen met betrekking tot goederen voor tweeërlei gebruik.

Indien deze transactie goederen voor tweeërlei gebruik (dual-use) betreft, geef dan (indien voorhanden) het referentienummer op van de relevante vergunning of vrijgavebrief die werd afgeleverd door een bevoegde autoriteit:.....

Ondergetekende verklaart ook kennis te hebben genomen van de bindende aard van alle informatie door hem/haar opgegeven middels deze verklaring en verklaart eveneens de daaruit voortvloeiende verantwoordelijkheid te accepteren.

De geldigheid van deze verklaring is:
beperkt tot de goederen die het onderwerp uitmaken van:

Factuur nr:

Datum:

(*Indien de goederen verdeeld werden over meerdere facturen dienen alle factuurnummers vermeld te worden.*)

doorlopend tot tegenbericht voor alle goederen herkenbaar op de handelsfacturen op basis van

.....
(*Unieke referentie of omschrijving waarmee de goederen steeds geïdentificeerd kunnen worden op het handelsfactuur bij regelmatig terugkerende opdrachten.*)

Handtekening:

Locatie, Datum

Officiële handtekening

Bedrijfsstempel / Officiële zegel

Naam en functie van de ondertekenaar in drukletters

DUAL USE DECLARATION

Place,

Date,

The company (*Company name and address*)
represented by (*name of the authorized person*) declares that
following goods:

.....
..... (*goods description*)

do/ do not (*delete as appropriate*) meet the technical parameters determined by the dual-use control list as provided in Annex I to Council Regulation (EC) No 428/2009 dated 5th of May 2009 (as modified) setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items and that these goods are/ are not (*delete as appropriate*) subjected to any international or European restrictive measures or additional national control measures concerning dual-use items.

If this transaction concerns dual-use items then provide (if available) the reference number of the relevant license or release letter issued by a competent authority:

.....

Undersigned also declares to be aware of the binding nature of all information provided by him/her by means of this declaration and agrees to accept all responsibility resulting therefrom.

This declaration is valid:

with limitation to the goods mentioned on following invoice(s):

Invoice No:

Date:

(*In case the goods were divided over several invoices, all invoice numbers need to be mentioned.*)

until further notice, for all goods recognizable on our commercial invoices by following:

.....
(*Unique reference or description by means of which the goods can be identified on the commercial invoice(s) in case of recurring assignments.*)

Signature:	
_____	_____
Place, Date	Official signature
_____	_____
Company Stamp / Official Seal	Name and title of signer in block letters