

Royal Decree regulating the importation, the exportation, and the transit of arms, munitions, and of material having specifically a military use and related technology and related technology.

Baudoin, King of the Belgians,

Salutes all, present and forthcoming.

Given the co-ordinated convention instituting the Belgium-Luxembourg economic union, especially article 32;

Given the law of 5 August 1991 regarding the importation, exportation, and the transit of arms, munitions, and of material having specifically a military use and related technology;

Given the advice of the Belgium-Luxembourg Administrative Commission of 7 August 1992;

Given the advice of the Interministerial Economic Commission of 23 September 1991;

Given the advice of the Council of State of 16 December 1992;

On the proposal of Our Vice Prime Minister and Minister of Foreign Affairs, of Our Vice Prime Minister and Minister of Foreign Affairs, and of Our Minister of International Trade, and the advice of Our Ministers who have deliberated in Council; We decree:

Chapter I:

General provisions

Article 1

For the purposes of the following decree, reference to "the law" is to be understood as meaning the law of 5 August 1991 regarding the importation, exportation, and the transit of arms, munitions, and of material having specifically a military use and related technology.

Article 2

Is considered to be arms, munitions, and material having specifically a military use and related technology, in application of article 1, paragraph 1, b), of the law, any item mentioned in the annexed list.

Article 3

Pursuant to article 2, paragraph 1, of the law, the importation, the exportation, and the transit of arms, munitions, and material having specifically a military use and related technology mentioned in the first category of the annexed list are prohibited.

Pursuant to article 2, paragraph 2, of the law, the importation, the exportation, and the transit of arms, munitions, and of material having specifically a military use and related technology mentioned in the first section of the second category of the annexed list are subject to a licencing scheme.

Pursuant to article 2, paragraph 2, of the law, the importation, the exportation, and the transit of arms, munitions, and of material having specifically a military use and related technology mentioned in the second section of the second category of the annexed list are subject to a licencing scheme.

Article 4

When a request for a licence to import, to export, or to transit is submitted, in conformity with the present decree, for merchandise the trade and commerce of which is subject to the obtaining of consent pursuant to the law of 3 January 1933 regarding the manufacture, trade, and carrying of arms and the trade of munitions, proof of the consent is a condition to the receivability of the request.

When the consent, provided for by the aforementioned law of 3 January 1933 is suspended, withdrawn, limited to operations, to specific arms or munitions, or limited to a determinate time period, the Governor of the province informs simultaneously, the Central Office for Allocations and Licences and the holder of the consent. Current licences, granted pursuant to the law of 3 January 1933, are, as of the date of notification mentioned at paragraph 2, suspended, withdrawn, or limited according to the case.

Article 5

§1. Requests for licences to export arms, munitions, and material having specifically a military use and related technology must be accompanied by an International Import Certificate or a certificate of final destination.

Ministers who have Foreign Affairs, Economic Affairs and International Trade in their field of competency determine the form and content of those documents, on advice from the Interministerial Economic Commission.

§2. Requests for transit of arms, munitions, and of material having specifically a military use and related technology must be accompanied by a document in which the competent authorities from the country of origin of the transiting merchandise certify that they authorise the exportation to the country of destination indicated.

§3. Requests for export licenses and transit must be accompanied by a commitment, undertaken by the applicant, to export or to transit the merchandise in conformity with the licence request.

Article 6

Requests for export licences and transit of arms, munitions, and material having specifically a military use and related technology are submitted, without delay, by the Central Office for Allocations and Licences, to the Minister responsible for the granting of those licences.

Article 7

After each shipment of merchandise covered by the export licence, the exporter must supply, within a period of three months, to the Central Office for Allocations and Licences, proof of arrival of the said merchandise in the authorised country of destination and their putting to market by the importer.

Proof is made either by the document delivered by the customs administration of the importing country establishing that the exported merchandise has been declared for consumption, or by any other document establishing the direct taking in charge of the merchandise by the qualified authority of the importing country, or by any other operator mandated to do so by the said qualified authority.

Chapter II

Special conditions regarding licences and the transport regime

Article 8

The general conditions of granting and of use of the licences, defined at articles 2 to 8 of the Royal decree of 24 October 1962 regulating the importation, exportation and transit of merchandise, are applicable to licences issued for the importation, the exportation, and the transit of arms, munitions, and of material having a specific military use and related technology.

Article 9

The granting of a licence to export or to transit can be subject to the requirement, on request by the delivering authority, to a declaration from the exporter or the transiter undertaking to inform, within a period of three months, Saturdays, Sundays, and legal holidays excluded:

1. The modalities of transport for the merchandise;
2. The customs office;
3. The date, the hour, and the place of exit of the territory;

The information is communicated to the services for the General Economic Inspectorate of the Minister of Foreign Affairs.

Article 10

§1. No ship or structure, sailing under any flag whatsoever, that transports arms, munitions, or material targeted by article 2, may leave a Belgian port without having presented to the customs authority a map of the planned course specifying all ports of call, including the port of final destination where the merchandise will be unloaded. The arms, munitions, and material mentioned at article 2, will not be cleared through customs unless a certified true copy of the planned course is attached to the general declaration form. A copy of the plan must, as well, be annexed to the request to leave the port addressed to the maritime commissioner.

§2. No air-ship, of any nationality whatsoever, that transports arms, munitions, or material mentioned at article 2, may take off, unless a manifest of the merchandise is presented to the customs authorities. The said manifest, as well as indicating all marks of nationality and registration and places of loading and unloading, mentions all stops.

Chapter III

Refusals to issue licences to import, export, or transit

Article 11

§1. Services from the Administration of Customs and Excise, from the General Economic Inspectorate, as well as those from the *Banc d'épreuve* for firearms, inform, without delay, the Central Office for Allocations and Licences, any findings that they have made, as well as any information regarding:

1. the transactions or attempted transactions of import, export, or transit made in contravention of the law or smuggling;
2. their presumed authors.

§2 Any public administration having useful information regarding transactions, attempted transactions, or smuggling that involve a breach of the legislation mentioned at article 1, must co-operate regarding the constitution of dossiers with the Central Office for Allocations and Licences.

§3. When the Minister who has authority over the Central Office for Allocations and Licences deems the application of article 12 of the law necessary, he will inform the concerned, by way of registered letter with acknowledgement of receipt, of the alleged facts and warn the concerned that the measures provided for by the aforementioned legal disposition are being contemplated.

§4. The concerned has a period of ten days, Saturdays, Sundays, and legal holidays excluded, from the date of receipt of the registered letter mentioned at §3 within which to communicate his means of defence by way of registered letter to the Minister who has authority over the Central Office for Allocations and Licences. The concerned may, within the same time period, request to be heard with the help of counsel of his choice.

§5. Within thirty days, Saturdays, Sundays, and legal holidays excluded, from the date of receipt of the registered letter mentioned at article 3, the Minister who has authority over the Central Office for Allocations and Licences takes, if necessary, the measures provided for at article 12 of the law and fixes, in conformity with the legal disposition, the period during which the measure shall be applicable.

§6. Once the decision is taken, the concerned is informed by the responsible Minister by way of registered letter.

The decision takes effect from the date of notification mentioned at paragraph 3.

§7., The Central Office for Allocations and Licences informs the Governor of the province of the sanction taken against the concerned, in conformity with article 12 of the law.

Article 12

Enter into force ten days after their publication in the *Moniteur Belge*:

1. the law of 5 August 1991 regarding the importation, the exportation, and the transit of arms, munitions, and material having a specific military use and related technology;
2. the present decree.

Article 13

Our Vice Prime Minister and Minister of Foreign Affairs, Our Vice Prime Minister and Minister of International Trade and Commerce are charged with, each with what regards them, the execution of the present decree.

Signed in Brussels, 8 March 1993.

By the King,

The Vice Prime Minister and Minister of Foreign Affairs, W. Claes,

The Vice Prime Minister and Minister of Economic Affairs, M. Mathelet,

The Minister of Foreign Affairs and European Affairs, R. Urbain.

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