

Law of 5 August 1991 relating to the importation, the exportation, and the transit of arms, munitions, and material having specifically a military use and related technology.

Baudoin, King of the Belgians,

Salutes all, present and forthcoming.

The Chambers have adopted and We sanction what follows:

Article 1

For the purposes of this law, it is to be understood that:

- a) by importation, exportation, and transit: the transactions considered as such in application of customs legislation;
- b) by arms, munitions, and material having specifically a military use and related technology: all which is considered as such in application of the list drawn up by the King, by order deliberated in the Council of Ministers.

In derogation of the Law of 11 September 1962 regarding the importation, exportation, and transit of merchandise, the importation, exportation, and the transit of arms, munitions, and material having specifically a military use and related technology are subject to the rules stipulated in, or by virtue of, the present law.

Article 2

The King establishes, by order deliberated in the Council of Ministers, the list of arms, munitions, and material having specifically a military use and related technology, of which the importation, exportation, and transit is forbidden. He submits to a licensing regime the importation, exportation, and transit of other arms, munitions, and material having specifically a military use and related technology.

Article 3

The King determines, by order deliberated in the Council of Ministers, the general conditions of grant and use of the licences, as well as the particular conditions of non re-exportation, transport, and final destination with respect to arms, munitions, and material having specifically a military use and related technology.

Article 4

Any request for an export licence or transit is rejected if , in relation to the country of destination, it appears that the exportation or transit would contravene greatly to Belgian foreign interests or international objectives pursued by Belgium and, particularly, would contribute to a manifest violation of human rights.

The licensing request mentioned at article 1 is, moreover, rejected when the country of destination:

- must face serious internal tensions which are of such nature as to lead to an armed conflict;
- is headed by a government that supports terrorist actions or the drug trade, or undertakes it;
- has demonstrated that it does not respect the non re-exportation clause;

Article 5

The King may, by order deliberated in the Council of Ministers, subject the submission of requests or the delivery of licence forms to the payment of an administrative fee.

Article 6

Without prejudice to the general conditions set forth by the King, the competent ministers, acting together may, and at the latest the time of delivery of the licence, impose special conditions to the granting and to the use of the said licences, either by way of regulations or by way of instructions to the services tasked with the delivery of the licences.

Article 7

When special circumstances justify it, the competent Ministers acting jointly can, by way of justified order, suspend the validity or order the withdrawal of current licences.

However, when exceptional circumstances justify it, the competent ministers can, by way of instruction to the services in charge of the delivery of licences, suspend the validity of current licences, for a maximum period of sixty days.

The orders made pursuant to the present article, as well as the aforementioned instructions may contain particular dispositions, especially with respect to goods in the process of being manufactured or goods in transit.

Article 8

Credit and insurance associations can intervene or lay claim in a definitive capacity in a transaction involving the importation, exportation, or transit of arms, munitions, and material having specifically a military use and related technology, only under the suspensive condition that the beneficiary of the credit or insurance has obtained a valid import, export, or transit licence at the moment where the contract has become definitive and that its execution must begin.

Article 9

Importers, exporters, and transiters, as well as their personnel, the credit or insurance associations, as well as their personnel and any other person involved or susceptible of being involved, directly or indirectly, by the importation, exportation, or the transit of arms, munitions, and material having specifically a military use and related technology, are obligated to supply, upon request by the competent authorities, information and documents, correspondence and any other document, under any form whatsoever, enabling the verification of the compliance to the dispositions ordered in virtue of the present law; information gathered may only be used to that end.

Article 10

Infractions and attempted infractions to the dispositions provided for by the present law, as well as its executive measures, are punished in conformity with articles 231, 249 to 253, and 263 to 284 of the general law on customs and excise.

However, imprisonment will be of five years at the most and a fine ranging from a thousand to a million francs. In case of recidivism, the penalties are doubled.

Is analogous to an attempted infraction mentioned in the first paragraph, any transportation or holding of arms, munitions, and material having specifically a military use and related technology that has as its object the carrying out of an

importation, exportation, or transit, to be executed under conditions contrary to the dispositions taken in virtue of the present law.

Article 11

Without prejudice to the powers of the officers of the judiciary police and agents of the Customs and Excise Administration, agents from the General Economic Inspectorate, as well as agents commissioned to that end by the competent minister, are qualified to look for and to ascertain infractions to the dispositions taken in virtue of the present law.

The aforementioned agents are qualified to take copies of documents mentioned at article 9; they are qualified to preserve those documents against an acknowledgement of receipt, when the latter contribute to the proof of the infraction, or contribute to produce the report.

Article 12

The licence to import, export, or transit, may be refused for a period of one to six months, according to regulations established by the King in deliberation with the Council of Ministers, with respect to any physical person who:

-without a valid licence, imports, exports, or transits or attempts to import, export, or transit arms, munitions, and material having specifically a military use and related technology;

-imports, exports, or transits or attempts to import, export, or transit arms, munitions, and material having specifically a military use and related technology whose importation, exportation, and transit are forbidden in virtue of the present law and its executive measures;

-has undertaken to or participated in a the smuggling with respect to arms, munitions, and material having specifically a military use and related technology in contravention of the measures taken in executing article 4 of the present law;

-has supplied incorrect or incomplete information in view of obtaining a licence of importation, exportation, or transit of arms, munitions, and material having specifically a military use and related technology;

-abstains from supplying information and documents alluded to at article 9 of the present law or supplies those documents or information in an incorrect or incomplete form.

Article 13

Article 1, §2, 2°, of the law of 3 January 1933, relating to the manufacture, trade and carrying of arms and the trade of munitions, modified by the law of 30 January 1991, is completed as follows:

"h) by the law of 5 August 1991 relating to arms, munitions, and material having specifically a military use and related technology."

Article 14

The Government issues, annually, a report to Parliament on the application of the present law. The report will deal with, especially, the evolution of exportations, the particular problems posed, and the eventual modifications to the rules and procedures.

Article 15

The King determines the date of entry into force of the present law.

Given at Motril, 5 August 1991.

Baudoin
By the King
The Minister of Economic Affairs and the Budget,
W. Claes
The Minister of Foreign Affairs,
M. Eyskens
The Minister of Foreign Trade,
R. Urbain
Stamped with the Seal of State:
The Minister of Justice,
M. Wathelet.
Published in the *Moniteur Belge*, 10.09.1991.