



Legislation and procedures concerning the transit of strategic goods in the Netherlands

Jan Huner



Background

- Existing EU legislation controls transit of dual-use goods
- No transit controls on military goods
- Port of Rotterdam and Schiphol Airport are major transit hubs
- Pressure by NGO's and politicians



Legislation

- **Import and Export Act of 1962**
- **Strategic Goods Import and Export Order of 1963 (Munitions List)**
- **European Council Regulation 1334/2000 (Dual-Use List)**
- **Arms and Ammunitions Act 1997 (Import of Small Arms and Light Weapons)**





Policy considerations

- **Need to adapt the law**
- **Legislation should be realistic**
- **Consistency with existing legislation**
- **Contain bureaucracy for business**
- **Contain workload for Customs**



New legislation

- **12 February 2001: the “Re-export of Strategic Goods” Bill takes effect**
- **Result: the Import and Export Act and the Arms and Ammunitions Act are both amended**
- **1 January 2002: implementing legislation enters into force**

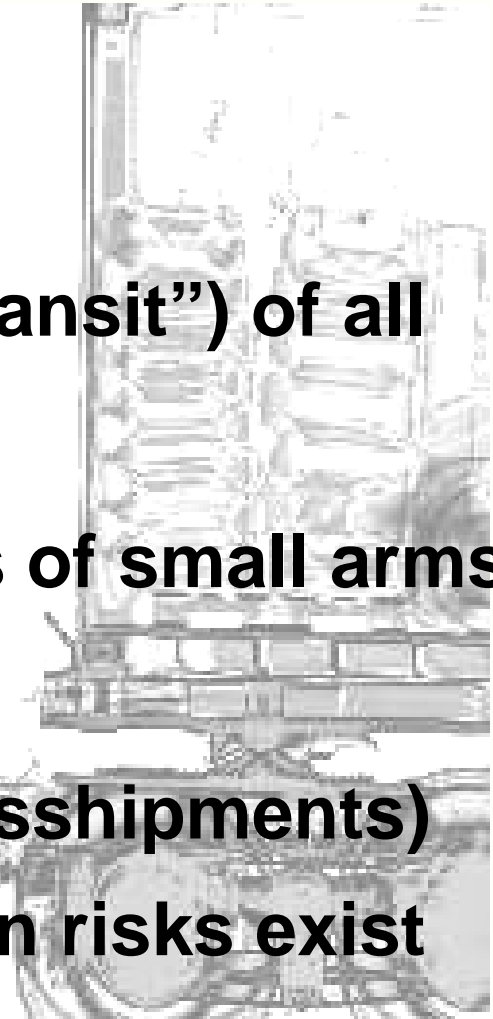




Main features

Legislation allows for:

- **control of re-export (“slow transit”) of all strategic goods,**
- **control of all transshipments of small arms and light weapons**
- **control of “fast transit” (transshipments) where major non-proliferation risks exist**





Legal instruments (1)

• **General mandatory licence**

Applies to “slow transit”, i.e. :

- **military goods which are stored in customs warehouses**
 - > 20 days when arrived by land/air or
 - > 45 days when arrived by sea
- **military goods which undergo processing or transformation**



Legal instruments (2)

- **Ad-hoc mandatory licence**

May be applied to transshipments when:

- a risk of diversion is deemed to exist
- an attempt is made to evade export control
- transit is deemed harmful to major Netherlands interests



Scope of application (1)

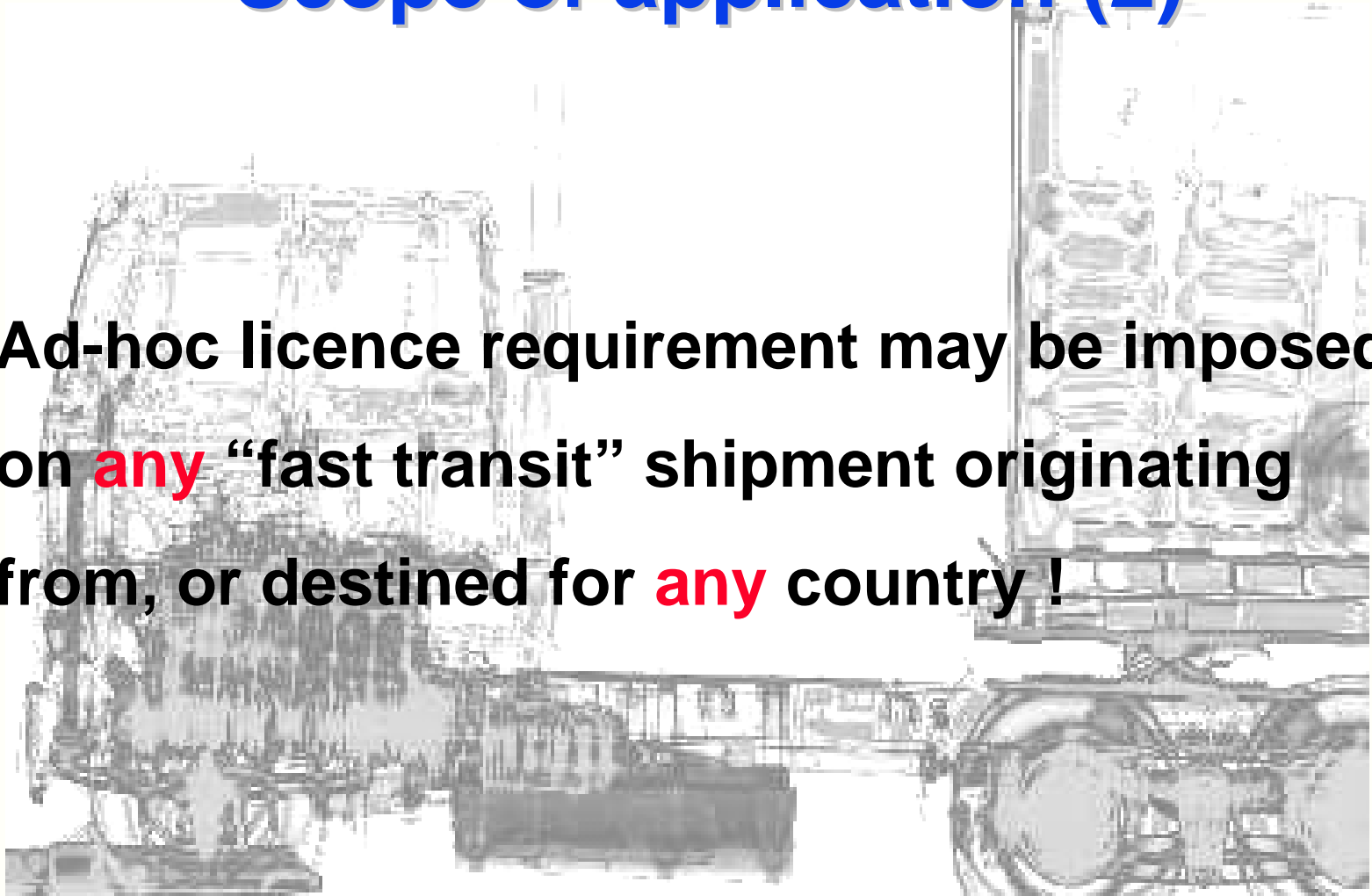
Mandatory re-export licence does not apply to shipments to or from countries deemed to have effective export control regimes:

- **EU Member States**
- **NATO member countries**
- **Switzerland, Australia, New Zealand, Japan**



Scope of application (2)

Ad-hoc licence requirement may be imposed on **any** “fast transit” shipment originating from, or destined for **any** country !





Reporting requirement

- **Applies to transshipment of small arms and light weapons to or from non-EU countries**
- **Ad-hoc licence may be imposed on any re-export of reported shipment**



