

Flemish Foreign Arms Trade 2012

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Summary

Impact of the new Arms Trade Act

The entry into force of the Flemish Arms Trade Act on 19 October 2012, has had several far-reaching implications for the Flemish licensing system on foreign arms trade:

- it is no longer necessary to apply for an import licence for the import of defence products from EU Member States *into* Flanders;
- a catch-all licensing obligation can no longer be imposed on the transfer of defence products *from* Flanders to other EU Member States, and the use of general and global licenses has been introduced;
- for extra-Community exports *from* Flanders, the comprehensive federal catch-all clause has been replaced by a more limited provision.

The impact on the comparability of the 2012 data with the data of previous years is still limited at present, given the rather short period in which these changes were in force in 2012. Further, the introduction of general and global licences for intra-community transfers to other EU Member States has no impact on the 2012 data since these licences were, in effect, only used in Flanders for the first time in 2013.

On the other hand, the implications for the use of the *catch-all* clause are significant. Since October 2012 not a single licence has been issued on the basis of the provision in question, while similar licences have normally covered about half of all licensed arms exports. This raises questions regarding the current interpretation of the provision in question, as contained in the Arms Trade Act. In addition, the issue of certain products previously treated under the *catch-all* categories by the Flemish Government that are actually not to be found in the Common Military List of the EU is now becoming more urgent than before.

Imports

In 2012, the Flemish Government issued 393 licences (74.3 million euro) for the import of:

- firearms and accessories, such as ammunition, intended for Flemish dealers and private individuals;
- military vehicles and components, electronic equipment and fire control systems for the industry;
- law enforcement materials and equipment for the dissemination of toxic agents intended for Flemish dealers, with the Belgian Government as end-user.

The vast majority of import licences related to firearms and accessories (46.9 million euro), which represents a six-fold increase compared to 2011. This increase was largely due to two particularly high-value import licences that dealt mainly with potential trade transactions (a licence for a dealer covering the import of 24.9 million euro worth of ammunition in order to let him participate in public tenders, and a licence for HFD weapons with a value of 7.8 million euro); but even if we leave these two licences out of account, we can still observe a value increase of 70% in 2012 compared to 2011.

Exports

Flemish licensed arms exports amounted to 285.2 million euro in 2012. Despite an increase compared to 2011 (+ 42%), it would appear that the strong growth of the period 2005-2010 was not perpetuated. The lack of reporting to the Flemish Parliament on the total licences issued, and on actual arms exports, makes it difficult however to assess developments and trends.

Licensed arms exports mainly consisted of military electronic equipment and “catch-all goods”, such as visualization screens and projectors. In addition, licences on a large scale were issued for military training equipment, vehicle and aircraft components, fire control systems and imaging equipment. Licences were also issued for the export of defence-related technology. After compiling all available information on recipients and end-users, it can be stated that we are dealing with an unknown end-use of the exported defence products for as much as three-quarters of Flemish licensed arms exports.

At the request of the Flemish Parliament, the Flemish Government is handling arms exports to Israel and to the Middle East and the Maghreb with extreme caution. Four licences for exports with destination Israel (4 million euro) were issued in 2012, always with an end-user situated in a third country. In addition, seventeen licenses (5.9 million euro) were issued last year with the last reported user specified as being in the Middle East or in the Maghreb (Algeria, Morocco, Oman, Turkey and the United Arab Emirates). In view of the high level of unknown end-use of Flemish licensed arms exports, we can expect that more Flemish defence products will eventually end up in the Maghreb and in the Middle East. Moreover, it is noteworthy that – with one exception – only licences for direct export to countries in this region were issued, while in previous years this type of arms export often took place through third-party countries. This may be a coincidence, but it is possible that the actual end-user is not always mentioned in the application for a licence.

Transit

In 2012, the Flemish Government issued 22 licences for the transit of defence products, relating to goods with a total value of 52.2 million euro. In Flanders, the nature and destination of licensed transit is significantly different from the nature and destination of licensed arms exports. In the longer term, we can observe a significant decrease in the number of transit licences issued in Flanders. A recent study into the legal framework and the administrative practice of transit in the Flemish Region points to a number of factors that may explain this decrease: a more flexible transit policy in our neighbouring countries, Belgium’s reputation in terms of procedures, and a deliberate choice by companies to limit these kinds of transactions.

Denied licences

Five licence applications were denied by the Flemish Government in 2012:

- an export licence for military ground vehicles intended for the government of Bahrain;
- a transit licence for military electronic equipment intended for the Russian industry;
- three import licences (British rifles, a Chinese weapons sight, and Chinese accessories for a firearm).

The Flemish Government does not disclose the grounds for denying these licence applications in its reports.

Introduction

For political, economic and security reasons, international arms trade is not banned, but is regulated on the basis of a control system with compulsory licences that takes various factors into account, such as the security situation, human rights, and the prevention of conflict. In Belgium, the control of foreign arms trade has been devolved to the three regions (the Flemish Region, the Walloon Region and the Brussels Capital Region) since August 2003. Direct imports and exports involving the Belgian armed forces and police force remain a competence of the Federal Government.

Persons in the Flemish Region who wish to import, export or transit arms are required to apply for the relevant licences from the Dienst Controle Strategische Goederen (DCSG – *Strategic Goods Control Unit*) of the Flemish Government.^I Licence applications are assessed case-by-case on the basis of internationally agreed guidelines. In this assessment, not only where, but also by whom the products in question will be used plays a critical role. All licences issued and denied are listed in the official (semi-)annual report. Each year, the Flemish Peace Institute publishes an analysis of the foreign arms trade licences that were issued and denied in Flanders during that year. The present report analyses only the licences that were issued and denied for the specific transactions included in monthly reports by the Flemish Government.^{II} By such analysis we can gain a better insight into the nature and (final) destination of the licensed arms trade, and see its significance clearly. Before entering into this, we shall briefly explain some of the key elements: the international regulatory framework, the Flemish legislation, and reporting by the Flemish Government to Parliament.

The international regulatory framework

The laws on exporting arms are complex: international, national and regional agreements and regulations all play a role. There are specialized work-groups where countries make arrangements and exchange information on the arms trade at an international level. In addition, the United Nations (UN) also takes initiatives regarding the arms trade. In fact, in April 2013, United Nations member states approved an International Arms Trade Treaty establishing international standards for the regulation of foreign trade in conventional weapons. The text defines common evaluation criteria by which to assess licence applications for arms exports. In early June, more than seventy countries, including Belgium, officially signed the treaty. The treaty will come into effect as soon as fifty countries have effectively ratified it.

The European Union (EU) also plays an important role in the regulation of the foreign arms trade. One of the major instruments for the harmonization of the arms trade approach in the EU countries is the Common Position of the European Union regarding the establishment of common regulations for the control on the export of military goods and technology.¹ This Common Position is part of the Common Foreign and Security Policy (CFSP) of the EU, and is binding for all EU Member States. The Position defines eight criteria the Member States must take into account when deciding to permit an arms export or not: for example internal tensions, respect for human rights,

^I An overview of military goods that are subject to mandatory licensing in the Flemish Region is available in Annex 6.2 of this report.

^{II} Since October 2012, the Flemish Government also publishes information in its monthly reports on temporary licences issued and denied. These data are however not incorporated in the present report's analysis.

or regional stability. With regard to the definition of 'arms' or 'military equipment', the European Union has drawn up a list of products for which a licence is required in the case of export.¹ In this report, these products are referred to as 'arms', 'defence products' or 'military equipment'.

Another fundamental change in legislation on the arms trade is currently being implemented at the European level. On 23 April 2009, a directive was adopted by the Council of the European Union regarding intra-Community trade in defence-related products.² The implication of this directive is that 'export' in the sense of customs practices now only relates to trade with non-EU countries. Intra-Community trade in military equipment remains subject to monitoring, but under a more flexible licensing system.³ This European Directive sets out new directions for national legislation on arms trade in the EU Member States, and thus also in Belgium and Flanders. Such laws were required to be adapted accordingly by the end of June 2012 at the latest.

The European Firearms Directive 91/477 also needs to be taken into account.⁴ This directive relates to the control of the acquisition and possession of weapons by private individuals, but also to the transfer of firearms between EU Member States.⁵

Within Europe, Belgium forms a union with Luxembourg (BLEU) and the Netherlands (BENELUX). Other specific agreements also apply within these unions.⁶

The Flemish legal framework

The international regulatory framework is transposed into national legislation. A Flemish Arms Trade Act was approved by the Flemish Parliament in 2012. Until recently, the Flemish Region exercised its jurisdiction over foreign arms trade on the basis of the federal law of 1991.⁷ In his policy statement for the new legislature (2009-2014), the Flemish Minister-President set the aim of updating this regulatory framework via a new Flemish act.⁸ During the current legislature, a proposal for an act (by the Green Party)⁹ and a draft act (by the Flemish Government) on foreign arms trade were submitted to the Flemish Parliament.¹⁰ In the process of debating this proposal and draft act, the Committee on Foreign Affairs, European Affairs and International Cooperation of the Flemish Parliament organised public hearings on the issue on 28 February and 6 March 2012, and various experts and stakeholders were heard.

In June 2012, the Flemish Parliament approved the Flemish Government's draft act and the Arms Trade Act was thereby adopted. This Act defines the regulations for Flemish import, export and transit, as well as the transfer¹¹ of defence-related products, other equipment designed for military use, and law enforcement equipment. Among other points, the Act transposes European Directive 2009/43/EC on the liberalization of the defence market, which – by introducing general and global licences – simplifies the transfer of defence products to another EU Member State by the Flemish defence-related industry. Individual licences remain the standard for arms trade to and from countries that are not part of the European Union. When evaluating the grant of these licences the eight common European criteria apply, supplemented by three additional Flemish criteria. The Flemish Government's decree in implementation of the Arms Trade Act of July 2012 was published in the Belgian Official Journal on 9 October 2012. It came into force ten days after its publication.

¹ This list is regularly reviewed (the latest revision is dated 27 February 2012) and is de facto identical to the Munitions List of the Wassenaar Arrangement. The EU Member States are required to use this EU list as a reference for their own national lists. In practice, the Flemish Government thus treats this EU list as the list of mandatory licensing products (see Annex 6.2).

¹¹ Transfer relates to the import and export from/to EU Member States.

The implementation of the Arms Trade Act has several important consequences for the Flemish licensing system. The new regulatory framework involves significant changes, especially for intra-Community transfers to other EU Member States. First of all, a licensing obligation for such transfers can no longer be imposed by the Government on the basis of a *catch-all* provision. Further, the use of general and global licences for the transfer of defence products has been introduced in Flanders with the transposition of the European Directive 2009/43/EC into the Flemish legislation. A general licence is a licence published by the authorities which can be made use of by any person in the territory, for example, for certain products to certain recipient countries. The aim is administrative simplification, and this measure constitutes a significant liberalization of the export control regime. The European Directive does not stipulate which products should be covered by a general, global or individual licence. This is decided by the different EU Member States themselves.

The five different general licences issued by the Flemish Government are described in the Implementation Decree. These general licences permit anyone to transfer any defence products (1) to the armed forces of other EU Member States, (2) to “certified persons”ⁱ, (3) for demonstrations, evaluations or exhibitions, (4) for maintenance or repair and (5) in the context of an intergovernmental cooperation programme between EU Member States. The general licences therefore apply to the full list of defence-related products. Only one exception is made in this area: they may not be used for transfers of “sensitive goods”ⁱⁱ to certified persons. No use was made of general licences in 2012.

The elimination of *catch-all* licences and the introduction of far-reaching general licences in the Flemish Region have an important impact on the licensing system. Given the specific nature of the defence-related industry in Flanders, we can expect that the majority of transfers of defence products will no longer require a licence, or will be covered by a general licence.

The implementation of the Arms Trade Act also has significant consequences for extra-Community arms trade from Flanders. One of the major points here is the rephrasing of the ‘catch-all’ clause. While the catch-all provision from the federal law of 1991 imposed a licensing duty for transactions involving “other gear and other equipment intended for the support of military actions”,¹¹ the relevant provision in the Flemish Arms Trade Act is limited to mandatory licensing for transactions in “goods that could cause serious harm and that could be deployed as a means for violence in an armed conflict or a similar violent situation”.¹² This rephrasing is aimed at achieving more effective export controlsⁱⁱⁱ. It also means that certain transactions will no longer require an export licence.

ⁱ A certified person is a person who has obtained a certificate from a competent authority within a Member State of the EU stating that this person is reliable and, among other aspects, able to comply with the export limitations of defence-related products that he or she transfers from another Member State in the context of a licence.

ⁱⁱ “Sensitive goods” means the following: products from the UN Register of Conventional Arms, including the optional categories regarding small and light arms.

ⁱⁱⁱ In the explanatory notes to the Act, this rephrasing was explained as follows: “In substance and with a view to legal certainty, a definition has been chosen that is formulated as clearly as possible and with the aim of tying the licensing obligation to the possible use of the goods, not the identity of the end-user. Such a definition contributes to more effective controls in two ways. On the one hand, it can spare exporters and transit merchants dealing in everyday products or food from being confronted with a licensing obligation purely because the goods are intended for a military end-user. On the other hand, and as a consequence, controls are focused on goods, including components and accessories, that can be used as tools of violence but which are not (yet) included in the lists referred to in the first paragraph. It is thus important to note that goods only require a licence if they comply with both parts of the definition”.

The extent to which transactions previously subjected to licensing will still require a licence now depends on the interpretation of the catch-all clause by the Flemish Government.ⁱ

The implementation of the Arms Trade Act also has important implications for persons who wish to import arms into Flanders. The import of civilian firearms from another EU Member State still requires a licence.

Reporting

Persons who wish to import, export or transit defence products must apply for licences from the Strategic Goods Control Unit of the Flemish Government. Under Article 17 of the Federal Law of 1991, the Government was required to report to Parliament on these licence applications. The Flemish Arms Trade Act, similarly, creates an obligation for semi-annual reporting by the Government to Parliament.

From the start of the new legislature, discussion of these (semi-)annual reports on licensed arms trade has taken place in the Committee on Foreign Affairs, European Affairs and International Cooperation of the Flemish Parliament. The Parliament does not have the authority to approve or deny export licences, but can question *post facto* the policy that is pursued. Monthly, half-yearly and annual reports on licences are also published through the Strategic Goods Control Unit website.¹³

On the basis of the information contained in these government reports, the Flemish Peace Institute has developed a database containing all Flemish licences approved and denied for the import, export and transit of military goods, as published on the Strategic Goods Control Unit's website, since the competence was regionalized. This database, in the form of an SPSS fileⁱⁱ, allows comparisons to be made that help identify and analyze developments and trends in the foreign trade in military goods.ⁱⁱⁱ Unless explicitly stated otherwise, the figures in the present report originate from our database. Given that general, global or combined licences were not yet in use in 2012, these analyses only relate to individual licences.

Structure of the report

In this report, Flemish licences for the transfer and for the import, export and transit of defence products are analyzed on the basis of the available figures. In this analysis we focus not only on the total figures, but also the nature and destination of these trade flows. Developments and trends are highlighted, and some noteworthy recipient countries for Flemish arms exports are also examined.

ⁱ The website of the Strategic Goods Control Unit of the Flemish Government provides an interpretative guide for the application of the catch-all provision. This interpretative guide consists of a number of questions on the basis of which persons can check whether or not certain goods fall under the catch-all clause, and as a result require a licence.

ⁱⁱ SPSS is a statistical program for data management and analysis.

ⁱⁱⁱ The data in these databases originate entirely from the relevant periodic reports of the Flemish Government. Each month the databases are brought up to date with the data from the monthly reports published on the Strategic Goods Control Unit website. As for the database on licences for trade in military equipment, when the half-yearly report to parliament is published the data-bank is compared with the data in this report and corrected if necessary, using the half-yearly report as the reference point.

In **Chapter one**, we discuss the reporting on the Flemish foreign arms trade on which the analyses are based.

In **Chapter two**, we look at arms imports and analyse the development, nature and origin of licensed arms imports and the transfer of defence products into the Flemish Region. In addition, we will discuss the licensed import of firearms and accessories in greater detail. Finally, denied import licences are also covered in this chapter.

In **Chapter three** we focus on arms export licences. We analyse the trend in value of licensed Flemish arms exports, and look at the Flemish arms exports in a European and Belgian context. This chapter also analyses the nature, destination and latest reported use of licensed exports and transfers from the Flemish Region. Further, we look into a number of special recipient and end-use countries and regions (Israel, the Middle East and the Maghreb region). An overview of denied licence applications is then provided.

Chapter four consists of an analysis of the licensed and denied transit trade. We end this report with the **conclusions** of this investigation.

1 Methods of reporting on foreign arms trade to Parliament

Since the regionalization of competence for controlling foreign arms trade in 2003, the three Belgian regions have been responsible for the mandatory reporting to their respective Parliaments on licence applications approved and denied.

1.1 Features of the reporting method

In recent years, a clear trend towards increased transparency has been observed in the reporting method used by the Flemish Government. The reporting has gradually evolved from aggregate figures per country of destination/origin, broken down solely into the number of licences per category of recipients, and a rough classification of military equipment^I towards reporting in which several indicators are listed for each individual license application.

For several years now, the following indicators have been specified for each individual (approved or denied) licence application in the Flemish Government's periodic reports on foreign trade in military equipment:

- The nature of the military goods^{II}
- The value of the licence application^{III}
- The country of origin
- The recipient country
- The type of recipient
- The type of end-user (if known and different from the recipient)
- The country of the end-use (if different from the recipient country)

With regard to the reporting frequency, it has been stipulated by law that the Government should report to Parliament semi-annually and annually. In addition to this statutory reporting, the Flemish Government has also published monthly overviews of issued and denied import, export and transport licences since October 2005.¹⁴

^I The classification of military equipment prior to 2005 only consisted of four broad categories: 'light' equipment (small and light arms and ammunition, or parts and components thereof); 'semi-light' equipment (mortars, grenades, explosives, missiles and components); 'heavy' equipment (equipment that was included in the United Nations' arms registry); and 'other' equipment (electronic and optical systems, radar, communication systems, chemical products and OC sprays).

^{II} This classification according to the nature of the goods is based on the classification of the Common Military List of the European Union (complemented with several Flemish categories). The most recent version of the Common Military List of the European Union can be found in Annex 7.2 of this report.

^{III} This value does not necessarily correspond to the value of the actual exports. Licences are sometimes not used, for example, or are not completely 'used up'.

1.2 Changes following the implementation of the Flemish Arms Trade Act

The coming into effect of the Arms Trade Act on 19 October 2012 had a significant impact on the nature of certain transactions and on the scope of application of the licensing system. Modalities for reporting on licences issued and denied for foreign trade by the Flemish Government were adjusted for the same reason.

The difference between licences for intra-community and extra-community arms trade

Since the monthly report of October 2012, a distinction has been made in the monthly reports between licences for intra-Community trade (transfer to/from EU Member States) on the one hand, and licences for extra-Community trade on the other (import, export and transit from/to third countries). The respective reports still provide the above-mentioned indicators for each individual licence application. The Arms Trade Act stipulates that, in its annual report to Parliament, the Flemish Government will provide an overview, for each general licence, of the number of persons who have made use of the licence, and of the total value in euro of the transactions that have taken place, broken down by the recipient Member State, the category of the recipients, and the category of the defence-related products.¹⁵ Precisely how the Flemish authorities will report on the use of global licences (intra-community) and combined licences (extra-community) to the Flemish Parliament is not yet clear.

Reporting on additional types of licences

Following the implementation of the Arms Trade Act, the Flemish Government has opted to report to Parliament on a number of additional types of licences.ⁱ Firstly, licences issued under the system of European Directive 91/477/EG have also been included in the monthly reports of the Government since October 2012. This means that we now also gain an insight into licences issued and denied for the transfer of “civilian” firearms within the EU.ⁱⁱ

Secondly, reporting since October 2012 has also included various types of uncompleted transactions. Up to end-September 2012, the Flemish Government’s monthly reports did not include reporting on (1) licences for temporary import or export (for purposes of repair, or participation in an arms fair for instance), (2) extensions of previously issued licences, and (3) replacement licences (which are issued if the originally granted licence was lost due to an error).ⁱⁱⁱ

ⁱ These modifications in the reporting will also be incorporated in the (semi-)annual report of the Flemish Government to the Flemish Parliament. This means that the new data on temporary licences and on licences in the framework of the European Firearms Directive 91/477 will also be included in this (semi-)annual report. As a result, the overall figures for 2012 in the (semi-)annual report will differ from the sum of the various monthly reports that were published before October.

ⁱⁱ To explain the previous non-inclusion of licences used under the European Firearms Directive 91/477, the annual reports to Parliament referred to practical reasons: “*This licensing system ... operates with documents that contain no reference to the financial value of the goods. Consequently, they cannot be included in the total amounts. It should also be noted that this difficulty is inherent in the Directive, and that, consequently, other EU Member States are also unable to include these figures in their reports.*”

ⁱⁱⁱ The non-inclusion of temporary licences in previous annual reports to the Parliament was justified as follows: “Inclusion of temporary activities in the figures would result in a distorted picture, because these activities do not relate to final arms deliveries, as the goods return to the country of origin”. The non-inclusion of extensions was justified as follows: “The sum of the total licensed quantity (initial licence) and the remaining quantity (extension) would result in a larger quantity and a

Since October 2012, temporary licences (issued and denied) are being reported in a separate section of the report. The inclusion of temporary licences and licences used in the context of the European Firearms Directive is in line with previous advice from the Flemish Peace Institute.¹⁶ Thus far, however, extensions and replacement licences are still not being reported on by the Flemish Government.

Implications for comparability

An important consequence of the fact that licences in the framework of the European Firearms Directive (in contrast to temporary licences) are not dealt with in a separate section of the reports is that it is difficult to compare the data for 2012 with the previous years. An additional complication is that, through the application of the new Arms Trade Act, the obligation to obtain a licence for intra-Community transfers can no longer be imposed on the basis of a 'catch-all' provision. Finally, the rephrasing of the catch-all clause (for extra-Community trade) in the new Arms Trade Act also has a major impact on the licensing system for catch-all goods in extra-Community trade, and therefore also constitutes a complicating factor when comparing the 2012 figures with those of previous years. From our analyses, it appears that in previous years about half of all licensed exports were controlled on the basis of the catch-all clause.

higher amount than what is actually licensed. Consequently, the inclusion of extensions would provide a distorted picture of Flemish arms exports".

2 Imports

Persons in Flanders who intend to import arms must submit a licence application to the Strategic Goods Control Unit of the Flemish Government.ⁱ Up to 19 October 2012, the import of arms into Flanders required a licence on the basis of the Federal Act dated 5 August 1991 on foreign arms trade. Since 19 October 2012, an import licence has been required on the basis of the Flemish Arms Trade Act. Not all defence products in 2012 required a licence, either on the basis of the Federal Act or on the basis of the regional Act: licences had only to be requested for conventional weapon systems, firearms, ammunition, and fire control systems.ⁱⁱ The major change entailed by the implementation of the Arms Trade Act is that, since mid-October 2012, a licence for the transfer of these goods from other EU Member States is no longer required (with the exception of civilian firearms).

The Flemish Government issued 393 import licences in 2012. These import licences had a total value of 74,274,694.53 euro.

2.1 High value of licensed imports

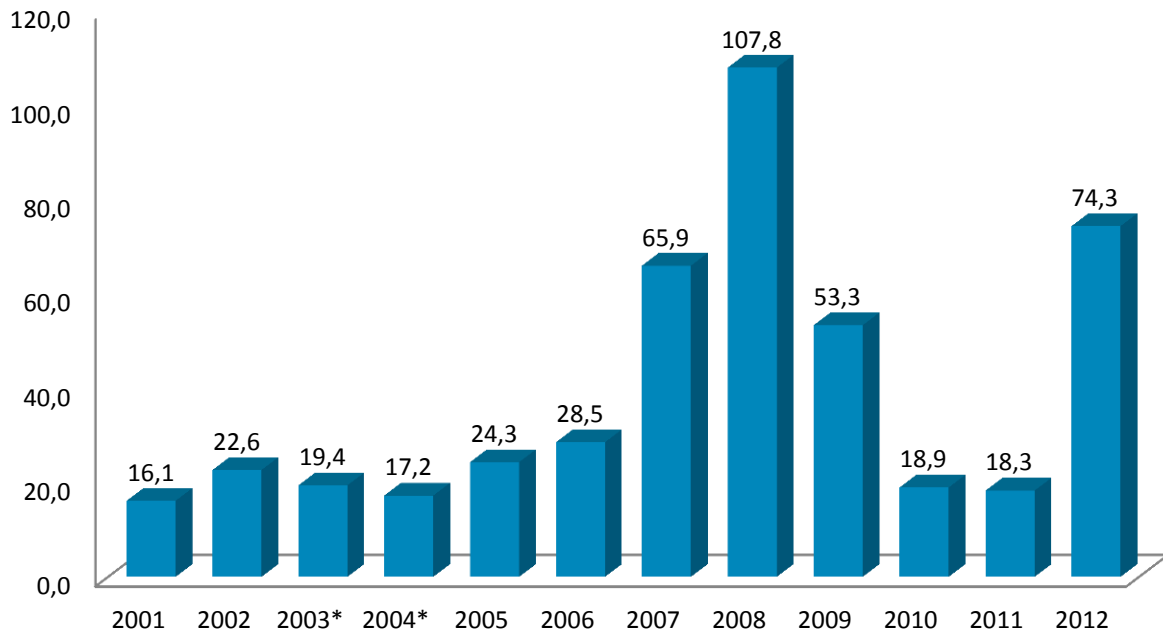
The combined value of the import licences issued in 2012 amounted to 74.3 million euro. Despite the above-mentioned reservations regarding comparability with statistics from previous years, we can still note a sharp increase in the value of licensed imports in 2012. This high value was largely explained by the high value of a small number of import licences: first, a licence for the import of ammunition (ML3.a) originating from Switzerland and intended for a Flemish dealer (24.9 million euro); and secondly, an import licence (10.0 million euro) for German military electronics (ML11) intended for the Flemish defence-related industry (see 2.2). It further appears that the value of licensed imports of firearms and accessories has increased significantly in Flanders over the past year (see 2.3).ⁱⁱⁱ

ⁱ If the import is directly intended for the Belgian army or police force (i.e. without the intervention of a dealer or company), these services are required to apply for an import licence from the Federal Government.

ⁱⁱ What is to be understood by “arms, ammunition and equipment specially designed for military purposes or for law enforcement” in the Federal Act of 1991 is defined in the Annex of the Royal Decree of 8 March 1993. This Annex contains both a list of the goods and technology whose import is subject to licensing (2nd category, division 2) and a list of goods and technology whose import is prohibited (1st category). On the basis of the Arms Trade Act, a licence is required for the temporary and final import from countries outside of the EU of civilian firearms and of ‘sensitive goods’, namely the defence-related products included in the UN Register of Conventional Arms as contained in resolutions 43/36L and 58/54 of the UN General Assembly, including the goods listed in the optional categories for small and light weapons. Moreover, in its implementing decrees, the Flemish Government has included a list of other defence-related products and law enforcement equipment whose temporary and permanent import from countries outside of the EU also requires a licence because this equipment represents a direct threat to public order or safety (Annex 2). This list includes firearms and parts thereof that are imported or transferred for military or paramilitary use, ammunition for these firearms, and fire control systems and related alarm and warning equipment together with related systems, test and alignment equipment and equipment for counter-measures, specially designed for military use.

ⁱⁱⁱ The sharp increase compared to previous years is for the most part not the result of changes made in reporting methods, including more particularly the inclusion of the licences used under the European Firearms Directive (see 2.3.1.). First, the value of the licensed import of firearms is relatively limited. Secondly, the value of firearms imported in the months October-December was not marked higher than in previous months.

Figure 1: Annual value of import licences (in millions of euro), 2001-2012ⁱ



The high value of licensed imports in 2012 is not exceptional as such. The annual value of the licensed imports was also unusually high in the period 2007-2009. In 2007-2009, however, this was the consequence of the licensed import of military ground vehicles, vehicle components and fire control systems in the context of an order by the Belgian army from defence companies abroad. Only one import licence was issued in 2012 that specified the Belgian army as the ultimate end-user,ⁱⁱ more specifically for the import of firearms and ammunition from Switzerland.

2.2 Nature and origin of licensed imports

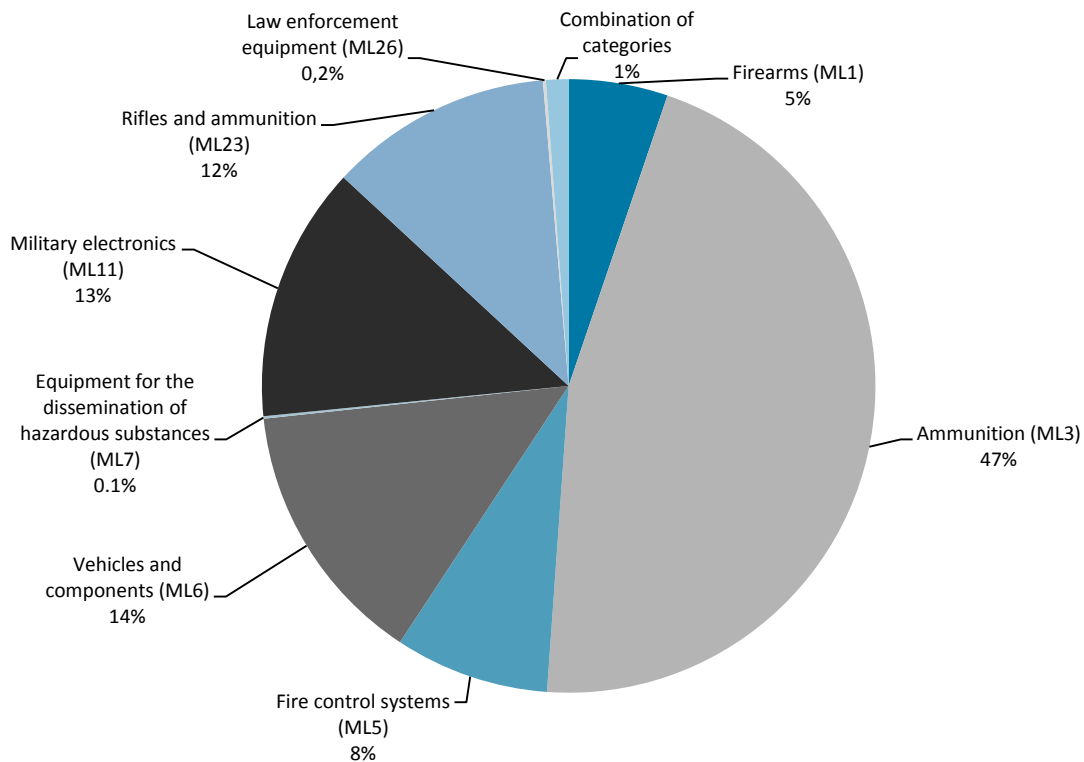
In Flanders, most import licences are traditionally issued for **firearms, ammunition and accessories** (ML1, ML3 and ML23). 356 licences for the import of these products were issued in 2012, being 90% of all issued licences. The combined value of these licences was 39 million euro, which represented 63% of the total value of licensed imports in 2012.ⁱⁱⁱ This was a significantly higher proportion compared to previous years, which can largely be attributed to the high value of licences issued for ammunition (ML3) and firearms (ML23). We will take a closer look at the import of these goods in section 2.3.

ⁱ See Table 6 in the Annex for the exact number and value of the import licences issued.

ⁱⁱ If the Belgian army is the recipient of the imported military goods, a Flemish import licence is not required; only a federal import licence. An analysis of federal licences is not included in the scope of this report.

ⁱⁱⁱ Furthermore, import licences for a combination of different types of military goods almost always relate to a combination of firearms, ammunition and/or accessories.

Figure 2: Proportion of licensed imports per type of military equipment (in value), 2012



A second major group of issued import licences referred to **ground vehicles and components** thereof (ML6). 24 import licences with a total value of 10.4 million euro were issued for these items in 2012. This breaks down as 6% of all licences, and 14% of the total value of licensed imports. It included licences for the import of military ground vehicles and/or vehicle components (ML6.a) and *all-terrain* vehicles manufactured or fitted with ballistic protection (ML6.b). These vehicles and vehicle components originated from Italy (6.6 million euro), the United States (2.2 million euro), Germany (1 million euro) and France (0.7 million euro). They were in all cases intended for the (defence-related) industry.

The licensed import of **military electronics** also accounted for 14% of the overall value of licensed imports to Flanders. In fact, this reflected just one licence which was issued for electronics with a value of 10 million euro, originating from Germany and intended for a defence-related company.

Five licences with a total value of 6 million euro were issued for the import of **fire control systems** (ML5). These products always originated from Israel, and were intended for a Flemish defence-related company. Further, a licence was issued for the import of fire control systems (ML5), imaging equipment and countermeasure equipment (ML15) from Israel, which was intended for the defence-related industry (85,015 euro).

A limited number of licences were also issued in 2012 for the import of **equipment for the dissemination of toxic agents** (ML7) and **law enforcement equipment** (ML26). These products were imported by Flemish dealers, always with the Belgian Government as specified end-user. They included a licence for the import of biological and radioactive substances for use in war situations (96,800 euro) and five licences for law enforcement equipment (including batons and objects intended for targeting persons with tear-inducing substances) from Germany, Switzerland and the Czech Republic (115,800 euro), respectively.

2.3 Licensed imports of firearms and accessories

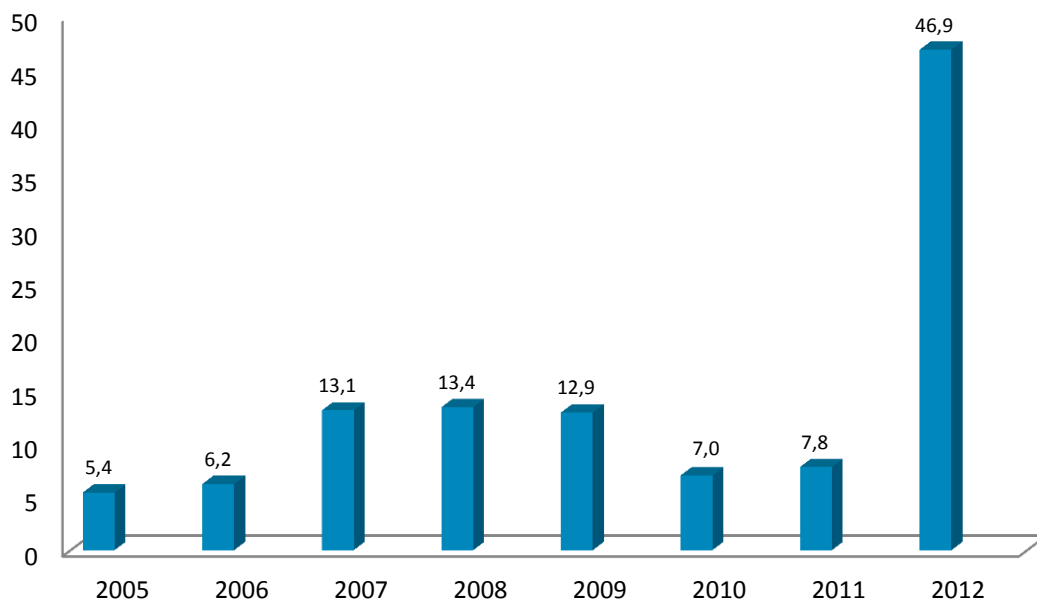
In this report, the licensed import of “firearms and accessories” refers to:

- two categories of military goods as listed in the Common Military List of the European Union:
 - smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inch) or less, and accessories as follows, and specially designed components therefore (ML1)
 - ammunition for weapons specified by ML1 (ML3.a)
- a Flemish supplement to the European list of firearms, components, accessories and ammunition, for which import is subject to obtaining a licence in Flanders (ML23).

2.3.1 Sharp increase in the value of licensed imports of firearms and accessories

356 licences for the import of firearms and accessories were issued in 2012. This means that 90 percent of the import licences issued last year related to these products. This high number of licences for firearms and accessories was not exceptional.¹ On the other hand, the *value* of licensed imports of firearms and accessories - amounting to 46.9 million euro - was significantly higher than in the preceding years: compared with the figures for 2011, the value of licensed imports of firearms and accessories into Flanders increased six-fold (see Figure 3).

Figure 3: Value (in millions of euro) of licensed imports of firearms and accessories, 2005-2012.



¹ Between 2005 and 2011, this proportion of total licences fluctuated between 75 and 90 percent (see Table 7 in the Annex).

The six-fold increase in the value of the licensed import of firearms and accessories was largely the result of two import licences with a high value, which however for the moment mainly related to potential rather than actual trade flows.

The first was a licence issued in May 2012 to a Flemish dealer for the import of ammunition for firearms (ML3.a) from Switzerland, with a value of 24.9 million euro. Inquiries show that this licence was applied for by a company that operates not in the private market but in the market of law enforcement. It covered large quantities of eight different types of ammunition. The company applied for the licence in order to be able to participate in public tenders put out by the Belgian army and NATO for the purchase of ammunition. The company in question has used this licence in recent months to import smaller samples of ammunition for the tendering procedure. If the contract is won, the licence will permit the company to immediately proceed to the delivery of large quantities of ammunition.¹⁷ No end-user is specified in the licence, because the ultimate customer of the company was not yet determined at the time the licence was applied for.

The second import licence was issued in July-August 2012 to a Flemish dealer for the import of rifles, carbines, revolvers and pistols (ML23.a) from Italy with a value of 7.8 million euro. Inquiries show that this licence was applied for by a large firearms dealer for a very wide range of "HFD weapons".¹⁸ HFD weapons are firearms with a historical, folkloric or decorative value. Until the end of May 2013, the possession of such weapons was not subject to a licence; these weapons were listed in the Weapons Act of 2006 in the category "freely available weapons", similar to weapons that are permanently neutralized.¹ Bearing in mind that, contrary to the situation in other European countries, a number of these HFD weapons have been freely available in Belgium, the trade in such weapons has increased.¹¹

Although the possession of these weapons is exempt from the licensing requirement, their import remains subject to licensing. It is, however, difficult for the Strategic Goods Control Unit of the Flemish Government to refuse this type of import licence, because until recently the importers had the right to freely possess these weapons. In addition, a "black hole" has been detected in the area of registration and traceability of these weapons. Contrary to firearms that are subject to licensing, freely available firearms basically did not require registration in the Central Weapons Register (CWR) after their effective import (carried out through the Test Bench for Firearms), which made it impossible to check or trace them later, even when they were sold on or transferred.¹⁹

In the aftermath of the deadly attacks committed by Nordine Amrani in Liege in December 2011, the Ministers of Internal Affairs and Justice drew up an action plan in March 2012 designed to intensify the struggle against illegal arms trafficking. This action plan announced, among other things, that the legal framework regarding freely available firearms was to be adjusted, and that the controversial list of freely available HFD weapons was to be completely abolished. On 15 May

¹ This was justified on the grounds that it is basically impossible or very hard to obtain ammunition for such weapons, or because they are not considered to be very dangerous due to a lack of firing power, accuracy and durability. HFD weapons include both firearms that are only loaded with (cartridges of) black powder (gunpowder), and nearly 700 makes of firearms that were manufactured at the end of the 19th century through to the first half of the 20th century, and that feature on a list appended to the Royal Decree of 20 September 1991. This list of freely available HFD weapons in particular has given rise to much criticism in recent years. In fact, ammunition is still available in practice for a number of the weapons on this list, either because there is still a large stock available, or because this ammunition is being produced again. From information obtained from the police, it appears that a number of these HFD weapons are also used in, and have been recovered from, the criminal environment. Furthermore, this list includes a number of firearms that should at least be subject to registration according to the European Firearms Directive.

¹¹ In recent years, many foreigners travelled to Belgium to buy them, for example during arms fairs, and to then take them back to their own country (usually without the required import licences, and therefore illegally).

2013, the list of HFD weapons indeed became defunct with the publication in the Belgian Official Journal of a new Royal Decree on freely available weapons^{20 1}.

Given the special nature of this licence, the Strategic Goods Control Unit has added a number of additional conditions. The dealer must submit all effective imports to the Test Bench. Furthermore, he must maintain a record of usage covering actual imports on the basis of this licence, and submit this record to the Strategic Goods Control Unit on a regular basis. Up to now, only about forty firearms have been effectively imported into Flanders on the basis of this licence.²¹

These two special licences only partially explain the spectacular increase in the licensed import of firearms and accessories, however. Even if we do not take these into account, the increase was still about 70 % compared to 2011.

2.3.2 Firearms and accessories for firearms (ML1)

The ML1 category of the Common Military List of the European Union contains four sub-categories, the first three of which (ML1.a, ML1.b^{II}, ML1.c^{III}) relate to firearms. An analysis of the issued licences shows that only firearms of the ML1.a type are imported into Flanders: i.e. *“Rifles and combination guns, handguns, machine, sub-machine and volley guns”*^{IV} and accessories, and specially designed components for these. The fourth sub-category, ML1.d, contains accessories: *‘Detachable cartridge magazines, sound suppressors or moderators, special gun-mountings, optical weapons sights and flash suppressors for arms specified by ML1.a, ML1.b or ML1.c’*.

In this section, we will first discuss the licensed import of firearms of the ML1.a type. We will then address the licensed import of accessories for firearms (ML1.d).^V

2.3.2.1 Firearms, accessories and components (ML1.a)

107 import licences for different types of firearms, firearms components, and other specific accessories were issued in 2012. These licences had a total value of 2.5 million euro. Compared to 2011, the value in 2012 increased by nearly 20% (see Figure 4). This increase is probably partially due to the change in reporting methodology as regards licensing under the European Firearms Directive 91/477 (see Introduction).

^I The Royal Decree provides that any person who is currently in the possession of a freely available HFD weapon should register this weapon with the local police within one year. If the owner is of age, has no convictions as specified in the Arms Act, is not the subject of an on-going suspension or an actual revocation of a firearms licence, and does not constitute a risk to public order, the owner will receive a licence for the weapon. Otherwise, the registration of the weapon will be denied and the owner will be required to have the weapon neutralized, to hand it over for destruction or for safekeeping, or to transfer it to a person with the required licence or recognition.

^{II} ML1.b includes smooth-bore weapons, as follows:

- Smooth-bore weapons specially designed for military use;
- Other smooth-bore weapons as follows:
 - a. fully automatic type weapons;
 - b. semi-automatic or pump-action type weapons

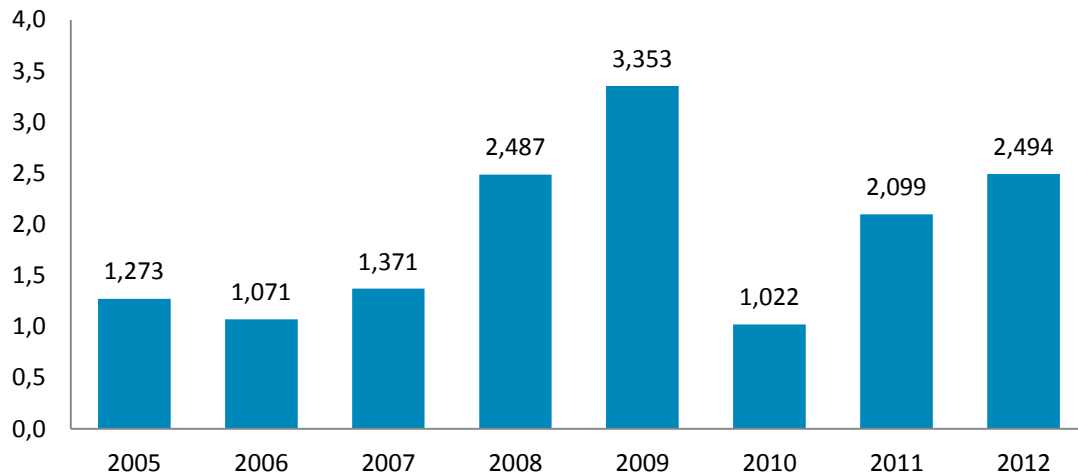
^{III} ML1.c contains weapons using caseless ammunition.

^{IV} Certain older versions of these firearms and reproductions do not fall under ML1.a, however, and are therefore not subject to a licence obligation based on the Common Military List of the European Union. More specifically, these include:

- Rifles and combination guns, manufactured earlier than 1938;
- Reproductions of rifles and combination guns, the originals of which were manufactured earlier than 1890;
- Handguns, volley guns and machine guns manufactured earlier than 1890, and their reproductions.

^V In 2012, two import licences were also issued for the combination of firearms and/or components (ML1.a) and accessories (ML1.d), from China (105,000 euro) and the United States (850 euro) respectively.

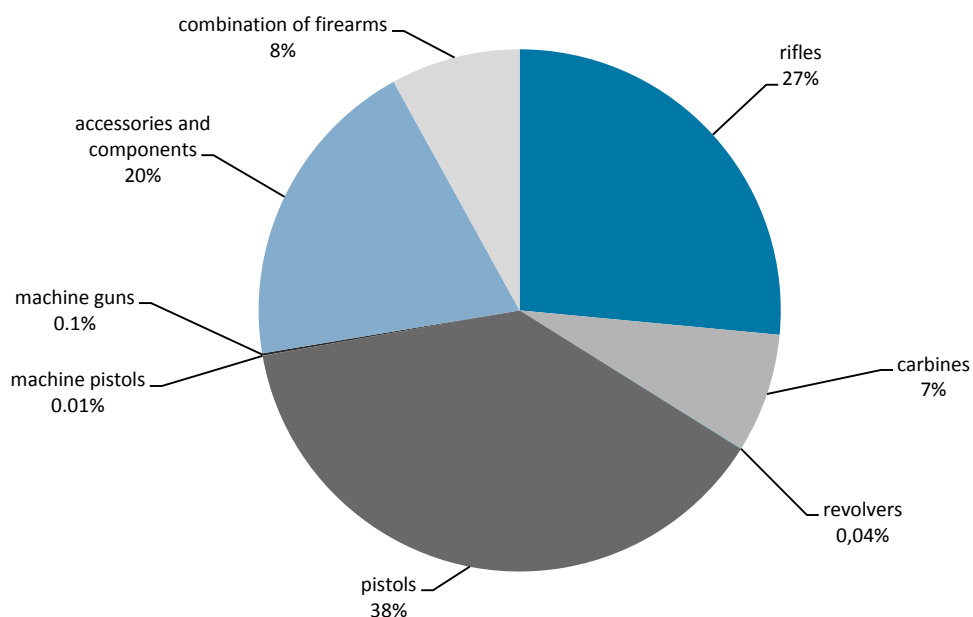
Figure 4: Trend in value (in millions of euro) of licensed imports of firearms and accessories (ML1.a), 2005-2012.



Both dealers and private individuals apply for import licences for firearms (ML1.a). Dealers do not usually specify an end-user: the Government was specified as the end-user of the firearms in only one licence.¹ This happens partly because dealers do not always import firearms on the basis of a specific order, but also because specifying an end-user is only mandatory for licence applications relating to prohibited weapons, or when required by the manufacturer of the weapons.²²

Licensed imports of firearms (ML1.a) consisted mainly of handguns (38%) and rifles (27%). Other types of firearms were only imported into Flanders on a limited scale. It is noteworthy that the import of accessories and components also represented a significant proportion of the total value of the licensed imports (20%).

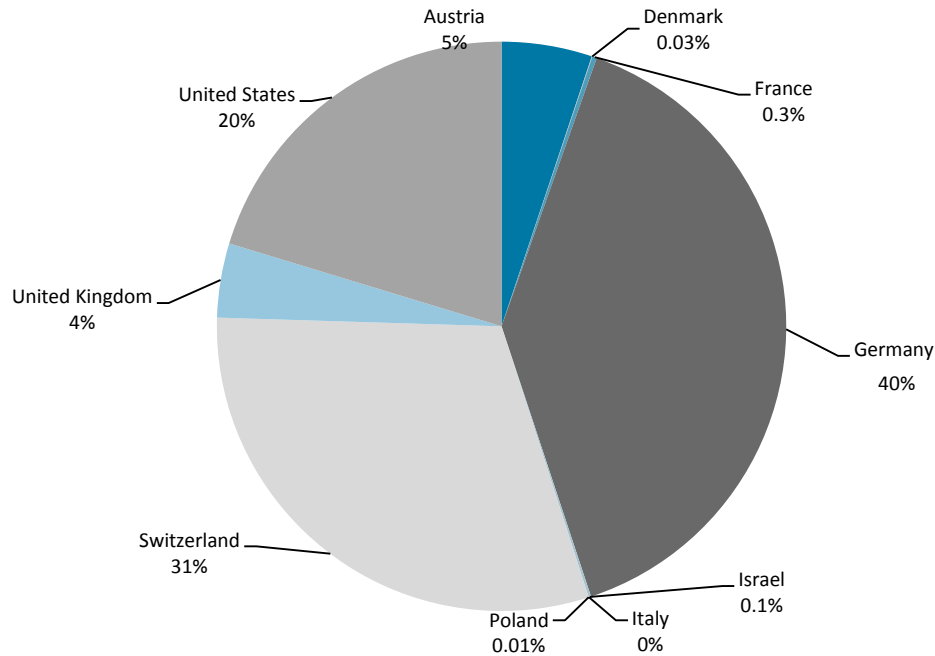
Figure 5: Distribution (by value) of licensed imports of firearms according to type (ML1.a), 2012



¹ This was an import licence for pistols originating from Germany (700,000 euro) issued in December 2012.

The imported firearms mainly originated from Germany (40%), Switzerland (30%) and the United States (20%). Other countries of origin were Austria, the United Kingdom, France, Israel, Denmark, Poland and Italy (see Figure 6)¹

Figure 6: Distribution (by value) of licensed imports of firearms according to origin (ML1.a), 2012



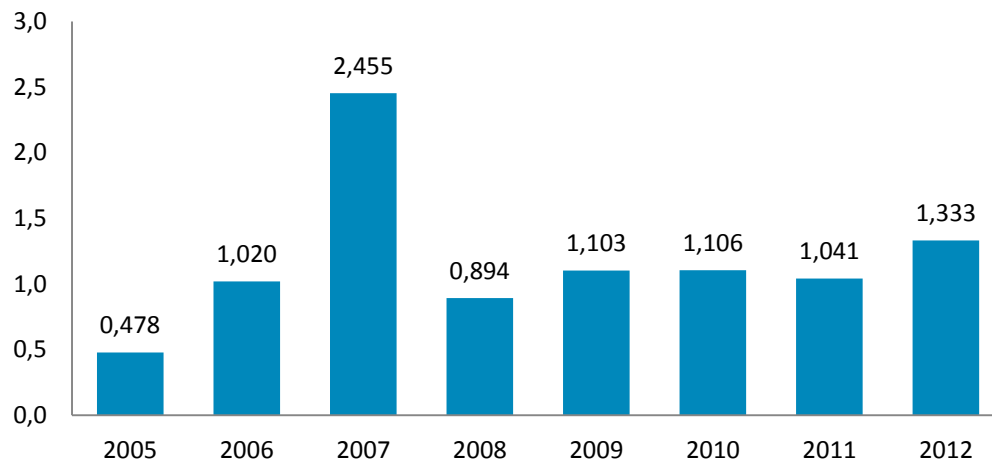
2.3.2.2 Accessories for firearms (ML1.d)

32 licences with a total value of 1.3 million euro were issued for the import of accessories for firearms in 2012. The value of the licensed imports of these accessories in 2012 increased by 28% compared to 2011.

As in previous years, the majority of the licences were issued for imports of weapons sights (27 licences). In addition, three import licences were issued for special gun-mountings and two for clips. The accessories mainly originated from the United States, but licences were also issued last year for imports of accessories from Canada, China, Hong Kong, Turkey and the United Kingdom. Approximately two-thirds of these licences were applied for by dealers. The other licences – those with the lowest value – were applied for by private individuals.

¹ The imported accessories and components for firearms mainly originated from the United States, but a limited number of import licences were also issued in 2012 for accessories from Israel and Switzerland.

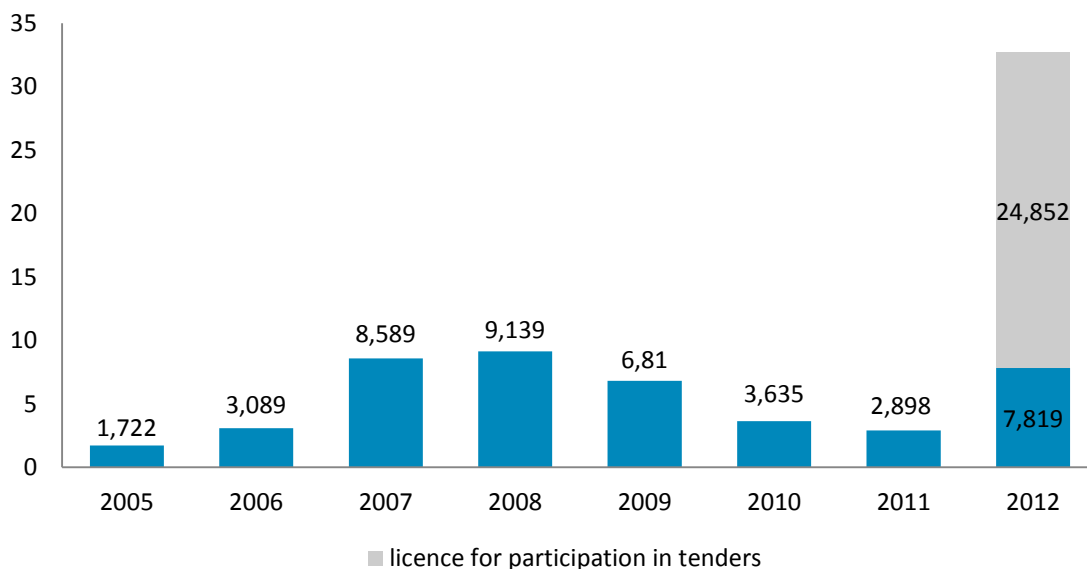
Figure 7: Trend in value (in millions of euro) of licensed imports of accessories for firearms (ML1.d), 2005-2012



2.3.3 Ammunition (ML3.a)

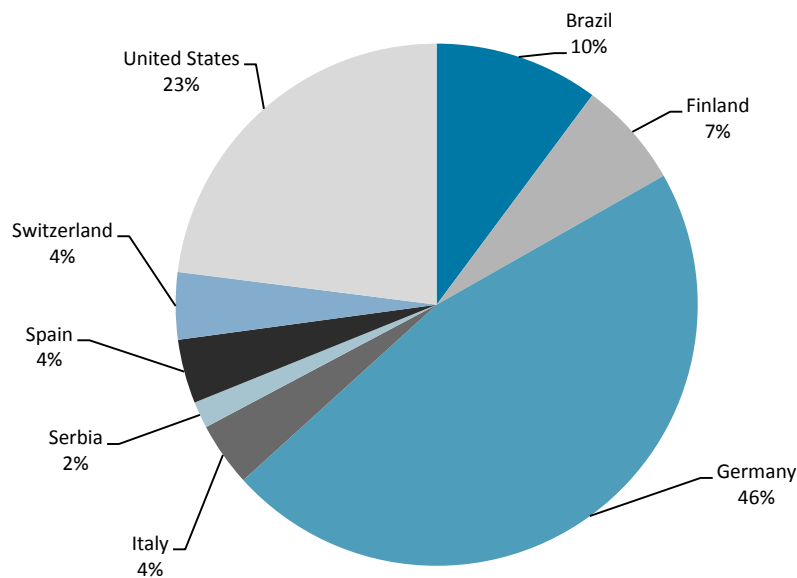
22 licences with a total value of 32.4 million euro were issued for the import of ammunition for firearms in 2012. This represented more than a tenfold increase compared to 2011, and more than a threefold increase compared to the previous record year of 2008.

Figure 8: Trend in value (in millions of euro) of licensed imports of ammunition for firearms (ML3.a), 2005-2012



This remarkable increase was largely due to the issue of a licence with a value of 24.9 million euro for a Flemish company, connected with their wish to participate in tenders put out by the Belgian army and NATO (see 2.3.1). But even setting aside this licence, we can still observe a sharp increase in the value of licensed imports of ammunition in 2012: from 2.9 million euro in 2011 to 7.8 million euro in 2012. The licensed imports of ammunition originated from eight countries (see Figure 9)

Figure 9: Origin of the licensed imports of ammunition, distributed by value, 2012^I



All import licences for ammunition in 2012 were applied for by Flemish dealers, with the exception of one licence with a relatively limited value. The Government was specified as end-user for two licences.^{II}

2.3.4 Other firearms, components and ammunition (ML23)

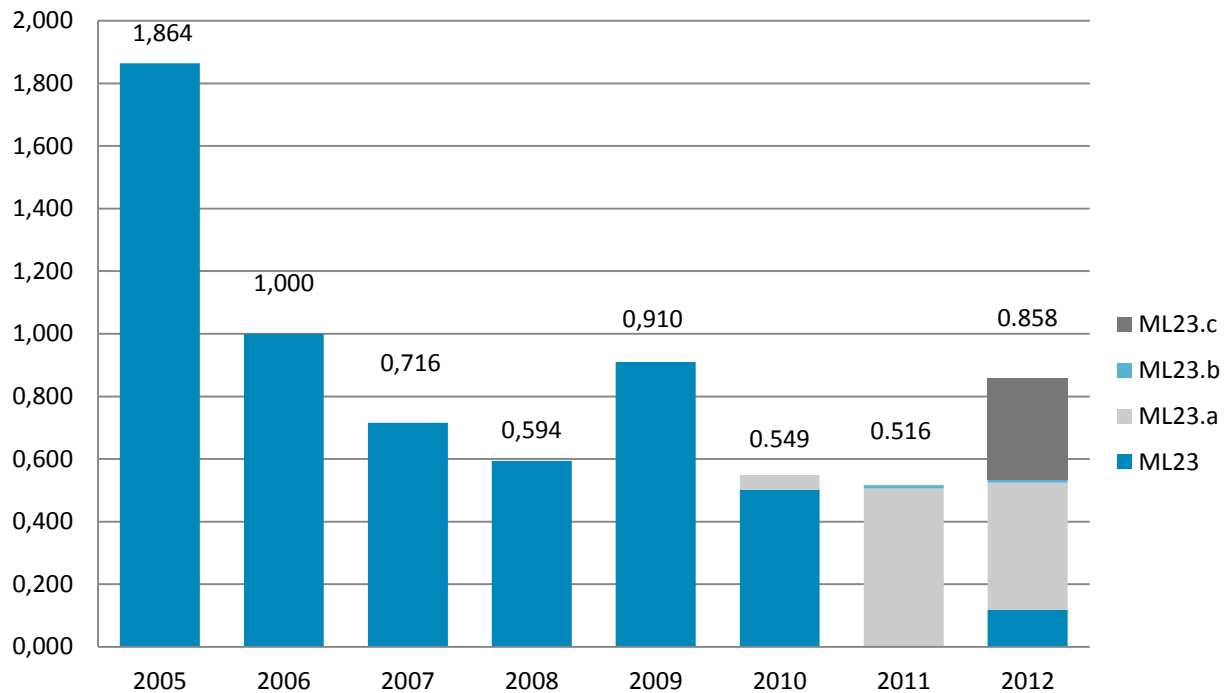
This category covers import licences for firearms, accessories and ammunition that are not included in the Common Military List of the European Union, but whose import is subject to licensing on the basis of Belgian legislation on foreign arms trade.

176 import licences with a total value of 8.7 million euro were issued in 2012. This exceptionally high value could certainly be largely explained by the very high-value import licence for Italian HFD weapons that was issued in July-August (see 2.3.1). A sharp increase can still be observed if this licence is excluded, however (see Figure 10). It is very difficult to compare category ML23 with previous years. This is not only because of the recent inclusion of the data regarding licences issued under the European Firearms Directive 91/477 (see above), but also because, over the years, the interpretation of this category has not always been consistently the same - which is also true for its use as a category in Government reporting.

^I Given the exceptionally high value of the above-mentioned import licence for ammunition from Switzerland, that licence is excluded from this Figure.

^{II} This involved a licence for ammunition originating from Switzerland (105,000 euro) and a licence for ammunition originating from Brazil (70,000 euro).

Figure 10: Trend in value (in millions of euro) of licensed imports of firearms and ammunition (ML23), 2005-2012ⁱ

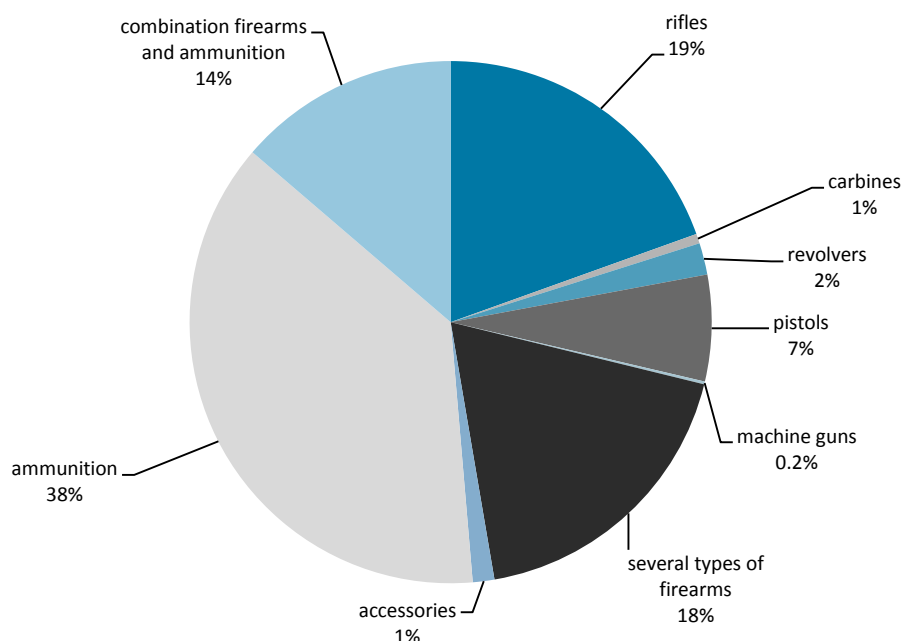


Almost half (in terms of value) of licensed imports for this category consisted of firearms (particularly rifles), but they also includes a significant amount of ammunition. The firearms originated from thirteen countries. The main countries of origin were Germany and the United States, but applications were also received for import licences for firearms for significant amounts from Spain, Italy and Turkey in 2012.ⁱⁱ Ammunition mostly originated from France. There were hardly any import licences for accessories (see Figure 11).

ⁱ Given the exceptionally high value of the above-mentioned licence for the import of Italian HFD weapons, that licence is excluded from this figure.

ⁱⁱ The other countries of origin were Australia, Brazil, Denmark, France, Hong Kong, Austria, the United Kingdom and Switzerland.

Figure 11: Distribution (by value) of licensed imports of firearms and ammunition according to type (ML23), 2012¹



Most import licences for firearms and ammunition from the ML23 category were applied for by private individuals. In terms of value, however, dealers were the main importers of this type of weapon.

2.4 Denied licence applications

Not all import licence applications were approved by the Flemish authorities. The Flemish authorities denied three applications for an import licence in 2012. They concerned the application from a private individual for the import from China of *'accessories and specially designed components of rifles, carbines, revolvers, pistols, machine pistols and machine guns'* (ML23.b) to a value of 116.65 euro; the import of a weapons sight (ML1.d) from China intended for a private individual; and a series of rifles from the United Kingdom with a value of 10,000 euro, intended for a dealer (see Table 1). The Flemish authorities have not disclosed the grounds for denying these licence applications in their reports.

¹ Given the exceptionally high value of the above-mentioned licence for the import of Italian HFD weapons, that licence is excluded from this figure.

Table 1: Denied import licence applications, by country of destination, 2012

Country of origin	Nature of the goods	Recipient	Amount
China	Accessories/components for firearms (ML23.b)	Private individual	116.65
China	Weapons sight (ML1.d)	Private individual	58.00
United Kingdom	Rifles (ML1.a)	Dealer	10,000.00

The limited number of import licences denied was in line with the trend of previous years. Our analyses show that, since 2005, a maximum of 1% of applications for import licences were denied annually (see Table 16 in the Annex).

3 Exports

Persons and companies in Flanders who wish to export defence products must apply to the Strategic Goods Monitoring Unit of the Flemish Government for a licence. Until mid-October 2012, the export of defence products in Flanders was regulated by the Federal Act of 5 August 1991 on the import, export and transit of, and the combating of illegal trafficking in, arms, ammunition and equipment specifically designed for military use or law enforcement, and the related technology. Applications for export licences were required for all products included in the list of goods and technology in the Annex to the Royal Decree of 8 March 1993. Since mid-October 2012, the licensing system has been shaped by the Flemish Arms Trade Act, which refers to the Common Military List of the European Union for the purpose of defining defence products. Further, Annex 3 of the Decision of June 2012 includes a list of law enforcement equipment for which an export licence is also required.

The implementation of this Act has far-reaching implications, including the introduction of general and global licences for intra-community transfers to other EU Member States, the elimination of the catch-all provision for intra-Community transfers, and the re-phrasing of the catch-all provision for export outside the EU (see Introduction). Given the specific nature of the defence-related industry in Flanders, we can expect that a large part of transfers and exports of defence-products will no longer require a licence, or will take place on the basis of a general licence. This obviously has an impact on the comparability of data. This comparability is further complicated because since October 2012 - in contrast to previous years - licences issued under the European Firearms Directive have also been reported on, but are not included in a separate section of the report (see Introduction). This methodological caveat only applies to a limited degree for the year 2012, since the Flemish licensing system was only based on the new Act for two and a half months of that year. In coming years, a multi-year analysis of the figures will become a significantly greater challenge.

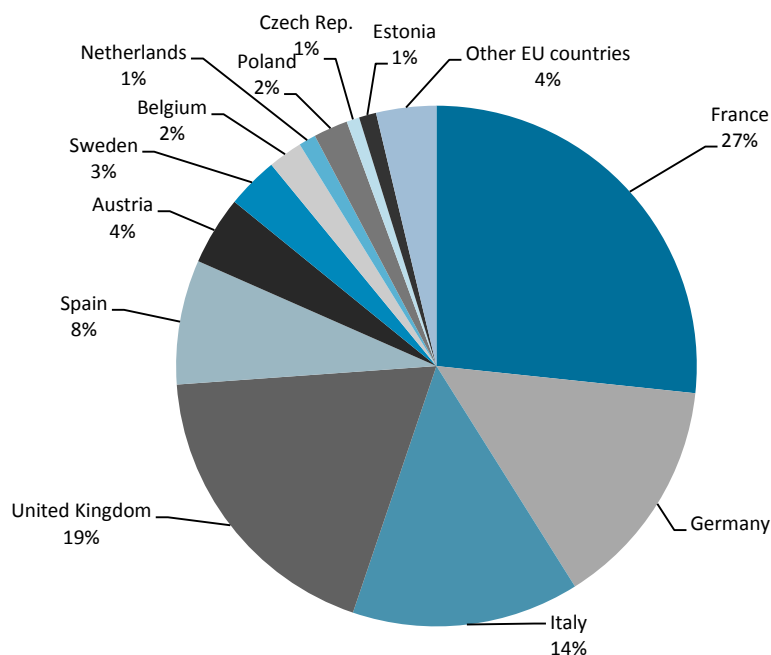
The Flemish Government issued 245 individual firearms export licences with a total value of 285,211,209.20 euro in 2012.

3.1 Flemish arms exports in a European and Belgian context

Each year, the European Union Council Working Party on Conventional Arms Exports (COARM) publishes an overview of the arms export licences issued by EU Member States. Based on this data, it is usually possible to examine in relative detail which export licences were issued by the different EU Member States. COARM's annual reports are usually only published very late in the following year. The most recent COARM report covers the licences issued in 2011. A comparison of the Flemish 2012 figures with the EU figures for the same year is therefore not yet possible.

An analysis of the 2011 COARM report shows that the EU Member States issued export licences for a value of 37.5 billion euro in that year (see Table 10 in the Annex). The three major EU Member States in terms of arms exports are France, the United Kingdom and Germany. Together, these three countries accounted for 60% of the total value of the licensed European arms exports in 2011. The two other major European arms exporting countries are Italy and Spain. The other European countries accounted for a relatively limited share of the arms export.

Figure 12: Share of EU Member States in the total value of licensed exports of military goods (ML1-22), 2011



Belgium was positioned in ninth place in 2011, with a total value of 834.6 million euro.¹ This represented just 2% of the total value of licensed arms exports from the EU.

Licensed arms exports from Belgium differ significantly from region to region, both in terms of scale and in the nature of the exported products. Belgian arms exports have traditionally been mainly

¹ The value of the Belgian licensed arms exports in the COARM report is an underestimate of the actual value of export licences issued by the three Belgian regions and by the federal authorities, because the report in question only covers equipment listed in the Common Military List of the European Union. In Flanders in particular, licences are also issued for the export of goods that are not included in this EU list, but that are subject to licensing (mainly visualisation screens).

exports from the Walloon Region. The Walloon Region accounted for almost three quarters (72%) of total Belgian arms exports in 2011, while the Flemish Region accounted for almost one quarter (23%) of the value of licensed exports that year. Arms exports by the Belgian army (federal licences), and in particular arms exports from the Brussels Capital Region, are rather limited in comparison to the number of Walloon and Flemish arms export licences (see Table 2).

Table 2: Value (in millions of euro) of export licences issued by the three regions and at the federal level, 2005-2011.

	2005	2006	2007	2008	2009	2010	2011
Flanders	155.5	199.6	270.3	240.0	282.2	320.5	200.9
Wallonia	446.0	760.4	621.0	688.6	805.2	685.4	644.1
Brussels	10.2	25.8	8.9	1.4	5.3	35.2	12.6
Federal	36.7	27.5	99.8	264.5	150.3	50.1	33.3
Total	648.4	1,013.3	1,000.0	1,194.5	1,243.1	1,091.3	890.9

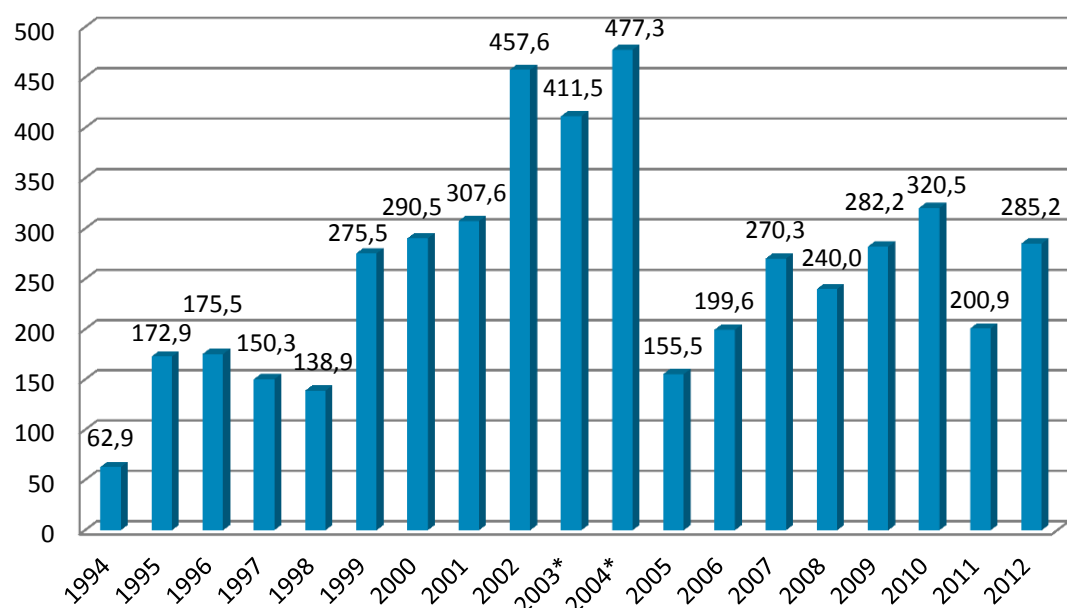
The nature of the licensed arms exports also differs significantly depending on the region: while exports from Flanders mainly consist of components for larger weapon systems (aircraft, vehicles and vessels) intended for European and American companies, exports from Wallonia consist in large part of firearms and ammunition. The very limited exports from Brussels mainly relate to aircraft components and firearms. Exports approved by the Federal authorities, meanwhile, consist of superfluous army equipment from the Belgian armed forces, for example the sale of F-16 aircraft and M113 vehicles to Jordan.

3.2 High value of licensed arms exports

With a value of 285.2 million euro, licensed exports from the Flemish Region in 2012 were significantly higher (+42%) than in 2011. This increase (+84.3 million euro) was mainly due to the increased value of the export licences for military electronics (+59.7 million euro), body armour (bulletproof vests) (+29.3 million euro), and equipment for military training (+9.0 million euro). Compared to 2011, however, the value of licensed exports also dropped significantly for several other products, specifically aircraft components (-20.4 million euro) and visualization screens (-1.8 million euro).

The increase in value of licensed arms exports as such was not unusual, given that the value of licensed arms exports in 2011 was significantly below the value of preceding years (see Figure 13). Flemish arms exports are characterized by relatively strong fluctuations from year to year, due to the specific nature of the Flemish defence-related industry. This industry encompasses a limited number of companies that are, moreover, mainly active in the civilian market. Whether or not a major contract is secured could significantly affect the value of the total arms exports.

Figure 13: Value of export licences (in millions of euro), 1994-2012¹

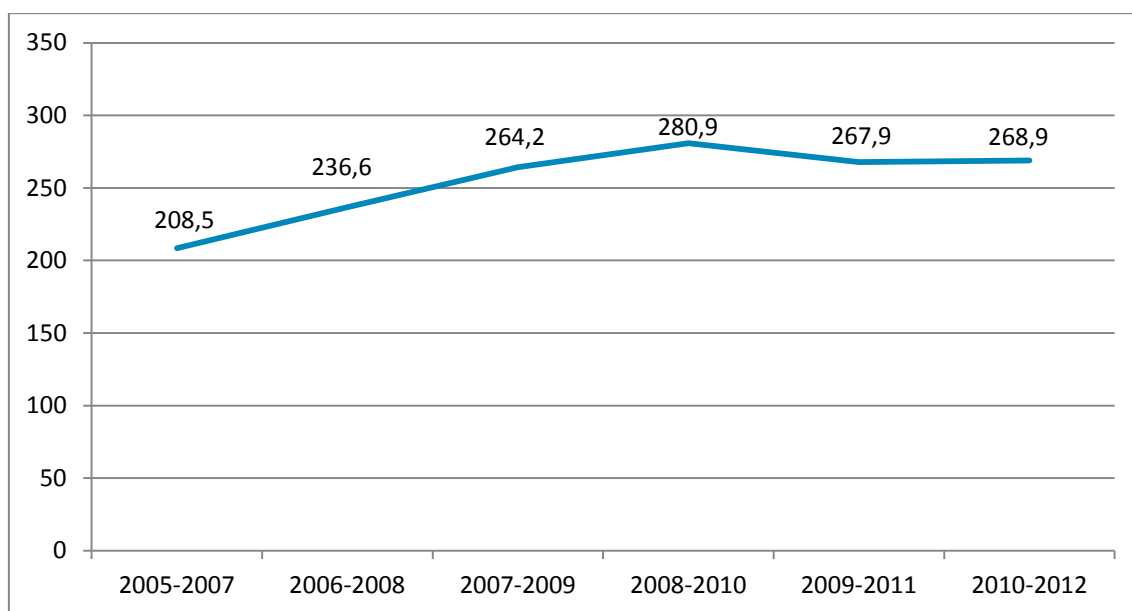


We can observe that the value of the Flemish licensed arms exports has been fluctuating between 200 and 321 million euro per year since 2006.

The strong growth seen between 2005 and 2010 does not seem to be continuing for the time being (see Figure 14). Given that the Flemish defence industry is largely geared towards the European defence market, we cannot exclude a negative impact caused by the economic crisis and the associated savings on defence spending. The lack of reporting to the Flemish Parliament on the totality of licences issued (e.g., extensions), and on actual arms exports, complicates the assessment of evolutions and trends.

¹ See Table 10 in the Annex for the exact number and value of the issued export licences.

Figure 14: Trend in average value (in millions of euro, per three-year period) of licensed exports, 2005-2012¹

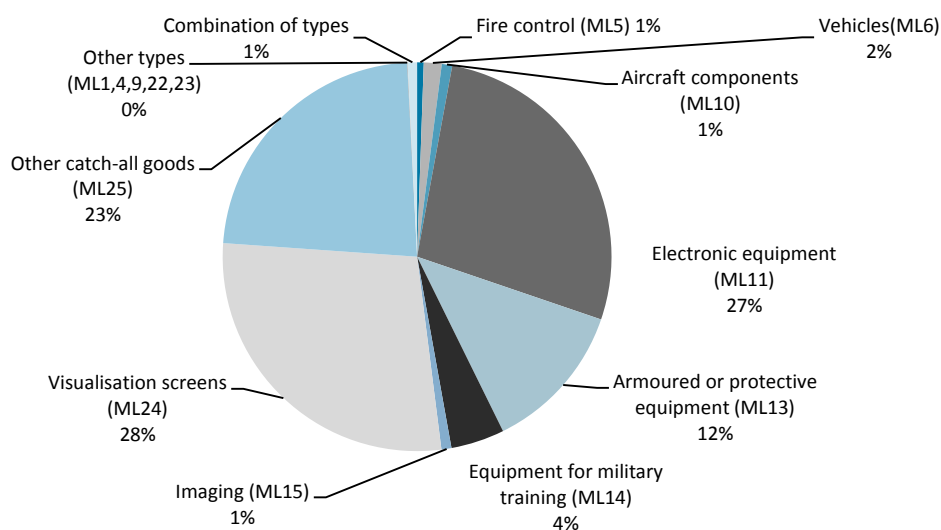


3.3 Nature of the licensed exports

The two major types of military equipment for which Flemish export licences were issued in 2012 were visualization screens (ML24) and military electronics (ML11).

With a value of 158.1 million euro, these two types of products represented more than half (55%) the value of the Flemish licensed arms exports for 2012. The share of other defence products in the total licensed arms export was significantly smaller (see Figure 15).

Figure 15: Share (in value) of licensed exports per type of military equipment, 2012



¹ The main advantage of working with average values over a period of three years is that the impact of random fluctuations can be excluded to some degree.

In the sections below, we will discuss the destination of these products by product category.

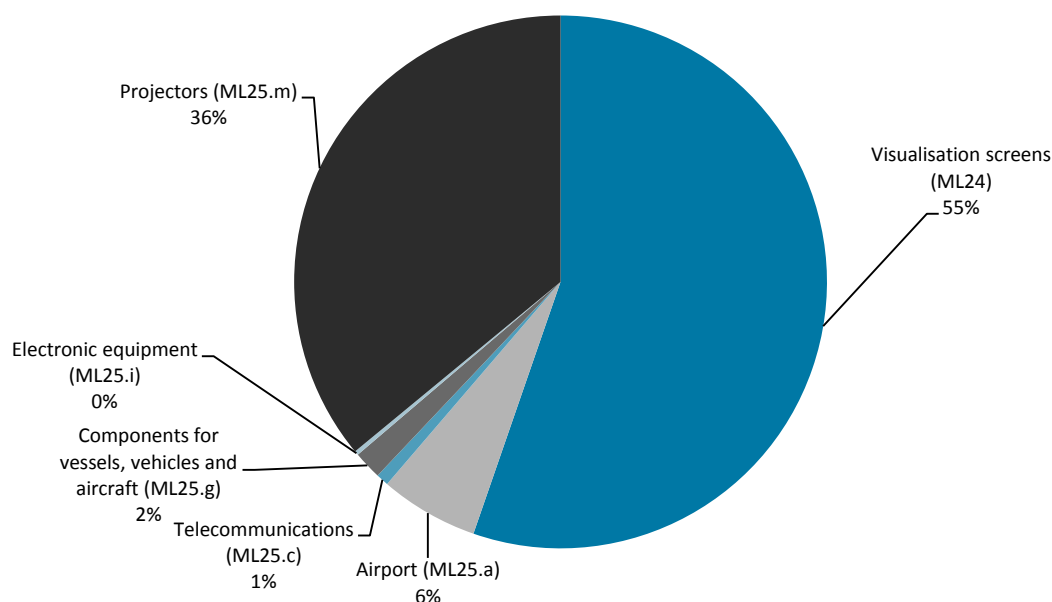
3.3.1 Visualisation screens (ML24) and other catch-all goods (ML25)

More than half (55%) of licensed arms exports in 2012 consisted of products that are not listed in the Common Military List of the European Union, but for which export is subject to licensing on the basis of the catch-all provision in Belgian law on foreign arms trade or of the Flemish Arms Trade Act (see Introduction).

As in previous years, many licences for the export of various products were again issued in 2012 on the basis of the *catch-all* provision. Traditionally, most such licences have related to visualization screens, and the export of these screens accounts for a large portion of licensed Flemish arms exports.¹ Further, an unusually large number of licences were also issued for the export of projectors in 2012. Other products for which licences were issued were products for airport lighting and perimeter security barrier systems, components for vessels, vehicles or aircraft, telecommunication equipment and electronics (see Figure 16).

The number of licences issued on the basis of the catch-all provision may be expected to fall significantly in the coming years. This is because the implementation of the Arms Trade Act in October 2012 has far-reaching consequences for this provision: since then, it has no longer been possible since to issue catch-all licences for intra-Community transfers, and a major re-phrasing of the clause has applied to extra-Community exports (see Introduction).

Figure 16: Nature of licensed exports of catch-all products (ML24-25), broken down according to value, 2012

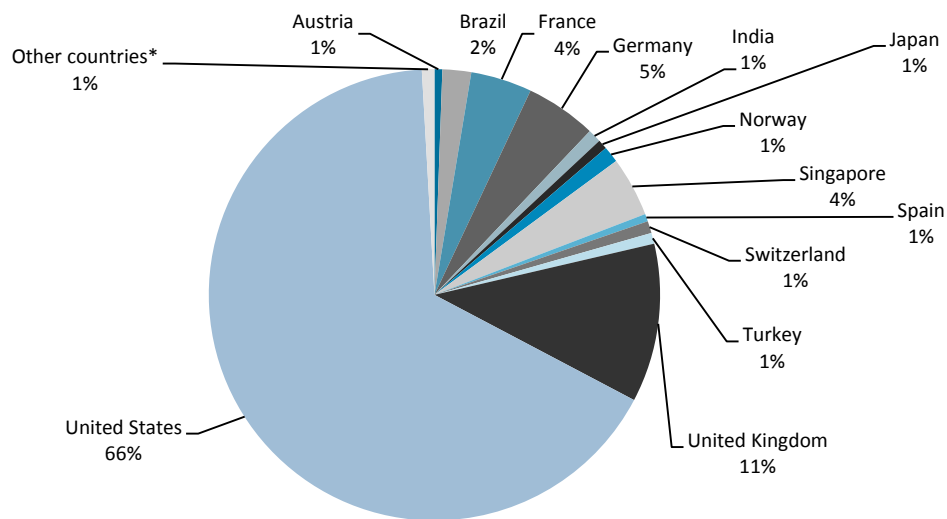


¹ In fact, these products accounted for almost half (46%) the total licensed arms exports from Flanders in 2011.

3.3.1.1 Visualisation screens (ML24)

91 licences for exports of visualization screens with a total value of 81.4 million euro were issued in 2012.ⁱ This represented 28% of the total value of the Flemish licensed arms exports in 2012. The licences for visualization screens covered exports to about twenty countries worldwide. In terms of value, the main recipient countries were the United States (54.0 million euro), the United Kingdom (9.2 million euro), Germany (4.1 million euro), France (3.6 million euro) and Singapore (3.5 million euro).

Figure 17: Destination of licensed exports of visualization screens (ML24) (in value), 2012



* Australia, Chile, Finland, Italy, Mexico, Slovakia and South Korea

The vast majority of licensed exports of these products (98% of the value) were intended for the (defence-related) industry in the countries concerned. It is noteworthy that the majority (62%) of export licences for visualization screens in 2012 specified an end-user (usually armed forces) different from the initial recipient.ⁱⁱ This was a significantly higher proportion than in 2011 (37%). In a small number of these licences, the specified end-user was situated in a third country.ⁱⁱⁱ

Despite the increase in exports to the United States, the total value of the licensed exports of visualization screens was significantly lower in 2012 than in 2011 (-12%). This decrease was mainly due to the decline in licensed exports to several traditionally less important destinations for the products of the company in question, such as Singapore, Spain, South Africa, France and India.

ⁱ This involved 90 licences for visualization screens (ML24) to a value of 80,195,317 euro, and a licence for the export of visualization screens (ML24) and electronic equipment (ML25.i) to a value of 1,191,331 euro.

ⁱⁱ The specified end-user (usually armed forces) was different from the initial recipient in 52 of the 84 licences for the export of visualization screens intended for the (defence-related) industry.

ⁱⁱⁱ This involved seven licences in total: three for exports to the defence-related industry in Mexico with the armed forces of Chile as end-user, two licences for exports to the defence-related industry in Slovakia with the armed forces of Cyprus as end-user, one licence for export to the defence-related industry in France with the defence-related industry in Spain as end-user, and one licence for export to the Government of the United States with the armed forces of Brazil as end-user.

3.3.1.2 Other catch-all goods

In addition to these screens, 23 licences were also issued for exports of a number of 'free' goods on the basis of the catch-all provision in 2012. The total value of these export licences was 65.8 million euro.

In terms of value, the licensed exports of *projectors* (ML25.m) stand out in particular. Seven licences with a total value of 52.9 million euro were issued for exports of these products in 2012. This high value was mainly the result of one licence for exports to the industry in the United States amounting to 51.9 million euro. In addition, licences were issued for the export of projectors to the (defence-related) industry in Brazil (with the armed forces as end-user), Italy, Japan and France (with the Austrian armed forces as end-user), and to the armed forces in Switzerland.

Most licences were issued for *airport lighting and perimeter security barrier systems* (ML25.a) to Germany, Gibraltar, Ireland, New Zealand and the United Kingdom. The combined value of the ten issued export licences was 8.8 million euro. These exports were mostly intended for the armed forces, and occasionally for the (defence-related) industry. For one of the two licences for export to Germany, the ultimate end-user was an international organization in Afghanistan.

Four licences were issued for *telecommunications* (ML25.c), to a value of 1.1 million euro. The products were exported to the armed forces in Algeria, to the defence-related industry in France (with the armed forces as end-user, and to international organizations in Germany and Turkey.

One licence was issued for the export of *components and accessories for vessels, vehicles and/or aircraft* (ML25.g) intended for the armed forces in Algeria (2.5 million euro) in 2012.

Furthermore, one licence was also issued for the export of *electronic equipment* (ML25.i) intended for the defence-related industry in Germany (375,720 euro).

3.3.1.3 Impact of the implementation of the Flemish Arms Trade Act on the use of the catch-all provision

As a result of the implementation of the Arms Trade Act in October 2012, intra-Community trade can no longer be subjected to mandatory licensing on the basis of a catch-all provision. Since then, a licence can only be required for the transfer of products included in the EU's Common Military List (see Introduction). This has a major impact on Flemish licensing practice. Between 2007 and 2011, 13% of the value of total Flemish licensed arms exports was covered by catch-all licences (see Table 3). Based on data from previous years, we can thus expect that the elimination of the catch-all provision for transfers within the European Union will mean that about 13% of the previously licensed exports will no longer be subject to a licensing requirement.

The implementation of the Arms Trade Act – containing the re-phrasing of the catch-all provision – also has significant consequences for extra-Community arms trade from Flanders (see Introduction). Our analyses show that, during the last three months of 2012, not only were no further catch-all licences issued for intra-Community exports, but also that no further licences were issued for extra-Community exports on the basis of the catch-all provision. This could be a coincidence; but the observation that no licences were issued on the basis of the catch-all provision (ML24-25) in January-March 2013, either, seems to indicate that the new catch-all provision is being interpreted in a very narrow way.

If these products are not included in the Common Military List of the European Union, the current interpretation of the catch-all provision for extra-Community arms export will have far-reaching

implications. In fact, these licences represented almost 40% of the total Flemish arms exports in recent years (see Table 3). This would mean that, based on the current implementation of the Arms Trade Act, the Flemish authorities no longer require a licence for almost half the previously licensed arms exports.

Table 3: Value of licensed arms exports of catch-all products (ML24-25) and their percentage of total arms exports, 2007-2011¹

Period	Intra-community	Extra-community
Total value of licences	146,599,107.22	417,413,415.89
% of total arms export	13.0%	36.9%

This prediction should be taken with extreme caution: it will not be possible to estimate the impact of the implementation of the *catch-all* provision in the new Arms Trade Act more definitely until next year. But the observation that not a single licence was issued on the basis of the catch-all provision after implementation of the Arms Trade Act in October 2012 certainly raises questions. The issue of whether certain products such as visualization screens, projectors and electronic equipment, which the Flemish authorities had previously classified under the *catch-all* categories (ML24-25), actually fall under the Common Military List of the EU - for example as products specially designed or modified for military use - is now also becoming more pressing than before.

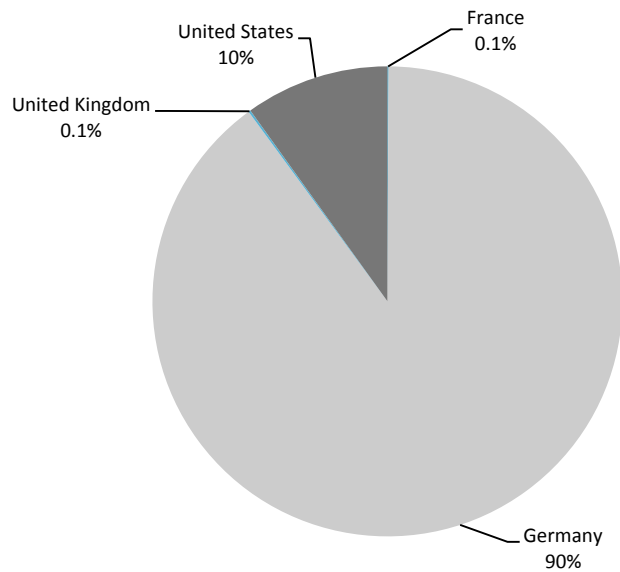
3.3.2 Electronics (ML11)

Sixteen export licences for electronic equipment specially designed for military use (ML11.a) were issued in 2012. These licences had a total value of 77.9 million euro, representing more than a quarter (27%) of Flemish licensed arms exports. This was a sharp rise compared to the licensed exports of these products in 2011 (18.3 million euro), but was still in line with the values of previous years.

As every year, exports of these products were mainly intended for the German (defence-related) industry (70.1 million euro). Export licences were also issued for exports to industry in the United States (7.7 million euro), and, on a smaller scale, to the United Kingdom and France (see Figure 18).

¹ This analysis only considers the recipient country (not the possible end-use country). Furthermore, licences relating to a combination of products were not taken into account.

Figure 18: Destination of licensed exports of components for military electronics (ML11), by value, 2012



3.3.3 Armoured or protective equipment (ML13)

Five licences for products from the category “armoured or protective equipment” were issued in 2012. More specifically this involved the export of body armour and/or protective garments that comply with the military standards or specification, and/or specially designed components for the same (ML13.d). These licences had a total value of 35.6 million euro, meaning that the value of the export of these products had significantly increased compared to previous years.¹

The licences issued mainly related to exports to the Italian army (30.2 million euro), but also to the armed forces of the United Kingdom (5.3 million euro), and, on a smaller scale, to an international organization based in Italy, and a German dealer (with the German Government as the end-user).

3.3.4 Military training equipment (ML14)

Equipment for military training (ML14) is defined as ‘Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified by ML1 or ML2, and specially designed components and accessories therefore’. Three licences for the export of these products, with a total value of 12.7 million euro, were issued in 2012. They involved licences for export to the defence-related industry in the United States (6.7 million euro), the defence-related industry in Germany (5 million euro), and the armed forces in Kuwait (1 million euro).

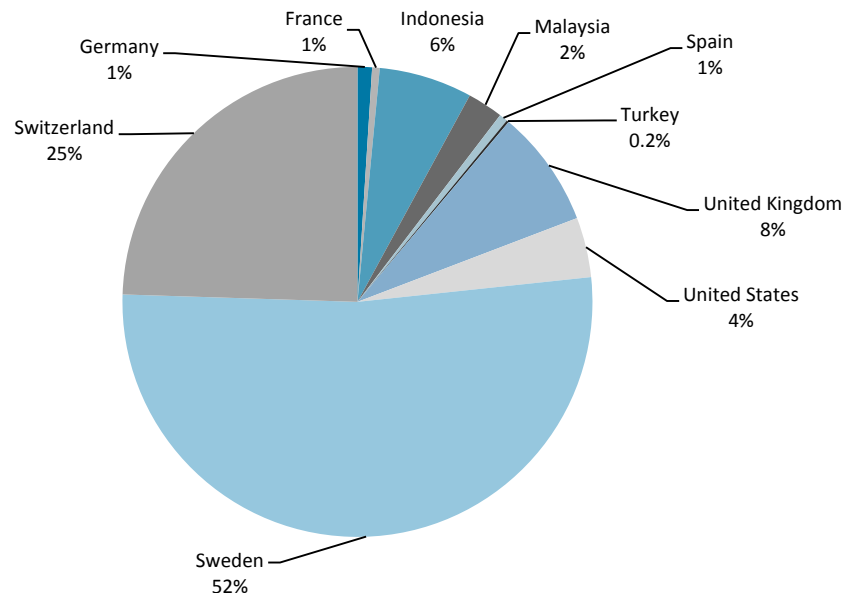
¹ As an example: the export value of products from the ML13 category only amounted to 6.3 million euro in 2011.

3.3.5 Military ground vehicles and components (ML6)

34 licences for the export of ground vehicles and/or components (ML6), with a total value of 4.2 million euro, were issued in 2012.

Nearly all the licences were issued for the export of components for ground vehicles specially designed or modified for military use (ML6.a). With some exceptions, all these components were destined for the (defence-related) industry in ten countries.¹ Licences were issued in particular for exports to Sweden and Switzerland (see Figure 19). The end-user of the components, i.e. armed forces, was almost always indicated in these licences. It is worth noting that, especially for exports to Sweden, the end-user was often the armed forces of a third country (the Netherlands, Denmark and Switzerland).

Figure 19: Destination of licensed exports of components for military ground vehicles (ML6.a), by value, 2012



In addition, two licences were also issued in 2012 for exports of *all-terrain vehicles* manufactured or fitted with materials or components to provide ballistic protection (ML6.2.b). These vehicles were intended for the Spanish defence-related industry, with the armed forces of this country as end-user (14,500 euro), and for an “other” user in Greece (6,000 euro).

3.3.6 Technology (ML22)

Licences for “*intangible technology transfer*” have also been issued in Flanders since 2010. Twenty licences for exports of technology (ML22) – each with a value of 0 euro - were issued in 2012. These related more specifically to export licences for specific information (in the shape of technical data or support) needed for the development, production or use of goods specified in the Common Military List of the European Union. The destinations specified in the licences were the following: Brazil (1), Germany (11), France (2), the United States (5, of which 3 with Brazil as country of end-

¹ Sweden, Switzerland, the United Kingdom, Indonesia, the United States, Malaysia, Germany, Spain, France and Turkey.

use) and Switzerland (1). This technology was always intended for the (defence-related) industry in those countries.

3.3.7 Aircraft components (ML10)

The value of licensed arms exports of aircraft components fell sharply in 2012. A total of twelve licences were issued, with a total value of only 2.5 million euro. In the period 2008-2011, the value of licensed arms exports of aircraft components had fluctuated between 11.9 and 22.6 million euro. This remarkable decline is largely due to the fact that, in 2012, unlike in previous years, licences for the export of components under the A400M project had only a limited value (1 licence for *components of "other military aircraft"* - ML10.b – intended for the Spanish defence-related industry).

Most of the licences in 2012 were issued for the export of *components for combat aircraft* (ML10.a). These components were destined for the defence-related industry in the United Kingdom (136,217 euro), France (25,099 euro) and Spain (543,104 euro). Only the export licence to Spain specified an end-user, namely the Spanish armed forces.

In addition, three licences were issued for *propulsion aero-engines* specially designed or modified for military use and/or components thereof (ML10.d), intended for the defence-related industry in France (256,834 euro) and for the industry in Turkey (10,357 euro).

Unlike 2011, no licences for the export of *unmanned aircraft* (ML10.c) were issued in Flanders in 2012.

3.3.8 Fire control systems (ML5)

Five licences for exports of fire control systems (ML5.a or ML5.b) were issued in 2012, intended for the defence-related industry in Israel (with the armed forces of Austria and the Government of Macedonia as end-users), and for the defence-related industry and the armed forces in India (1,566,314 euro).

3.3.9 Imaging equipment (ML15)

In the past year, thirteen licences were issued for the export of imaging equipment. These licences had a total value of 2.4 million euro. The products were mostly intended for the (defence-related) industry in the recipient countries^I. The ultimate end-user was therefore often specified^{II}.

The licences related to various types of imaging equipment. Firstly this involved *image intensifier equipment* (ML15.c – 968,871 euro) intended for the Swedish armed forces, the defence-related industry in Turkey (with the armed forces as end-user), and the defence-related industry in Italy.

Secondly came the export of *infrared or thermal imaging equipment* (ML15.d – 699,096 euro). The products were intended for the defence-related industry in Spain, the armed forces in Argentina, the German industry and the industry in Cyprus (with the government of the country as end-user).

^I For eleven of the thirteen licences.

^{II} In five of the eleven licences.

A third category was *image processing equipment* (ML15.a -681,108 euro) intended for the defence-related industry in the United Kingdom (with the armed forces as end-user), and the defence-related industry in Romania.

Two licences were also issued for exports of *cameras* (ML15.b – 28,400 euro) intended for the defence-related industry in Israel (with the Argentine army as end-user), and the defence-related industry in Brazil (with the army of the recipient country as end-user).

3.3.10 Other defence products

In 2012, licences – for a rather limited value – were also issued in Flanders for the export of:

- Firearms (ML1.a) intended for dealers in Germany, the United States, Andorra and the United Kingdom, for private individuals in Germany and Slovakia, and for an “other” user in Albania (30,750 euro).
- Weapons sights (ML1.d) intended for the defence-related industry in Slovenia (with the armed forces as end-user), the defence-related industry in Israel (with the Italian armed forces as end-user), the defence-related industry in Singapore and the government in Oman (54,448 euro).
- Firearms (ML23.a) intended for private individuals in Australia, Canada, Germany, France, Italy, Morocco and Russia (11,405 euro).
- Torpedoes and equipment for torpedoes (ML4.a) intended for the defence-related industry in Germany (7,097 euro).
- Equipment for explosive devices (ML4.b) intended for the defence-related industry in Germany (6,900 euro).
- Engines and propulsion systems for vessels of war (ML9.b) intended for the defence-related industry in the United Kingdom (6,681 euro).

In addition, a number of licences related to a combination of several types of military equipment¹:

- Firearms (ML1.a and ML23.a) intended for private individuals in Russia, Switzerland and Spain (13,400 euro).
- Firearms (ML1.a) and ammunition (ML3.a) intended for a private individual in Turkey (1,188 euro).
- Weapons sights and imaging equipment (ML15) intended for the defence-related industry in Singapore (with the armed forces as end-user), and for the armed forces in Mexico (984,735 euro).
- Field test and alignment equipment, specially designed for weapons sights (ML5.d), cameras (ML15.b) and thermal imaging equipment (ML15.d) intended for the industry in the United Arab Emirates (28,800 euro).

¹ A licence for the export of visualization screens and electronics was also issued on the basis of the catch-all clause. This licence is discussed in the analysis of catch-all goods.

3.4 Destination and last reported use of licensed exports

3.4.1 Destination of licensed exports

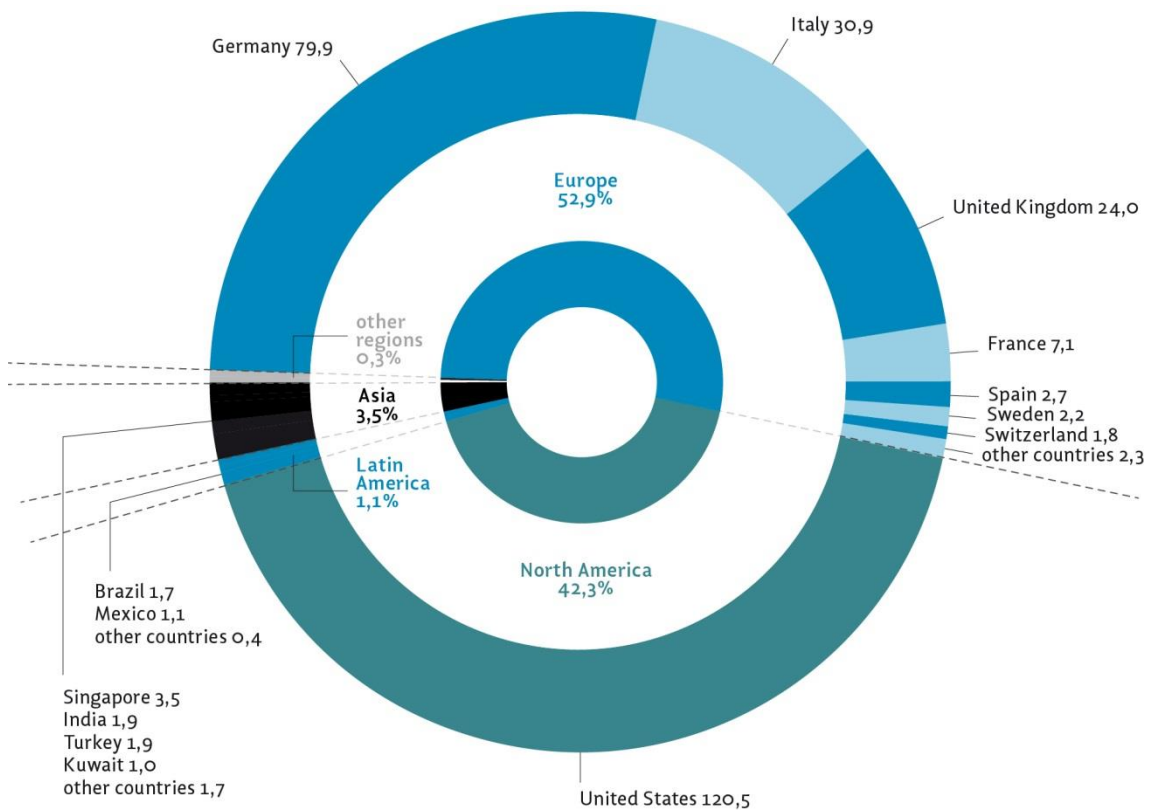
Although licensed arms exports from Flanders in 2012 were intended for 41 countries worldwide, 95% of licensed arms exports were for countries in Europe and North America. Licences for arms exports intended for countries in Asia, Latin America, Africa and Oceania were few in 2012 (see Figure 20).

Arms exports intended for **European countries** represented more than half (53%) of all licensed arms exports in 2012. A total of 145 licences were issued for an amount of 150.8 million euro. They mostly involved exports to other EU Member States, such as Germany (79.9 million euro), Italy (30.9 million euro), the United Kingdom (24.0 million euro), Spain (2.6 million euro) and France (7.1 million euro). These licences covered a broad range of defence products. In terms of value, the major defence products were the following: military electronic equipment (ML11.a – 70.2 million euro), mainly intended for Germany, body armour/protective garments (ML13.d – 35.6 million euro), mainly intended for Italy, and visualization screens (ML24 – 19.8 million euro), mainly intended for the United Kingdom, Germany and France. The majority (68%) of Flemish licensed arms exports to other European countries were intended for the (defence-related) industry. About one third of the arms exports (29%) were directly intended for the armed forces.

Licensed arms exports destined for **North America** amounted to 120.5 million euro in 2012 and consisted almost exclusively of exports to the United States.¹ They mainly involved visualization screens (ML24 – 54 million euro) and projectors (ML25.m – 51.9 million euro). This made the United States the major recipient country of Flemish arms exports in 2012. Licensed arms exports to North America are practically always (99.7%) intended for the American (defence-related) industry.

¹ Only one licence was issued for export to Canada: rifles (ML23.a) with a value of 825 euro, intended for a private individual.

Figure 20: Major regions and recipient countries (in millions of euro), 2012ⁱ



Licensed arms exports to **Asia** amounted to 10.0 million euro, and were destined for c.10 recipient countriesⁱⁱ. That continent thus represented only 3.5% of the value of licensed arms exports. The value of licensed arms exports to Asia was significantly lower in 2012 than in previous years - the export value had fluctuated between 30.7 and 47.4 million euro in the period 2006-2011. Most of the licences in 2012 were issued for the export of visualisation screens (ML24 – 5.6 million euro). Other licences issued included fire control systems (ML5), equipment for military training (ML14), image intensifier equipment (ML15.c), telecommunications (ML25.c) and projectors. Licensed arms exports to Asia were also primarily (81%) intended for the (defence-related) industry.

Licensed arms exports to **Latin America** were limited to four countries (Argentina, Brazil, Chile and Mexico). A total of thirteen licences for exports to these countries were issued in 2012, with a total value of 3.2 million euro. They mainly involved the export of visualization screens (ML24 – 1.8 million euro) to the recipient countries Brazil, Chileⁱⁱⁱ and Mexico, and the export of weapons sights (ML1.d) and imaging equipment (ML15) intended for the armed forces of Mexico (1.0 million euro).

Direct arms exports to countries in **Africa** are extremely rare in Flanders. Exports of this type in 2012 were limited to two licences with a total value of 456,235.70 euro. They were a licence for the

ⁱ See Table 12 in the Annex for an overview of the number and value of the issued licences by recipient country.

ⁱⁱ This included exports to India, Indonesia, Israel, Japan, Kuwait, Malaysia, Oman, Russia, Singapore, Turkey and South Korea.

ⁱⁱⁱ The export licence for visualization screens to Chile specified the Mexican armed forces as end-user.

export of telecommunication systems (ML25.c) to the armed forces of Algeria, and a licence for the export of rifles (ML23.a) intended for a private individual in Morocco.

Licensed arms exports to **Oceania** amounted to 164,392 euro in 2012. They involved two licences for export to Australia (rifles for a private person, and visualization screens for the defence-related industry, with the armed forces as end-user), and three licences for exports to New Zealand (airport lighting and perimeter security barrier systems intended for the armed forces).

3.4.2 Known and unknown end-use

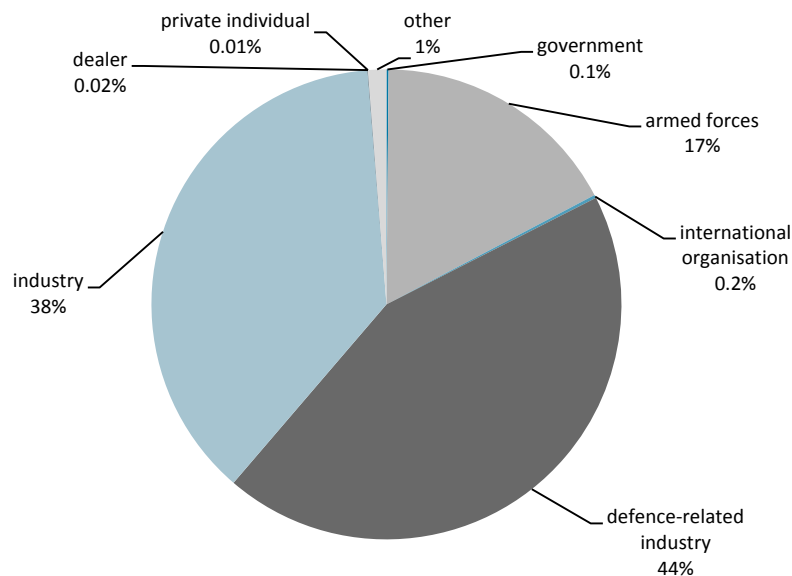
3.4.2.1 Recipient and end-user

Since mid-2007, the Flemish Government has systematically stated the type of recipient for each licence issued and each denied licence application in its reports to the Flemish Parliament. The Flemish Government defines the “recipient” as *“the person, company or body that receives the goods after dispatch from Belgium”*. Eight types of recipients are distinguished:

1. government
2. armed forces
3. defence-related industry
4. industry
5. dealer
6. private individual
7. international organisation
8. other

From our analyses it appears that Flemish arms exports consist mainly of exports of defence products intended for other companies. 81% of licensed exports in 2012 were initially intended for the (defence-related) industry in other countries (see Figure 21). This high proportion is mainly due to the nature of the exported defence products: the Flemish defence-related industry focuses on manufacturing high-technology components, and primarily sells these products to other companies that integrate these components into larger arms systems, such as aircraft or vehicles.²³ Approximately 17% of the Flemish arms exports in 2012 were directly intended for a foreign military force. The other recipient types hardly ever occur in Flanders.

Figure 21: Share of licensed exports per recipient type, 2012



The recipient stated in the licences is not, however, necessarily the end-user of the exported products. The Flemish authorities' reports also indicate the type of end-user for certain licences, in addition to the type of recipient. The same eight types are distinguished as for the recipients.

For several years now, the proportion of licences stating both a recipient and a (different) end-user has been fluctuating around 40%. This was no different in 2012 (42%). In almost all cases, licences for exports to a foreign (defence-related) industry, with an armed force as end-user, were involved. The ultimate end-user was usually located in the same country as the recipient, and occasionally in a third country: e.g. the export licence for aircraft components intended for the Swedish defence-related industry, but with the Danish armed forces as end-user.

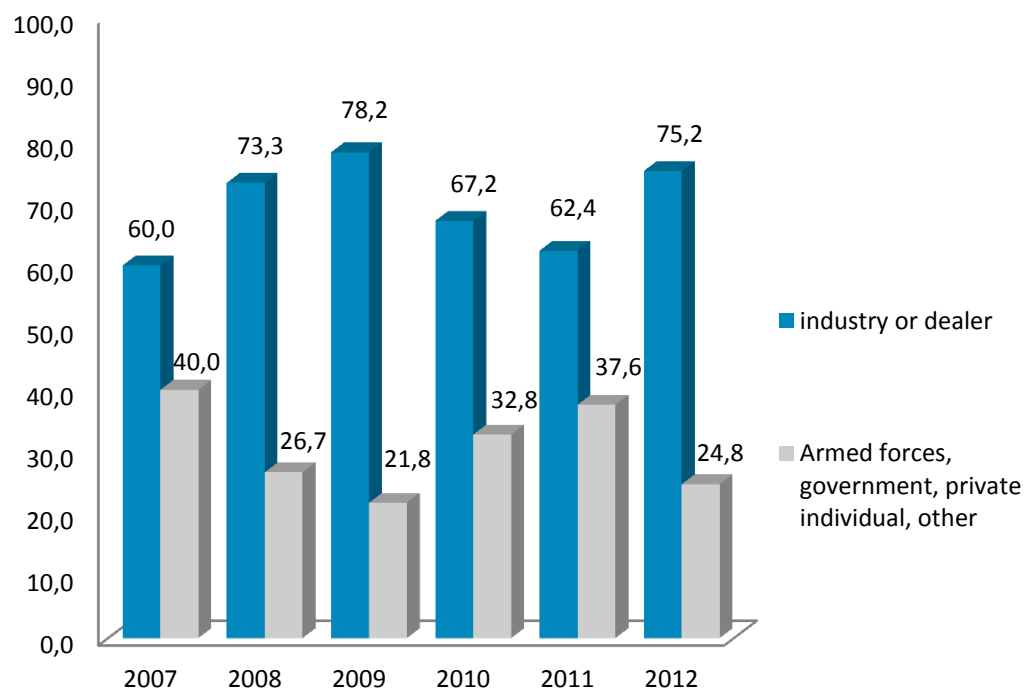
3.4.2.2 Last reported user and unknown end-use

To avoid possible confusion between recipient and end-user, we will not refer to the recipient or the end-user in this section, but will try to consistently refer to the "last reported user". By this we mean the person, organization or body that the Flemish authorities indicate in their regular reports as the last user of the goods for which the licence was requested.¹

Our analysis shows that the industry or a dealer was stated as the last reported user in 75% of all licensed arms exports in 2012 (see Figure 22). This means that, for three quarters of Flemish licensed arms exports, the end-use of the exported defence-products was - in fact - unknown. Previous analyses have also shown that knowledge of the ultimate end-use is closely linked to the nature of the exported defence products,²⁴ and to the initial recipient region.²⁵

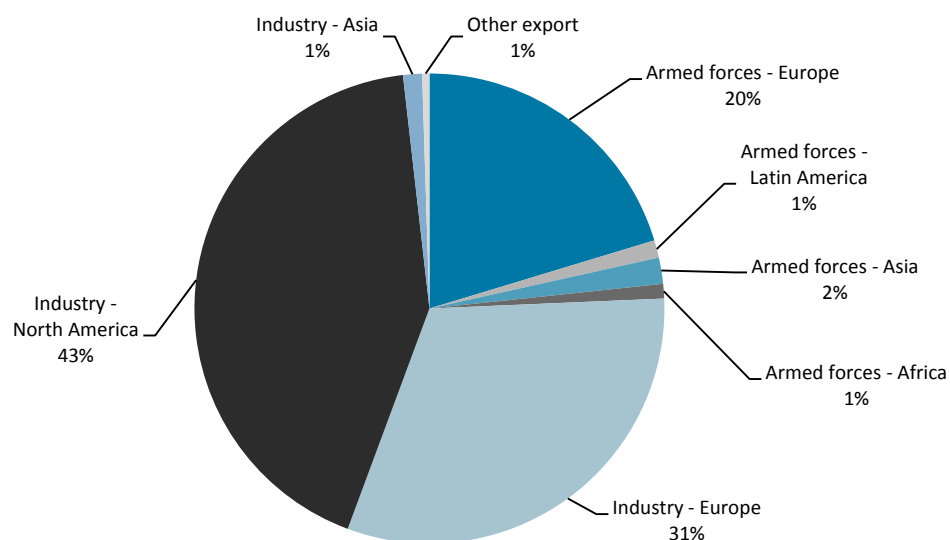
¹ This means that, in the cases where an end-user is stated, the last reported user is the end-user. In all other cases, the recipient is the last reported user.

Figure 22: Share of known and unknown end-use, by value, 2007-2012



Not surprisingly, the major last reported users of Flemish arms exports in 2012 were from the industry in North America and Europe (see Figure 23).

Figure 23: Share of the licensed arms export by type of last reported user, by region of last reported user, 2012



3.4.3 Noteworthy recipient and end-use countries

As in previous annual reports, the present report again takes a closer look at a number of licences on the basis of their recipient country and/or end-user. This does not necessarily mean that these licences could be in conflict with the Belgian legislation on foreign arms trade or the European Union's Common Position. The identification of noteworthy recipient countries is based on various resolutions of the Flemish Parliament.

3.4.3.1 *Licensed arms exports to Israel*

In June 2005, the former Arms Trade Sub-committee of the Flemish Parliament unanimously adopted a resolution in support of a just peace in Palestine and Israel. In this resolution, the Flemish Parliament asked the Flemish Government to exercise the greatest possible caution when dealing with arms export licences to Israel, and to systematically inform the competent committee on this subject.²⁶ Arms exports to Israel are a very sensitive issue in Flanders. For several years now, the Flemish Government has followed a policy of denying licences for arms exports to Israel, if the end-user is based in Israel. This means that exports of military equipment to the Israeli defence-related industry are generally permitted on condition that the end-user is based in a third country. If the military equipment is not re-exported, for example because it is intended for the Israeli armed forces, then applications are in principle denied.

This policy was expressed as follows in 2009 by the former Minister in charge of monitoring the foreign arms trade: *"Since September 2006, the export policy of Flanders with regard to Israel allows for the licensing of exports or transits of arms or related equipment to Israel insofar as these are re-exported from Israel to a third country to which Flanders would grant a licence for this export or transit in the case of a direct application."*²⁷ In January 2009, the plenary meeting of the Flemish Parliament adopted a proposal for a resolution on the war in Gaza, in which it asked the Flemish Government *"to continue its policy by which no arms export licences are issued with Israel as destination"*.²⁸

No licences for which the end-user of the exported products was situated in Israel were approved in 2012. Four licences were, however, issued for arms exports to the defence-related industry in Israel, with a total value of 4 million euro (see Table 12 in the Annex). In accordance with the stipulated policy, the end-user of the defence products covered by these licences was not based in Israel, but in a third country. This concerned licences for exports of fire control systems (ML5.b) for the armed forces of Austria and the Government of Macedonia, cameras (ML15.b) for the armed forces of Argentina, and weapons sights (ML1.d) for the armed forces of Italy. Not a single licence application for arms exports destined for Israel was denied last year.

3.4.3.2 Licensed arms exports to the Middle East and the Maghreb

In response to the events of the Arab Spring, the Flemish Parliament adopted a resolution on 16 February 2011 in which the Flemish Government was asked to expressly condemn all use of violence and intimidation, and to urge the governments in the region to respect human rights. Specifically with respect to arms exports monitoring, the Parliament requested the Flemish Government to *“exercise the greatest caution when granting licences for the export, import and transit of arms, ammunition and equipment specially intended for military use or law enforcement purposes from and to the region [the Middle East and the Maghreb], and in accordance with the applicable arms legislation”*.²⁹ In May 2012, the Flemish Peace Institute also advised that, with regard to applications for export and transit licences to the Arab World, more emphasis than before should be placed on the interpretation of the various assessment criteria in the context of conflict prevention, and on the criteria concerning human rights, internal tensions or armed conflicts, regional peace and safety, and the risk of diversion or unwanted re-export.³⁰

The arms export monitoring policy of the Flemish Government with regard to the Middle East and the Maghreb has already been explained several times by the Minister in charge. He stated that the relevant departments painstakingly monitor the situation in the countries of the Arab world. An important starting-point for arms export control policy is that Flanders respects the European arms embargoesⁱ on Libya and (until the end of May 2012) Syria.ⁱⁱ These two embargoes are an immediate consequence of the events of the Arab Spring, and were imposed in 2011.³¹

A second aspect of specific arms export control policy towards the Middle East and the Maghreb is the introduction of the “on hold” measure with regard to a number of countries in the region.ⁱⁱⁱ This means that the Flemish Government will not issue any new export licences for a list of “problem countries” in the Arab world: *“not a single arms export file for countries currently confronted with a popular uprising will be implemented”*.³² Furthermore, the parties involved were requested to return current licences for arms exports intended for these problem countries to the Strategic Goods Control Unit.³³

Initially, no more licenses were allowed for a rather wide range of sensitive countries: Morocco, Algeria, Tunisia, Libya, Egypt and the countries of the Arabian Peninsula.³⁴ The on hold measure is however a dynamic process and the list of problem countries is regularly reviewed.^{iv} Immediately after the EU arms embargo on Syria was lifted, the Minister in charge decided to also put arms exports to Syria on hold. Currently, arms exports to Bahrain, Egypt, Yemen and Syria fall under the Flemish on hold measure. Several political groups in the Flemish Parliament have requested that Saudi Arabia be added also to this list of on hold countries. In end-May 2013, the Minister in charge stated the following in this respect: *“If there are elements indicating that Saudi Arabia should also*

ⁱ The European Council may impose arms embargoes in the context of the Common Foreign and Security Policy. Some of these European arms embargoes are conversions of UN arms embargoes, but the EU also imposes its own arms embargoes. The European arms embargoes are legally binding with immediate effect for the EU Member States. EU arms embargoes are currently in force for nearly twenty countries worldwide.

ⁱⁱ EU arms embargoes are also currently in force in Iraq and Lebanon, dating from 2003 and 2006 respectively. The arms embargoes on Iraq (CP 2003/495 and 2004/553) and Lebanon (CP 2006/625) are not aimed at arms deliveries to the Government or to international troops in these countries, but only at arms deliveries to non-state actors in general (Iraq) and to militia that are to be disarmed on the basis of the UN Security Council resolutions 1559 and 1680 in particular (Lebanon).

ⁱⁱⁱ The other Belgian regions have also put arms exports to a number of sensitive countries in the Arab world on hold.

^{iv} The on hold measure was soon limited to Bahrain, Egypt, Libya, Oman and Tunisia. The review of the countries on the list draws its information from analyses by the licensing department of the Flemish authorities (Strategic Goods Control Unit). These analyses are based on information obtained from the regional and thematic departments of the Federal Public Service for Foreign Affairs, and open sources (such as reports from the European Union, international organizations and non-governmental organizations). At the end of March 2011, Yemen and Syria were added to the list of on hold countries. Oman and Tunisia were removed from the list in September 2011 and May 2012 respectively. Libya and Syria were also crossed off the on hold list due to their status as embargo countries.

be placed on the on hold list, I will act accordingly when the information is such that I can justify this".³⁵

168 licences for arms exports to countries in the Middle East and the Maghreb have been issued in Flanders since 2007¹. The total value of these licences amounts to 81.9 million euro, representing 5.4% of the total value of licensed arms exports in this period (see Table 4). Actual exports of Flemish defence products that ultimately make their way to the Maghreb and the Middle East are thought to be probably significantly higher, given that the end-use is often unknown (see 3.4.2).

Table 4: Number and value of export licences with last reported user in the Middle East and the Maghreb, 2007-2012

Year	Amount	Value	% total value of licensed arms exports
2007	9	4,047,105.17	1.5%
2008	17	16,458,888.05	6.9%
2009	51	9,312,675.75	3.3%
2010	38	30,627,481.17	9.6%
2011	36	15,537,132.44	7.7%
2012	17	5,885,635.12	2.1%
Total	168	81,868,918.70	5.4%

Seventeen licences with a total value of 5.9 million euro for arms exports to a last reported user in the Middle East or Maghreb were issued in 2012. This meant that, compared with previous years, the value of licensed arms exports with last reported user in the Middle East or the Maghreb declined last year (see Table 4).

The licences issued in 2012 covered arms exports to six countries (see Table 14 in the Annex). They involved export licences for:

- Telecommunication equipment and components for vessels, vehicles and/or aircraft to Algeria (3.0 million euro)
- Military training equipment to Kuwait (1.0 million euro)
- Rifles to Morocco (1,400 euro)
- Weapons sights to Oman (28,770 euro)
- Visualization screens, telecommunication equipment, image intensifier equipment, vehicles, fire arms accessories and ammunition to Turkey (1.1 million euro)
- Field test and alignment equipment to the United Arab Emirates (28,800 euro).

With the exception of one licence, these licences covered direct exports to the countries concerned.¹¹ This is noteworthy because in previous years, Flemish arms exports to the Middle East and the Maghreb often took place through third countries. In 2010 and 2011, for example, a third (often European) country was indicated as initial recipient country for an end-user in these regions

¹ These countries include the following: Algeria, Egypt, Iraq, Iran, Israel, Yemen, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, Turkey and the United Arab Emirates.

¹¹ Arms delivery took place through a third country for only one licence, namely the licence for exports of components and accessories for vessels, vehicles and aircraft intended for an 'other' recipient in France and with the Algerian armed forces specified as end-user.

in 7 of the 36 licences and 9 of the 38 licences respectively. It is unclear whether the low number of licences for exports to these regions via third countries in 2012 was simply a coincidence, or whether an indication of the end-user may have been omitted for fear that the licence would be denied due to recent political events in the Arab world.

Figure 24: Licensed arms exports with last reported user in the Middle East or the Maghreb, 2012¹



One licence application was denied in 2012. This concerned the export of military ground vehicles (ML6.a) for the armed forces of Bahrain (see 3.5).

¹ See Table 14 in the Annex for an overview of the number and value of the licences issued according to the recipient country.

3.5 Denied licence applications

One licence application was denied in 2012. This was for the export of military ground vehicles (ML6.a) intended for the armed forces of Bahrain (2,475,000 euro). The reports by the Flemish authorities do not disclose the grounds for denial, but these were probably associated with the current “on hold” policy applied by the Flemish Government to arms exports and transits for that country.

Table 5: Overview of the number and total value of denied export licences, September 2003-2012

	Number	% total number	Value	% total value
Sept 2003-04	8	2.2%	2,833,569.00	0.5%
2005	6	3.5%	1,204,271.21	0.8%
2006	5	2.7%	321,944.00	0.2%
2007	8	4.2%	5,665,414.45	2.0%
2008	2	0.8%	56,556.31	0.0%
2009	2	0.6%	2,922,530.00	1.0%
2010	2	0.7%	1,663,200.00	0.1%
2011	0	-	-	-
2012	1	0.5%	2,475,000.00	1.2%

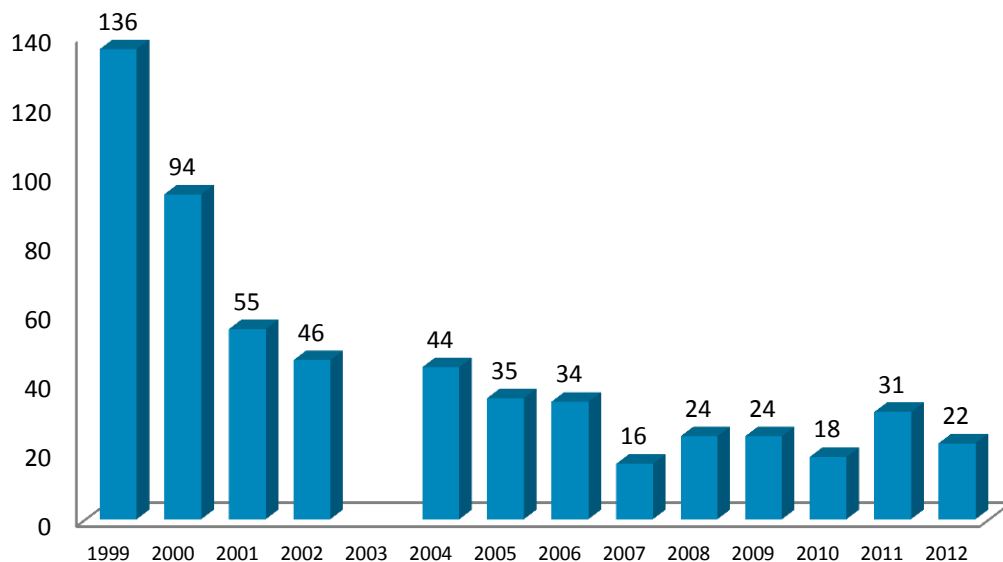
4 Transit

Due to its central location and extensive logistical infrastructure, Flanders is an important transit region for various types of industrial products. The Port of Antwerp in particular is very important in this context, but the ports of Ghent and Zeebrugge also hold an important position. Further, besides the National Airport at Zaventem, Flanders also has several regional airports with (a low level of) cargo traffic. Not only civilian products, but also military goods are transported to various countries worldwide through the Flemish region. This “transit” is subject to licensing if the transport involves transshipment, or if processing or another activity takes place with regard to the cargo. In the case of uninterrupted transit (whereby the goods are not subject to a customs procedure), there is no “transit” from a technical customs point of view, and the transport therefore does not require a licence. Moreover, not all “transit” is subject to licensing in Flanders.¹

4.1 Trend in licensed transits

22 transit licences with a total value of 52.2 million euro were issued in Flanders in 2012. The number of transit licences has fallen sharply since 1999 (see Figure 25). Since 2005, the number of transit licences issued has fluctuated between 16 and 35 per year.

Figure 25 Comparison of the number of transit licences issued in Flanders¹¹, 1999 – 2012



Recent research into the legal framework and administrative practice for the transit of strategic goods in Flanders has sought an explanation for this remarkable decline.³⁶ The findings of the

¹ For example, transit between the EU Member States, or if the country of origin or the recipient country is the Grand Duchy of Luxembourg, is not subject to licensing. Transits of military equipment intended for the official use of NATO armed forces and for the private use of members of these armed forces in function of, or for an official mission in one of the NATO member states are not subject to licensing on the basis of NATO Form 302.

¹¹ The Flemish figures for the period 1999-2003 relate to applications for federal transit licences from the Flemish Region and Dutch-language applications from the Brussels Capital Region.

analysis were not conclusive, however. The main reason is probably that a far more flexible transit policy is applied in neighbouring countries. In Germany and the United Kingdom, for example, systematic monitoring is limited to fewer types of goods; while in the Netherlands up to July 2012 there was no licensing obligation in force, merely a reporting duty for transit from and to friendly countries.¹ Further, the study revealed that specialized Flemish transit companies (such as shipping agents, forwarding agents or freight forwarders) themselves often try to limit the number of internal transit jobs involving strategic goods, because the business is too complex, requires specific qualifications and is therefore too expensive in relation to potential profit. Moreover, as primary interlocutors for the customs authorities, these companies are very exposed - notably because they depend heavily on their customers for information on the goods involved, the recipient and end-user of the goods. It also appears that customers sometimes make a deliberate decision not to transit through Flanders because of Belgium's reputation in terms of procedures.

4.2 Nature and destination of licensed transits

The Flemish transit licences issued in 2012 related to various types of military equipment (see Table on the next page). The majority of such licences were issued for military vehicles, firearms and accessories, and vessels. In terms of value, the licences for military vehicles were of particular importance. Military goods transiting through Flanders were intended for countries in Europe (France, Ireland and Norway), Africa (Gabon, Liberia and Morocco), Asia (Afghanistan, India, Lebanon and Pakistan), South America (Brazil, Chile and Peru), and Australia. The last reported user was usually the armed forces (11). In other cases, the end-user was identified as industry (5 cases), an international organization (2), a dealer (1) and the government (1). An 'other' type of user was specified as last reported user in two cases.

4.3 Denied licence applications

One application for a transit licence was denied by the Flemish authorities in 2012 (see the table in the Annex). This involved an application for the transit of electronic equipment specially designed for military use, from the United Kingdom to the industry in Russia. The value of the licence amounted to 495,000 euro. The reasons for denial were not made public by the Flemish authorities.

¹ Since July 2012, a licensing obligation for this type of transit has been in force in the Netherlands, but the transit companies can make use of general transit licences.

5 Conclusions

The implementation of the Arms Trade Act in October 2012 has far-reaching consequences for the application of the catch-all provision.

2012 was an important year for the foreign arms trade in Flanders. There were many changes, especially in terms of the regulatory framework. Despite the regionalization of competence for foreign arms trade in 2003, the Flemish Region had until recently exercised this authority on the basis of the federal law of 1991. This changed last year when, in June 2012, the Flemish Parliament adopted a Flemish Arms Trade Act. This act defines the rules for the Flemish import, export, transit and transfer of defence-related products and other equipment that may serve as military equipment, and of law enforcement equipment. Among other things, the act transposes European Directive 2009/43/EC on the liberalization of the defence market, which simplifies the transfer of defence products to another EU Member State from the Flemish defence-related industry by introducing general and global licences. Moreover, a licence is no longer required for the transfer of defence products from other EU Member States into Flanders. Individual licences remain the standard for arms trade to and from countries that are not part of the European Union.

The new Arms Trade Act came into force on 19 October 2012 with the publication of the implementation decrees in the Belgian Official Journal. This had far-reaching implications for the use of the catch-all clause. Since then, a licence has in fact only been required for the transfer to other EU Member States of products included in the Common Military List of the European Union. The Flemish authorities can thus no longer impose a licensing requirement on the basis of a catch-all provision for such transfers. In addition, the former catch-all provision on extra-Community trade from the federal law of 1991 was significantly modified in the Flemish Arms Trade Act of 2012, and limited to transactions involving “*goods that could cause serious harm and that could be deployed as tools of violence in an armed conflict or a similar violent situation*”.

These two changes have profound practical implications for the control of Flemish arms trade, given that catch-all licences represented half the value of the total Flemish licensed arms exports in previous years. These previously licensed trade flows are now largely exempt from licensing obligations. It is noteworthy that not a single licence has been issued on the basis of catch-all provisions since the implementation of the Arms Trade Act in October 2012, and this hold good not just for intra-Community transfers but also for extra-Community exports. This raises a number of questions regarding the current interpretation of the clause in question. In addition, the issue of whether certain products - such as visualization screens, projectors and certain electronic equipment, previously classified under the catch-all categories (ML24-25) by the Flemish authorities - actually fall under the Common Military List of the EU is now becoming far more pressing than before. If this is the case, then the trade in the goods in question may remain subject to licensing anyway.

Sharp increase in the value of licensed arms exports from Flanders in 2012

The Flemish authorities issued export licences for defence products to a value of 285.2 million euro in 2012, representing a 42% rise in the value of licensed arms exports compared to 2011. This increase by 84.3 million euro was primarily due to the increased value of export licences for military electronics, body armour and equipment for military training. In itself, however, this increase was not particularly remarkable given the rather low value of licensed arms exports in 2011. Moreover, the value of Flemish arms exports is characterized by relatively strong fluctuations from year to year, due to the specific nature of the Flemish defence-related industry. Despite the increase in 2012, it would appear that the strong growth of the period 2005-2010 is currently not continuing. Since the Flemish defence industry is largely geared towards the European defence market, we cannot exclude a negative impact caused by the economic crisis and the associated savings in defence spending. The lack of reporting to the Flemish Parliament on the totality of licences issued, and on actual arms exports, however complicates the assessment of developments and trends.

The two major types of products for which licences were issued in 2012 were visualization screens (81.4 million euro) and military electronics (77.9 million euro). Together, these two products represented 55% of all licensed arms exports in value terms. Exports of military electronics were primarily intended for German companies. With regard to visualization screens, licences for exports to about twenty recipient countries were issued in Flanders in 2012. These screens were mainly intended for foreign industry, especially in the United States but also, for example, in the United Kingdom, Germany, France and Singapore. For other products such as projectors and telecommunication equipment, a significant number of export licences were also issued in Flanders in 2012 on the basis of the catch-all clause of the federal law on foreign arms trade of 1991. As outlined above, following the implementation of the Arms Trade Act, it is no longer possible to impose a licence obligation on the basis of a catch-all provision for intra-Community transfers; and the current interpretation of the catch-all provision in the new Arms Trade Act also has far-reaching implications for extra-Community exports. It seems that a licence is currently no longer required for half the trade flows that were previously subject to a licensing duty.

Apart from military electronic equipment and “catch-all products”, licences for large amounts were also issued for exports of military training equipment, vehicle components, aircraft components, fire control systems and imaging equipment in Flanders in 2012. Further, twenty licences were issued in the past year (always with a value of 0 euro) for the export of technology to foreign (defence-related) industry, mainly in Germany. They involved more particularly the transfer of specific information (in the shape of technical data or support) needed for the development, production or use of goods specified in the Common Military List of the European Union.

Three quarters of arms exports from Flanders in 2012 had an unknown end-use

The Flemish defence-related industry consists mainly of companies that manufacture high-technology components for integration into larger arms systems, such as aircraft or vehicles. It is therefore not surprising that 81% of licensed arms exports in 2012 were intended for companies in other countries. These companies were primarily situated in North America and Europe. Only 17% of licensed arms exports were directly intended for a foreign military force.

The recipient specified in the licences is often not the end-user of the exported products, however. For a number of licences for arms exports to other companies, reports by the Flemish authorities specify an end-user different from the recipient, mostly in the recipient country but sometimes also in a third country. If we compile all available information on recipients and end-users, we may conclude that a company was specified as the last reported user for 75% of all licensed arms exports in 2012. This means that we do not know the end-use of the exported defence products for three quarters of Flemish licensed arms exports.

Limited number of licences for arms exports to the Middle East and the Maghreb, but the actual export is probably higher

At the request of the Flemish Parliament, the Flemish Government is handling arms exports to Israel and to the Middle East and the Maghreb with extreme caution. Since 2006, the government has pursued a policy that only grants licences for exports or transits of defence products to Israel on the condition that these products are subsequently re-exported to a third country that would be granted a licence for these exports or transits in the case of a direct application. This is also reflected in the data on licences issued and denied. Four export licences intended for Israel were issued by the Flemish Government in 2012, with a total value of 4 million euro. These licences always specified an end-user in a third country (Austria, Macedonia, Argentina and Italy). There were no licence applications for exports to Israel without the specification of an end-user in a third country. There were also no applications for licences for the transit of defence products intended for Israel.

Arms exports to Israel are not the only sensitive area. In February 2011, the Flemish Parliament adopted a resolution urging the Flemish Government to handle licences for arms exports and transits to the Middle East and the Maghreb with the greatest possible caution. The Flemish Government responded to these events by instructing its departments to carefully observe the situation in the region, to monitor European arms embargoes, and to put arms exports to certain countries “on hold”.

Due to the specific nature of the Flemish defence-related industry, however, known arms exports from Flanders to countries in the Middle East and the Maghreb are generally limited in scale. On average, 5.4% of licensed arms exports in the period 2007-2012 had their last reported user in this region, equating to 81.9 million euro for the entire period. However, the value of exported Flemish defence products that ultimately make their way to the Maghreb and the Middle East is expected to be significantly higher, given the high proportion of unknown end-use for Flemish licensed arms exports (see above).

In 2012, seventeen licences with a total value of 5.9 million euro were issued for exports of defence products with a specified last reported user situated in the Middle East or the Maghreb. They involved licences for telecommunication equipment and components for vessels, vehicles and/or aircraft to Algeria, military training equipment to Kuwait, rifles to Morocco, weapons sights to Oman, field test and alignment equipment to the United Arab Emirates, and various goods (visualization screens, telecommunications equipment, image intensifier equipment, vehicles, firearms accessories and ammunition) to Turkey. The number of transit licences for military goods intended for the Middle East or the Maghreb was also limited in 2012: only one Flemish licence was

issued for the transit of accessories and components for firearms from Ireland to an international organization in Lebanon.

It is noteworthy that– with one exception – only licences for direct exports to countries in this region were issued in 2012, while in previous years this type of arms export often took place through third countries. This may be a coincidence, but it is possible that the actual end-user was not always mentioned in the application for a licence.

A decline in the number of transit licences since the end of the '90s

In 2012 the Flemish Government issued 22 licences for the transit of defence products. These licences related to goods with a total value of 52.2 million euro. Licensed transit involved various types of defence products, but the majority of transit licences related to military vehicles, vessels, and firearms and accessories. The transiting goods were primarily intended for armed forces throughout the world, and, on a lesser scale, also for foreign industry. The nature and destination of licensed transits was thus significantly different in Flanders from the nature and destination of licensed arms exports.

Over the longer term, we can observe a significant decline in the number of transit licences issued in Flanders. While 136 transit licences were still issued in 1999, this figure has fluctuated between 16 and 35 transit licences per year since 2005. Recent research by the Flemish Peace Institute into the legal framework and the administrative practice for transit in the Flemish Region points to a number of factors that may explain this decrease. A number of companies apparently make a deliberate decision not to transit goods through the Flemish Region, but to do so through our neighbour countries, because a more flexible transit policy is pursued there (limited systematic monitoring), and because of Belgium's reputation in terms of procedures. It also seems that specialized Flemish transit companies themselves often try to limit the number of internal transit jobs they take on, because the matter is too complex, requires specific qualifications and is thus too expensive in relation to potential profit. Moreover, they depend heavily on the information they receive from their customers, and, as primary interlocutors for the customs, are thus very exposed.

A record value of licensed imports of firearms and accessories in 2012

The Flemish Government issued 393 licences for the import of defence products in 2012, with a total value of 74.3 million euro. These licences mainly related to the import of firearms and accessories, such as ammunition intended for Flemish dealers and private individuals. Licences were also issued for the import of military vehicles and components, electronic equipment and fire control systems intended for industry, and - on a limited scale - for the import of law enforcement materials and equipment for the dissemination of toxic agents for Flemish dealers, with the Belgian Government as end-user.

The value of licensed imports of firearms and accessories amounted to 46.9 million euro in 2012, which represented a significant increase over previous years. Compared to the 2011 figures (7.8 million euro), the value increased six-fold. This high figure was not a reflection of the implementation of the Flemish Arms Trade Act: the new regulations mean that from October 2012

the import of defence products from other EU Member States no longer requires licensing, and hence significantly fewer import licences are to be expected.

In its monthly reports since October 2012, however, the Flemish Government has also been reporting on additional licences and more specifically on licenses issued under the regime of European Directive 91/477/EG. The impact of this on the comparability of the data with previous years is quite limited, due to the short period involved in 2012 (two and a half months) and the often rather limited value of these licences.

The sharp rise in the value of licensed imports of firearms and accessories was largely the result of two special import licences that had a high value but were mainly linked with potential trade flows.

- (1) An import licence for several types of Swiss ammunition worth 24.9 million euro. The dealer in question applied for this licence so as to be able participate in public tenders for government purchases of ammunition. Up to the present, only limited quantities of ammunition have been imported on the basis of this licence.
- (2) An import licence for a wide range of HFD weapons from Italy worth 7.8 million euro. Given the special nature of this licence, the Strategic Goods Control Unit has added a number of extra conditions. Up to the present, only about forty firearms have been effectively imported to Flanders on the basis of this licence.

These two special licences only explain a part of the increase in the licensed import of firearms and accessories, however. Even if we set aside these two, we can still observe a value increase of approximately 70% in 2012 compared to 2011. Licensed imports of firearms (ML1.a) rose by 19%, accessories (ML1.d) by 28%, ammunition (ML3.a) by 170%, and firearms and ammunition (ML23.a) by 66%.

Licensed imports of *firearms* (ML1.a) in 2012 consisted mainly of pistols and rifles originating from Germany, Switzerland and the United States. The licences were applied for by dealers (usually without specifying the end-user) and private individuals. The vast majority of the licensed imports of *accessories* (ML1.d) consisted of weapons sights, and these accessories mainly originated from the United States. The accessories were mainly intended for dealers, but private individuals also apply for this type of import licences. *Ammunition* (ML3.a) was mainly imported from Germany and the United States, and the licences were virtually all applied for by dealers. Imports of *firearms and ammunition* not included in the Common Military List of the EU, but which are subject to licensing for import into Flanders (ML23.a), primarily originated from Germany and the United States (firearms) and France (ammunition). Most of these licences were applied for by private individuals.

Limited number of denied licences

Five licence applications were denied by the Flemish Government in 2012. These included one licence application for the export of military vehicles intended for the government of Bahrain (2,475,000 euro) and one application for a transit licence for military electronic equipment (495,000 euro) originating from the United Kingdom and destined for the industry in Russia. In addition, three import licences were also denied: for the import of rifles from the United Kingdom (10,000 euro), intended for a dealer, and for the import of a Chinese weapons sight (58 euro) and accessories (116.65 euro) intended for private individuals in Flanders. The Flemish Government does not disclose in its reports the grounds for denial of these denied licence applications.

Since late 2012, the Flemish Government has also reported on temporary licences and licences issued under the European Directive 91/477/EG. Nevertheless, several significant gaps still remain in the current level of transparency.

Given the major impact of the entry into force of the Arms Trade Act on the nature of certain transactions and on the scope of the licensing system, the Flemish Government has decided to modify its reporting on licences issued and denied for the foreign arms trade. Since October 2012, reporting also includes a number of additional types of licences: licences issued and denied for “civilian” firearms under the regime of European Directive 91/477/EG, and licences issued and denied for temporary import or export. The inclusion of these licences is in line with earlier advice by the Flemish Peace Institute. The absence of reporting on licence extensions is regrettable, however, because such reporting could greatly contribute to the oversight Parliament exercises over the government’s arms export policy. The non-inclusion of this data in the new reporting system is a missed opportunity for increasing transparency on the foreign arms trade.

Despite the inclusion of additional licences in current regular reports by the Flemish Government, our insight into licensed arms exports may not necessarily be growing clearer. The implementation of the Flemish Arms Trade Act and the current reporting system actually have the result of making the comparison of data over time significantly harder for the near future. As licences issued under the European Firearms Directive are not - unlike temporary licences - included in a separate section of the reports, it will become more difficult to assess trends and developments. The lack of information regarding actual, as well as licensed, arms exports also does not make the assessment of trends and developments any easier. In addition, the elimination of the catch-all provision for intra-Community transfers and the re-phrasing of this provision for extra-Community exports will also have profound implications for the practical implementation of the Flemish licensing system (see above), and thus also for the comparability of data. The impact of these changes was still relatively limited in 2012, as they only referred to a period of two and a half months. In the coming years, however, it will become significantly more difficult to compare the data on foreign arms trade with the period before 2012. This will not do anything to bolster the parliamentary control function of the Flemish Parliament.

6 Annexes

6.1 Additional tables

6.1.1 Licensed imports

Table 6: Number and value of import licences, 2001-2012

Year	Number	Value
2001	258	16,107,131.00
2002	295	22,637,773.00
2003*	256	19,382,012.65
2004*	266	17,219,446.59
2005	274	24,313,938.75
2006	256	28,529,176.57
2007	280	65,904,921.42
2008	430	107,783,403.63
2009	450	53,300,380.30
2010	443	18,927,124.69
2011	368	18,272,709.23
2012	393	74,274,694.53

* Estimated value for 2003 and 2004 on the basis of available figures

Table 7: Number and value of the licences issued for the import of firearms, ammunition and accessories as a proportion of the total number of issued import licences and the total value, 2005-2012

Year	Number of import licences ML1, ML3 and ML23 (in percentage)	Value of import licences ML1, ML3 and ML23 (in percentage)
2005	83.2%	22.3%
2006	75.4%	21.9%
2007	80.7%	19.9%
2008	80.9%	12.4%
2009	83.1%	24.2%
2010	90.3%	37.2%
2011	87.0%	42.8%
2012	90.1%	63.1%

Table 8: Overview of the number and total value of denied import licences, 2005-2012

Year	Number	Value
2005	0	-
2006	1	3,830.95
2007	1	342.52
2008	2	1,072.33
2009	1	460.00
2010	2	11,702.00
2011	1	171.10
2012	3	10,174.65

6.1.2 Licensed exports

Table 9: Overview of the total number and total value of export licences issued by year, 1994-2012¹

Year	Number	Value
1994	unknown	62,940,165.94
1995	242	172,914,174.55
1996	220	175,470,575.48
1997	216	150,336,230.73
1998	204	138,920,620.75
1999	217	275,509,535.72
2000	194	290,490,815.82
2001	207	307,573,874.00
2002	277	457,558,042.00
2003*	242	411,510,277.38
2004*	258	477,339,775.88
2005	168	155,451,073.79
2006	181	199,576,501.19
2007	182	270,311,449.39
2008	256	240,036,397.67
2009	325	282,218,468.22
2010	329	320,500,306.01
2011	308	200,861,793.01
2012	245	285,211,209.20

* Estimated value for 2003 and 2004 on the basis of available figures

¹ As with import licences, figures from the period prior to the transfer of competence transfer in 2003 relate to Dutch-language licence applications to the federal authorities.

Table 10: Value of licensed exports of military goods on the EU list (ML1-22) by country, 2009-2011

	Country	2009	2010	2011
1	France	12,677,994,802	11,181,813,034	9,991,574,536
2	United Kingdom	3,461,836,404	2,836,853,872	7,002,564,521
3	Germany	5,043,396,852	4,754,136,037	5,414,552,181
4	Italy	6,692,569,257	3,251,458,929	5,261,720,872
5	Spain	3,193,442,457	2,238,406,427	2,871,202,275
6	Austria	2,249,560,332	1,768,320,054	1,632,165,264
7	Sweden	1,097,417,641	1,402,198,197	1,188,676,399
8	Poland	1,391,156,932	457,109,577	849,167,475
9	Belgium	1,102,068,682	1,002,810,809	834,555,794
10	Netherlands	1,314,706,483	912,881,300	415,746,108
11	Estonia	3,126,432	1,977,337	350,300,360
12	Czech Republic	390,180,726	451,075,224	346,341,228
13	Denmark	252,405,004	375,977,554	237,240,740
14	Greece	227,426,421	295,020,442	225,904,584
15	Bulgaria	315,543,209	257,834,535	223,451,646
16	Finland	186,805,437	61,219,431	183,558,597
17	Romania	165,449,414	151,900,223	183,533,121
18	Hungary	127,472,180	138,164,302	156,056,413
19	Lithuania	79,226,586	23,417,328	50,503,454
20	Portugal	27,557,935	21,002,406	31,275,146
21	Slovakia	107,224,289	57,749,068	29,999,005
22	Ireland	44,614,642	24,356,333	27,092,560
23	Slovenia	11,500,127	10,912,926	11,598,399
24	Malta	133,665,837	436,468	4,720,386
25	Luxembourg	42,664	211,266	1,237,111
26	Latvia	460,597	7,669,119	74,729
27	Cyprus	608,538	-	-
	Total	40,302,105,074	31,722,887,511	37,524,812,904

Source: COARM

Table 11: Number and value of export licences by ML category, 2012

ML Category	Number	Value
ML1	11	85,198.03
ML 4	2	13,997.00
ML 5	5	1,566,313.83
ML 6	34	4,235,178.76
ML 9	1	6,680.81
ML 10	12	2,471,610.51
ML 11	11	77,949,556.54
ML 13	5	35,592,004.03
ML 14	3	12,702,811.00
ML 15	13	2,377,474.48
ML 22	20	0.00
ML 23	7	11,405.00
ML 24	90	80,195,316.76
ML 25	23	65,784,208.02
Combination	8	2,219,454.43

Table 12: Number and value of export licences by recipient country, 2012

Recipient country	Number	Value
Albania	1	700
Algeria	1	454,835.70
Andorra	1	1,400.00
Argentina	1	291,536.00
Australia	2	133,775.00
Austria	4	456,091.00
Brazil	7	1,732,858.12
Canada	1	825.00
Chile	3	66,044.50
Cyprus	1	164,520.00
Finland	2	20,140.00
France	14	7,079,356.48
Germany	42	79,900,571.00
Gibraltar	1	16,000.00
Greece	1	6,000.00
India	19	1,932,975.58
Indonesia	4	270,294.70
Ireland	1	1,335.00
Israel	4	440,558.75
Italy	11	30,894,262.72
Japan	11	686,607.76
Kuwait	1	992,811.00
Malaysia	1	103,441.50
Morocco	1	1,400.00
Mexico	2	1,072,908.95
Oman	1	28,770.00

New Zealand	3	30,617.49
Norway	2	954,300.00
Romania	1	279,000.00
Russia	2	7,130.00
Singapore	4	3,509,943.75
Slovakia	3	27,630.00
Slovenia	2	381,024.25
South Korea	4	179,792.40
Spain	13	2,651,004.00
Sweden	11	2,210,617.27
Switzerland	6	1,807,473.70
Turkey	12	1,862,807.76
United Kingdom	26	23,991,338.81
United Arab Emirates	1	28,800.00
United States	17	120,539,711.01
Total	207	199,408,677.60

Table 13: Export licences issued for export to Israel, 2012

Recipient	End-user	Type of goods	Value
Defence-related industry (Israel)	Armed forces (Austria)	Fire control systems (ML5.b)	3,953,000.00
Defence-related industry (Israel)	Armed forces (Argentina)	Cameras (ML15.b)	22,500.00
Defence-related industry (Israel)	Government (Macedonia)	Fire control systems (ML5.b)	16,968.75
Defence-related industry (Israel)	Armed forces (Italy)	Weapons sights (ML1.d)	5,790.00

Table 14: Export licences issued for the Middle East and Maghreb, 2012, by country of last reported user

Recipient	End-user	Type of goods	Number	Value
Algeria				
- Armed forces	-	Telecommunication (ML25.c)	1	454,835.70
- Other (France)	Armed forces (Algeria)	Components and accessories for vessels, vehicles and aircraft (ML25.g)	1	2,526,567.63
Kuwait				
- Armed forces	-	Military training equipment (ML14)	1	992,811.00
Morocco				
- Private individual	-	Rifles (ML23.a)	1	1,400.00
Oman				
- Government	-	Weapons sights (ML4.d)	1	28,770.00
Turkey				
- Defence-related industry	- Government	Visualisation screens (ML24)	1	83,204.00
- Defence-related industry	Armed forces	Visualisation screens (ML24)	1	25,440.00
- Defence-related industry	-	Visualisation screens (ML24)	3	370,946.80
- International organisation	-	Telecommunication (ML25.c)	1	505,540.06
- Government	Armed forces	Visualisation screens (ML24)	2	117,720.00
- Defence-related industry	Armed forces	Image intensifier equipment (ML15.c)	1	704,546.00
- Defence-related industry	-	Vehicles (ML6)	1	6,587.50
- Private individual	-	Accessories (ML1.d) and ammunition (ML3.a) for firearms	1	1,188.43
U.A.E.				
- Industry	-	Field test and alignment equipment (ML5.d), cameras (ML15.b) and thermal imaging equipment (ML15.d)	1	28,800.00

6.1.3 Transit

Table 15: Overview of the total number and total value of transit licences by year, 1999 - 2011^I

Period	Nnumber	Value
1999	136	40,820,924.89
2000	94	70,793,970.88
2001	55	40,977,158.00
2002	46	120,174,581.00
2003*	26	175,555,110.33
2004*	44	353,459,680.89
2005	35	20,783,983.37
2006	34	142,324,101.44
2007	16	35,277,380.24
2008	24	235,938,153.56
2009	24	42,301,084.41
2010	18	75,818,892.44
2011	31	85,181,896.19
2012	22	52,217,798.03

* Estimated value for 2003 and 2004 on the basis of available figures

Table 16: Overview of the number and total value of denied transit licences, September 2003-2012

	Number	% total number	Value	% total value
Sept 2003-04	2	3.6%	989,814.48	0.2%
2005	4	10.3%	5,254,336.45	20.2%
2006	3	8.1%	17,122,533.00	10.7%
2007	0	-	-	-
2008	3	11.1%	6,059,427.55	2.5%
2009	0	-	-	-
2010	0	-	-	-
2011	3	8.8%	12,531,803.33	12.8%
2012	1	4.3%	495,000	0.9%

^I The figures for the period 1999-2003 relate to applications for federal transit licences from the Flemish Region and Dutch-language applications from the Brussels Capital Region.

6.2 List of military goods

6.2.1 Common Military List of the European Union (27 February 2012)

ML1 Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less, and accessories, as follows, and specially designed components therefore:

- a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns;
- b) Smooth-bore weapons;
- c) weapons using caseless ammunition;
- d) silencers, special gun-mountings, clips, weapons sights and flash suppressors for arms specified by ML1.a, ML1.b or ML1.c.

ML2 Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, as follows, and specially designed components therefore:

- a) Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices therefore;
- b) Smoke, gas and pyrotechnic projectors or generators, specially designed or modified for military use;
- c) Weapons sights and weapons sight mounts;
- d) Mountings specially designed for the weapons specified in ML2.a.

ML3 Ammunition and fuse-setting devices, as follows, and specially designed components therefore:

- a) Ammunition for weapons specified by ML1, ML2 or ML12;
- b) Fuse setting devices specially designed for ammunition specified by ML3.a.

ML4 Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, as follows, and specially designed components therefore:

- a) Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices, demolition-kits, 'pyrotechnic' devices, cartridges and simulators (i.e., equipment simulating the characteristics of any of these items), specially designed for military use;
- b) Equipment;
- c) Aircraft Missile Protection Systems (AMPS).

ML5 Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefore:

- a) Weapon sights, bombing computers, gun laying equipment and weapon control systems;
- b) Target acquisition, designation, range-finding, surveillance or tracking systems; detection, data fusion, recognition or identification equipment, and sensor integration equipment;
- c) Countermeasure equipment for items specified by ML5.a. or ML5.b;
- d) Field test or alignment equipment, specially designed for items specified by ML5.a., ML5.b or ML5.c.

ML6 Ground vehicles and components, as follows:

- a) Ground vehicles and components therefore, specially designed or modified for military use;
- b) Other ground vehicles and components therefore.

ML7 Chemical or biological toxic agents, "riot control agents", radioactive materials, related equipment, components and materials as follows:

- a) Biological agents or radioactive materials, "adapted for use in war" to produce casualties in humans or animals, to degrade equipment or to damage crops or the environment;
- b) Chemical warfare (CW) agents;
- c) CW binary precursors and key precursors;
- d) "Riot control agents", active constituent chemicals and combinations thereof;
- e) Equipment specially designed or modified for military use, designed or modified for the dissemination of any of the following, and specially designed components therefore;
- f) Protective and decontamination equipment specially designed or modified for military use, components and chemical mixtures;
- g) Equipment specially designed or modified for military use, designed or modified for the detection or identification of material specified by ML7,a, ML7,b or ML7,d, and specially designed components therefore;
- h) "Biopolymers" specially designed or processed for the detection or identification of CW agents specified by ML7.b, and the cultures of specific cells used to produce them;
- i) "Biocatalysts" for the decontamination or degradation of CW agents, and biological systems therefore.

ML8 "Energetic materials", and related substances, as follows:

- a) "Explosives" and mixtures thereof;
- b) "Propellants";
- c) "Pyrotechnics", fuels and related substances, and mixtures thereof;
- d) Oxidizers and mixtures thereof;
- e) Binders, plasticisers, monomers and polymers;
- f) "Additives";
- g) "Precursors".

ML9 Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels, as follows:

- a) Vessels and components;
- b) Engines and propulsion systems, specially designed for military use and components therefore specially designed for military use;
- c) Underwater detection devices, specially designed for military use, controls therefore and components therefore specially designed for military use;
- d) Anti-submarine nets and anti-torpedo nets, specially designed for military use;
- e) (Not used since 2003);
- c) Hull penetrators and connectors specially designed for military use that enable interaction with equipment external to a vessel, and components therefore specially designed for military use;
- g) Silent bearings, components therefore and equipment containing those bearings, specially designed for military use.

ML10 "Aircraft", "lighter-than-air vehicles", Unmanned Aerial Vehicles ("UAVs"), aero-engines and "aircraft" equipment, related equipment, and components, specially designed or modified for military use, as follows:

- a) Manned "aircraft" and "lighter-than-air vehicles", and specially designed components therefore;
- b) (Not used since 2011);

- c) Unmanned aircraft and related equipment, and specially designed components therefore;
- d) Propulsion aero-engines and specially designed components therefore;
- e) Airborne equipment, including airborne refuelling equipment, specially designed for use with the "aircraft" specified by ML10.a. or the aero-engines specified by ML10.d., and specially designed components therefore;
- f) Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for "aircraft" specified by ML10.a. or for aero-engines specified by ML10.d.;
- g) Military crash helmets and protective masks, and specially designed components therefore, pressurised breathing apparatus and partial pressure suits for use in "aircraft", anti-g suits, liquid oxygen converters used for "aircraft" or missiles, and catapults and cartridge-actuated devices for the emergency escape of personnel from "aircraft";
- h) Parachutes, paragliders and related equipment, and specially designed components therefore;
- i) Controlled opening systems or automatic piloting systems, designed for parachuted loads.

ML11 Electronic equipment not specified elsewhere on the EU Common Military List, as follows, and specially designed components therefore:

- a) Electronic equipment specially designed for military use;
- b) Global Navigation Satellite Systems (GNSS) jamming equipment.

ML12 High velocity kinetic energy weapon systems and related equipment, as follows, and specially designed components therefore:

- a) Kinetic energy weapon systems, specially designed for the destruction or effecting mission-abort of a target;
- b) Specially designed test and evaluation facilities and test models, including diagnostic instrumentation and targets, for dynamic testing of kinetic energy projectiles and systems.

ML13 Armoured or protective equipment, constructions and components, as follows:

- a) Armoured plate;
- b) Constructions of metallic or non-metallic materials, or combinations thereof, specially designed to provide ballistic protection of military systems, and specially designed components therefore;
- c) Helmets manufactured according to military standards or specifications, or comparable national standards, and specially designed components therefore, (i.e. helmet shell, liner and comfort pads);
- d) Body armour or protective garments, and components therefore;

ML14 'Specialised equipment for military training' or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified by ML1 or ML2, and specially designed components and accessories therefore.

ML15 Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefore:

- a) Recorders and image processing equipment;
- b) Cameras, photographic equipment and film processing equipment;
- c) Image intensifier equipment;
- d) Infrared or thermal imaging equipment;
- e) Imaging radar sensor equipment;
- f) Countermeasure or counter-countermeasure equipment, for the equipment specified by ML15.a. to ML15.e.

ML16 Forgings, castings and other unfinished products specially designed for items specified by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

ML17 Military equipment, materials and 'library programs', as follows, and specially designed components therefore:

- a) Self-contained diving and underwater swimming apparatus;
- b) Construction equipment specially designed for military use;
- c) Fittings, coatings and treatments, for signature suppression, specially designed for military use;
- d) Field engineer equipment specially designed for use in a combat zone;
- e) "Robots", "robot" controllers and "robot" "end-effectors";
- f) 'Library programs' (parametric technical databases) specially designed for military use with equipment specified by the EU Common Military List;
- g) Nuclear power generating equipment or propulsion equipment, including "nuclear reactors" specially designed for military use and components therefore specially designed or 'modified' for military use;
- h) Equipment and material, coated or treated for signature suppression, specially designed for military use, other than those specified elsewhere in the EU Common Military List;
- i) Simulators specially designed for military "nuclear reactors";
- j) Mobile repair shops specially designed or 'modified' to service military equipment;
- k) Field generators specially designed or 'modified' for military use;
- i) Containers specially designed or 'modified' for military use;
- m) Ferries, other than those specified elsewhere in the EU Common Military List, bridges and pontoons, specially designed for military use;
- n) Test models specially designed for the "development" of items specified by ML4, ML6, ML9 or ML10;
- o) Laser protection equipment (e.g. eye and sensor protection) specially designed for military use;
- p) "Fuel cells" other than those specified elsewhere in the EU Common Military List, specially designed or 'modified' for military use;

ML18 Production equipment and components therefore, as follows:

- a) Specially designed or modified 'production' equipment for the 'production' of products controlled by the EU Common Military List, and specially designed components therefore;
- b) Specially designed facilities for testing the environment and specially designed equipment for that purpose, for the issuance of a certificate or proof of suitability or for the testing of products as meant in the EU Common list of military goods.

ML19 Directed Energy Weapon (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components therefore:

- a) "Laser" systems specially designed for destruction or effecting mission-abort of a target;
- b) Particle beam systems capable of destruction or effecting mission-abort of a target;
- c) High power Radio-Frequency (RF) systems capable of destruction or effecting mission-abort of a target;
- d) Equipment specially designed for the detection or identification of, or defence against, systems specified by ML19.a. to ML19.c.;
- e) Physical test models for the systems, equipment and components specified by ML19;
- f) "Laser" systems specially designed to cause permanent blindness to unenhanced vision, i.e. to the naked eye or to the eye with corrective eyesight devices.

ML20 Cryogenic and "superconductive" equipment as follows, and specially designed components and accessories therefore:

- a) Equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (-170 °C);
- b) "Superconductive" electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, and capable of operating while in motion;

ML21 "Software", as follows:

- a) "Software" specially designed or modified for the "development", "production" or "use" of equipment, materials or "software" specified by the EU Common Military List;
- b) Specific "software", other than that specified by ML21.a.;
- c) "Software", not specified by ML21.a., or b., specially designed or modified to enable equipment not specified by the EU Common Military List to perform the military functions of equipment specified by the EU Common Military List.

ML22 "Technology" as follows:

- a) "Technology", other than specified in ML22b), which is "required" for the "development", "production" or "use" of items specified in the EU Common Military List;
- b) "Technology".

6.2.2 Flemish additions to the Common Military List of the EU

ML23 Rifles, components, accessories and ammunition not included in ML1, 2 and 3

- a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns not included in ML1, 2 and 3;
- B) Accessories and specially designed components of rifles, carbines, revolvers, pistols, machine pistols and machine guns not included in ML1, 2 and 3.

ML24 Visualization screens (*catch-all*)

ML25 Other (*catch-all*)

- a) Airport lighting and perimeter security barrier systems
- b) Gear boxes
- c) Telecommunication
- d) Masks and components of masks
- e) Software
- f) Cut and thrust weapons
- g) Components and accessories for vessels, vehicles and aircraft
- h) Construction materials
- i) Electronics
- j) Fibrous or filamentary materials
- k) Vessels, vehicles and aircraft
- l) Consumer goods
- m) Projectors

ML26 Law enforcement equipment

End-notes

- ¹ Council Common Position defining common rules governing control of exports of military technology and equipment of 8 December 2008 (doc. no. 2008/944/CFSP) - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0099:EN:PDF>
- ² For an extensive discussion on this see Depauw, S. (2010), The Common Position on arms exports in the light of the emerging European defence market. Brussels: Flemish Peace Institute, background note, http://www.vlaamsvredeinstituut.eu/get_pdf.php?ID=292&lang=NL
- ³ For an extensive discussion on this see Depauw, S. (2010), Het gemeenschappelijk standpunt over wapenuitvoer in het licht van een ontluikende Europese defensiemarkt. Brussels: Flemish Peace Institute, background note, http://www.flemishpeaceinstitute.eu/images/manager/publicaties/background_notes/pdf/vvi_web_achtergrondnota_1jaarn_acp_en_1203_def.pdf
- ⁴ Council Directive 91/477/EEG of 18 June 1991 on control of the acquisition and possession of weapons, Official Journal, no. L 256 of 13 September 1991, p. 0051-0058.
- ⁵ For a more detailed discussion of the European Firearms Directive 91/477 see Duquet, N. & Van Alstein, M. (2011), Vuurwapens: Handel, bezit en gebruik. Leuven: Acco, p.40-42
- ⁶ For an extensive discussion on this see Castryck, G., Depauw, S. & Duquet, N. (2006), The Flemish Arms Export Policy: an analysis of the legal framework. Brussels: The Flemish Peace Institute. http://www.flemishpeaceinstitute.eu/images/manager/publicaties/research_reports/pdf/flemish_arms_exports_policy_legal_framework.pdf
- ⁷ Act of 5 August 1991 on the import, export and transit of, and the combating of illegal trafficking in arms, ammunition and equipment specifically designed for military use or law enforcement, and related technology, as last amended on 26 March 2003.
- ⁸ Peeters, Kris, Beleidsnota Buitenlands Beleid, Internationaal Ondernemen en Ontwikkelingssamenwerking 2009-2014, Item 195 (2009-2010) – No. 1, submitted on 26 October 2009 - <http://jsp.vlaamsparlament.be/docs/stukken/2009-2010/g195-1.pdf>
- ⁹ Draft Act by Messrs. Bart Caron and Filip Watteeuw, and Mrs. Mieke Vogels on the transfer, import, export, transit and intermediate trade of firearms for civilian use, defence-related products and other equipment for military use or law enforcement and associated technology, Item 944 (2010-2011) – No.1, submitted on 4 February 2011, <http://docs.vlaamsparlament.be/docs/stukken/2010-2011/g944-1.pdf>
- ¹⁰ Draft Act regarding imports, exports, transits and transfers of defence-related products, other equipment for military use, law enforcement, civilian firearms, components and ammunition, Item 1371 (2011-2012) – No.1, submitted on 21 November 2011, <http://docs.vlaamsparlament.be/docs/stukken/2011-2012/g1371-1.pdf>
- ¹¹ Royal Decree on foreign arms trade, Art. N – Annex, 2nd category, section 1,A.19.
- ¹² Act regarding imports, exports, transits and transfers of defence-related products, other equipment for military use, law enforcement equipment, civilian firearms, components and ammunition, 15 June 2012, Articles. 2.2 and 8.2
- ¹³ These reports are available from the Strategic Goods Control Unit website: <http://www.vlaanderen.be/wapenhandel>
- ¹⁴ The monthly reviews are available from the Strategic Goods Control Unit website: <http://www.vlaanderen.be/wapenhandel>
- ¹⁵ Act regarding imports, exports, transits and transfers of defence-related products, other equipment for military use, law enforcement equipment, civilian firearms, components and ammunition, 15 June 2012, Art. 50.2.
- ¹⁶ Flemish Peace Institute, Transparency in reporting on the Flemish foreign arms trade, Brussels: Flemish Peace Institute, p. 9. http://www.flemishpeaceinstitute.eu/images/manager/publicaties/advices/20061113_adviesnota_transparantie_EN_def.pdf
- ¹⁷ Verbal communication with the Strategic Goods Control Unit, 8 May 2013.
- ¹⁸ Verbal communication with the Strategic Goods Control Unit, 8 May 2013.
- ¹⁹ Duquet, N. & Van Alstein, M. (2012), De registratie en traceerbaarheid van ingevoerde vuurwapens, Brussels: Flemish Peace Institute.
- ²⁰ Royal Decree amending the Royal Decree of 20 September 1991 on firearms with a historical, folkloristic or decorative value, and firearms that have been disabled for shooting, Belgian Official Journal, 21 May 2013.
- ²¹ Verbal communication with the Strategic Goods Control Unit, 8 May 2013
- ²² Duquet, N., Van Alstein, M. Duquet, N. & Van Alstein, M. (2012), De registratie en traceerbaarheid van ingevoerde vuurwapens, Brussels: Flemish Peace Institute, p. 12.
- ²³ Duquet, N. (2011), Made in Flanders: The end-use of Flemish military equipment, Brussels: Flemish Peace Institute. http://www.flemishpeaceinstitute.eu/images/manager/publicaties/onderzoeksrapporten/pdf/vvi_web_rapport_vlaamse_makelij_en_web.pdf
- ²⁴ Duquet, N. (2011), Flemish Foreign Arms Trade 2010, Brussels: Flemish Peace Institute, p.39; Duquet, N. (2011), Made in Flanders: The end-use of Flemish military equipment, Brussels: Flemish Peace Institute, p. 23.

- ²⁵ Duquet, N. (2012), Flemish Foreign Arms Trade 2011, Brussels: Flemish Peace Institute, p. 36-37.
http://www.flemishpeaceinstitute.eu/images/manager/publicaties/onderzoeksrapporten/pdf/flemish%20foreign%20arms%20trade%202011_web.pdf
- ²⁶ Proposal for a resolution – from Messrs. Eloi Glorieux, Jef Tavernier and Jos Stassen – on support of a just peace in Palestine and Israel. Report on behalf of the Sub-Committee for Arms Trade by Messrs. Jan Loones and Jan Laurys to the Committee for Economy, Employment and Social Economy. Item 210 (2004-2005) – No. 4, 16 June 2005.
<http://docs.vlaamsparlament.be/docs/stukken/2004-2005/g210-4.pdf>
- ²⁷ Ceysens, P. Response to the interpellation by Mr. Eloi Glorieux on the response of the Flemish Government to the statements of PLFederal Minister Karel De Gucht on arms trade with Israel. Flemish Parliament, 29 January 2009,
<http://www.vlaamsparlament.be/Proteus5/showVIVerslag.action?id=544573>
- ²⁸ Proposal for a resolution – from Messrs. Jan Roegiers, Flor Koninckx and Johan Verstreken, Mrs. Anne Marie Hoebeke and Mr. Piet De Bruyn – on the war in Gaza, Item 206 (2008-2009) – No.3, 7 January 2009,
<http://docs.vlaamsparlament.be/docs/stukken/2008-2009/g206-3.pdf>
- ²⁹ Proposal for a resolution – from Messrs. Ludwig Caluwé, Johan Verstreken, Ward Kennes, Matthias Diependaele and Marc Hendrickx, Mrs. Yamila Idrissi and Mr. Jan Roegiers – on developments in the Middle East and Maghreb, Item 967 (2010-2011) – No.3, submitted on 16 February 2011, <http://docs.vlaamsparlament.be/docs/stukken/2010-2011/g206-3.pdf>
- ³⁰ Flemish Peace Institute, Advice concerning the annual report of the Flemish Government to the Flemish Parliament on licences issued and denied for arms, ammunition and equipment specifically designed for military use and law enforcement, and related technology. Period from 1 January 2011 to 31 December 2011, Brussels: Flemish Peace Institute, p.10,
http://www.vlaamsvredesinstituut.eu/images/manager/advies/20120507_advies_bij_jaarverslag_wapenhandel_2011.pdf
- ³¹ For a more detailed explanation of these two embargoes see Duquet, N. (2013), Wapenexport naar de Arabische wereld: het Vlaams wapenexportbeleid in Europese context, Brussels: Flemish Peace Institute, p. 18-19.
- ³² Minutes of the Plenary Session of 23 February 2011. Actual question from Mr. Jan Roegiers to Mr. Kris Peeters, Minister-President of the Flemish Government, Flemish Minister for the Economy, Foreign Policy, Agriculture and Rural Policy, regarding the export of military equipment from Flanders to the Arab world, monitoring of the end-users and consideration of the local human rights situation. Actual question from Mr. Bart Caron to Mr. Kris Peeters, Minister-President of the Flemish Government, Flemish Minister for the Economy, Foreign Policy, Agriculture and Rural Policy, regarding the export of military equipment from Flanders to the Middle East.
- ³³ Request for explanation from Mr. Jan Roegiers to Mr. Kris Peeters, Minister-President of the Flemish Government, Flemish Minister for the Economy, Foreign Policy, Agriculture and Rural Policy, regarding arms exports and transits to countries in the Arab world and the putting on hold thereof by the Flemish Government - 1650 (2010-2011), Committee on Foreign Affairs, European Affairs and International Cooperation, 29 March 2011,
<http://www.vlaamsparlament.be/Proteus5/showVIVerslag.action?id=622566>
- ³⁴ Minutes of the Plenary Session of 23 February 2011. Actual question from Mr. Jan Roegiers to Mr. Kris Peeters, Minister-President of the Flemish Government, Flemish Minister for the Economy, Foreign Policy, Agriculture and Rural Policy, regarding the export of military equipment from Flanders to the Arab world, monitoring of the end-users and consideration of the local human rights situation. Actual question from Mr. Bart Caron to Mr. Kris Peeters, Minister-President of the Flemish Government, Flemish Minister for the Economy, Foreign Policy, Agriculture and Rural Policy, regarding the export of military equipment from Flanders to the Middle East.
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