

Annex 8. General licence for the temporary transfer of defence-related products for maintenance or repair purposes, as referred to in Article 14, §2, point 4 of the Flemish Parliament Arms Trade Act and Article 9, §1 of the Government of Flanders Arms Trade Decree (General Licence No. 4)

#### §1. Defence-related products

1. This general licence applies to all defence-related products and product categories included in the Common Military List of the European Union.

#### §2. Destinations and consignees

2. This general licence applies to the temporary transfer and re-transfer by persons having their residential address or registered office in the Flemish Region to consignees who are established in the Member States of the European Union, with the exception of the Kingdom of the Netherlands and the Grand Duchy of Luxembourg.

This consignee must always either be the original supplier of the respective defence-related products or the original consignee to whom the respective goods are re-transferred after maintenance or repairs in the Flemish Region, as referred to in Article 14, §2, point 4 of the Flemish Parliament Arms Trade Act.

#### §3. Permitted purposes for the use of the general licence

3. This general licence may only be used for temporary transfers for maintenance or repair purposes and for re-transfer to the Flemish Region after maintenance or repairs, as referred to in Article 12, §2, first subsection of the Government of Flanders Arms Trade Decree.

Maintenance or repairs may involve coincidental improvement of the original products, for example resulting from the use of modern spare parts or from use of a later built standard for reliability or safety reasons, provided that this does not result any enhancement to the functional capability of the products or provide the products with new or additional functions, as referred to in Article 12, §2, second subsection of the Government of Flanders Arms Trade Decree.

#### §4. Terms and conditions for the use of the general licence

4. A person who can utilise this general licence must register with the Strategic Goods Control Unit, as referred to in Article 14, §6 of the Flemish Parliament Arms Trade Act and in Article 10 of the Government of Flanders Arms Trade Decree. He, she or it can only make transfers on the basis of this general licence if he, she or it has received confirmation of the registration from the Strategic Goods Control Unit.
5. With each temporary transfer or re-transfer based on this general licence, there must be an indication on the commercial documents accompanying the shipment that this general licence is used and a mention of the registration number that was

received, as referred to in Article 10, §4, second subsection, point 2 of the Government of Flanders Arms Trade Decree.

6. The consignee must be notified of the restrictions referred to in paragraph 6 of this licence, as referred to in Article 12, §2, second subsection of the Flemish Parliament Arms Trade Act, no later than at the time of the temporary transfer or re-transfer, and written proof must be kept of this.
7. The defence-related products, which, on the basis of this general licence, are temporarily transferred to another Member State for maintenance or repair purposes must be re-transferred to the Flemish Region, as referred to in Article 9, §2, point 4 of the Government of Flanders Arms Trade Decree, no later than three years after the temporary transfer. Written proof is kept of the re-transfer.
8. Persons utilising this general licence must keep a detailed and full summary of their temporary transfers or re-transfers based on the licence for a minimum of seven years, as referred to in Article 49, §2 of the Flemish Parliament Arms Trade Act and in Article 58, §1 and 60, §1 of the Government of Flanders Arms Trade Decree.
9. Persons utilising this general licence must use the summary referred to in item 8 to compose the biannual reports of their temporary transfers or re-transfers to be provided to the Strategic Goods Control Unit, as referred to in Article 49, §1 of the Flemish Parliament Arms Trade Act and Articles 57, 58 and 60 of the Government of Flanders Arms Trade Decree.

§5. Exceptions and restrictions on the use of the general licence, as referred to in Article 14, §7, second subsection of the Flemish Parliament Arms Trade Act and Articles 9, §2, and 11 of the Government of Flanders Arms Trade Decree

10. This general licence may not be used for the temporary transfer or re-transfer of defence-related products for permitted purposes, the transfer of which is prohibited on the grounds of Article 3, §1, first subsection of the Flemish Parliament Arms Trade Act.
11. This general licence may not be used if the person who wishes to utilise it cannot guarantee that, in the case of maintenance or repairs, the functional capabilities of the respective defence-related products will not be enhanced or that the products will not be provided with new or additional functions, as referred to in item 3.
12. This general licence may not be used to temporarily transfer or re-transfer defence-related products to persons or for purposes for which the use of the general licence was restricted in application of Article 14, §7, second subsection and Article 43 of the Flemish Parliament Arms Trade Act and Articles 46 to 49, inclusive, of the Government of Flanders Arms Trade Decree.

§6. Restrictions on the end use and export to countries outside the European Union, as referred to in Article 9, §2 of the Government of Flanders Arms Trade Decree

13. Defence-related products that are temporarily transferred to another Member State on the basis of this general licence may not be utilised in or temporarily exported to a country outside the European Union for the use, development or production of defence-related products, the transfer of which is prohibited on the grounds of Article 3, §1, first subsection of the Flemish Parliament Arms Trade Act.

§7. Suspension and restriction of the general licence, as referred to in Article 13 of the Government of Flanders Arms Trade Decree

14. In application of Article 43 of the Flemish Parliament Arms Trade Act and Articles 46 to 49, inclusive, of the Government of Flanders Arms Trade Decree, the use of this general licence can be suspended or restricted.

§8. Temporary exclusion of persons utilising the general licence

15. In application of Article 44 of the Flemish Parliament Arms Trade Act and Articles 50 and 51 of the Government of Flanders Arms Trade Decree, a person can be temporarily excluded from using this general licence.

§9. Taking effect

16. This general licence shall come into effect on 30 June 2012.

To be annexed to the Government of Flanders Decree of 20 July 2012 in implementing the Flemish Parliament Arms Trade Act.

The Flemish Minister of Economy, Foreign Policy, Agriculture and Rural Policy

Kris PEETERS