

## INFORMATION SHEET 2 FOR LOGISTIC SERVICE PROVIDERS:

### COUNTRY OF DESTINATION AND FINAL DESTINATION

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The country of destination and final destination gives the service provider a first important indication of whether the present transaction involves a certain degree of sensitivity. This information sheet provides a brief introduction to the legal obligations that exist with regard to the export and transfer of dual-use goods. Then, the sheet elaborates on different types of sanctions regimes and discusses different countries that have a certain political sensitivity regarding the proliferation of weapons of mass destruction, military end-use and the risk of diversion.

**Key words:** country of destination - country of final destination - sanctions

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#### In General

The export of dual-use goods to a non-EU country requires a valid export authorisation for the items listed in Annex I to [Regulation n°. 428/2009, as amended](#). Certain dual-use goods listed in Annex IV to Regulation 428/2009, as amended, even require an authorisation for intra-EU transfers. Some goods are not subject to dual-use legislation but are proliferation-sensitive due to their technical possibilities. These goods can be stopped by customs on exportation, on their own initiative or on the advice of the Strategic Goods Control Unit. Goods exported to countries subject to sanctions or embargoes are also more frequently checked and stopped by customs.

#### Destination and final destination

A distinction shall be made between the country of destination and the country of final destination or end-use on the customs declaration and on export control documents. You are required to fill out the last known final destination. An example is the export of products to China, while the importer is based in Singapore. The initial delivery address is Singapore, but the final destination is China - often with an additional importer in Hong Kong.

Destination checks must be carried out on all the countries concerned and not only on the initial destination. If you arrange an export to a country such as Lebanon or the United Arab Emirates but know that the final destination will be Syria or Iran, then all obligations for export to these final destinations apply in full.

#### Sanctions

Sanctions (restrictive trade measures, embargoes, restrictive measures, ...) all refer to the same thing: it is an intervention by the international community against a violation or threat to international peace and security. The measures imposed are intended to change the behaviour of a country or administration. Sanctions can be directed against governments of third countries, but also against terrorist organisations and terrorists, for example. The UN Security Council, the Organization for Security and Co-operation and the EU can all take restrictive measures. Within

the framework of its foreign policy, Flanders can also prohibit certain exports itself or restrict end-users for certain countries.

Below is a selection of sanctioned countries that are relevant in the context of dual-use export control. However, this list is not exhaustive. A complete and up-to-date list of countries currently subject to EU and UN restrictive measures can be found on the [EU Sanctions Map](#). More information on the sanctions relating to the Flemish export control can be found at [www.fdfa.be/nl/sancties](http://www.fdfa.be/nl/sancties).

#### ***Iran:***

Certain categories of dual-use goods that could contribute to nuclear or ballistic proliferation are licensed or prohibited for export to Iran. Despite the withdrawal of the US from the nuclear agreement with Iran (JCPOA) and the far-reaching US sanctions, the European measures against Iran remain unchanged. As a result, the export of different dual-use goods to Iran remains possible in theory, but in practice very difficult due to the withdrawal of the European banks. However, the risk of diversion of dual-use goods to Iran via the United Arab Emirates and Turkey is increasing because few European banks allow payment transactions for fear of American sanctions. [The consolidated version of Regulation 267/2012, as amended](#) contains an overview of European sanctions with respect to Iran.

#### ***North Korea:***

North Korea's nuclear and ballistic activities pose a major threat to international peace and security. The most extensive sanctions against the regime will therefore remain in force, including an absolute ban on the export of dual-use goods and technology. Here, too, deliveries are made via indirect routes, often without the exporter's knowledge. Frequently used methods include abuse of a diplomatic post, use of sales offices owned by North Korea or with connections to UN-sanctioned trading companies in other Asian countries and off-shore transshipments to North Korean vessels. [The consolidated version of Regulation 1509/2017, as amended](#) contains an overview of European sanctions with respect to North Korea.

#### ***Russia:***

In response to the illegal annexation of Crimea and the deliberate destabilisation of Ukraine, the EU has imposed various types of sanctions since 2014, including a military embargo. Flanders strictly applies the imposed arms embargo as provided for in Article 4 of Regulation 833/2014. As a result, specifically for dual-use goods, the export to a military end-user or predestined for military end-use remains prohibited. The main problem with regard to export controls remains the mixed nature of the high-tech Russian companies. [The consolidated version of Regulation 833/2014, as amended](#) contains an overview of European sanctions with respect to Russia.

#### ***Syria:***

Following the widespread violations of international humanitarian law and human rights, specific measures have been issued against the Syrian regime. The sanctions against Syria have been imposed in order not to support the Syrian regime on the one hand and to prevent the production of chemical weapons on the other hand. For Syria and its neighbours, there is therefore a particular sensitivity to the export of chemicals that can be used in a chemical weapons programme. Different listed products are freely available and tradable within Europe and the rest of the world, but in certain concentrations are subject to authorisation or prohibited for export to Syria. [The consolidated version of Regulation 36/2012, as amended](#) contains an overview of European sanctions with respect to Syria.

## Flemish parliamentary concerns and policy

### *Israel:*

Flanders has a specific policy regarding the export and transit of strategic goods, including dual-use goods, to Israel, whereby no export or transit is approved that involves the strengthening of the military capacity of the Israeli armed forces. In implementation thereof, the export of dual-use goods is not permitted if there is a military end-use in Israel. This policy has been in place since September 2006 and was confirmed in 2009 following a [resolution of the Flemish Parliament of 7 January 2009 on the war in Gaza](#). Consequently, extra attention needs to be paid to entities within the Israeli government, the police and the army. More information about this policy can be found on the next page: [www.fdfa.be/nl/vlaamse-maatregelen](http://www.fdfa.be/nl/vlaamse-maatregelen).

### International concerns

#### *China:*

In the 1989 '[Declaration on China](#)', the Council of the EU states that member states are requested not to supply military aid and equipment to China. Although this is not a formal arms embargo, the content and political relevance of this declaration must of course be taken into account in the light of policy decisions on the export of dual-use goods and the risk of military end-use. Specifically, there are concerns about the export of dual-use goods to China for clear military purposes, including conventional military development, but also space weapons, nuclear weapons and ballistic missiles.

#### *Pakistan:*

Pakistan has never signed the Treaty on the Non-Proliferation of Nuclear Weapons. The further development of nuclear and ballistic programmes remains an important element of the strategic policy and may pose a threat to regional and international security. The export of dual-use goods and goods that are not listed but are proliferation-sensitive to these programmes is therefore closely monitored by the Strategic Goods Control Unit.