



Ministry of Foreign Affairs of the
Netherlands

*“Experience of a
trading hub country”*

Transit Controls in the Netherlands

February 2017
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- A. *Background:* Port of Rotterdam
- B. Transit controls for
 - (1) Dual use goods
 - (2) Military goods
- C. Operational challenges



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Port of Rotterdam



Gateway to Europe





Port of Rotterdam



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Some 120 km² of port & port related industry



...and when we run out of land, new land is created in the sea...

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7th largest port world wide (2012-2014)

Rotterdam key figures 2015

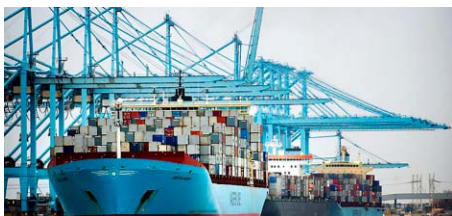
in million metric tons	Inbound	Outbound
Total	327.6	138.8
Crude oil	101.7	1.4
Mineral oils	49.0	39.5
Other 'wet' bulk	1.5	11.8
Other 'dry' bulk	19.0	3.6
Agricultural bulk	9.67	1.2
Iron ore & scrap metal	31.5	2.4
Coal	30.4	0.3
Containers	62.4 (TEU 6.351.594) → 17.400 a day, 365 days	63.9 (TEU 5.882.941) → 16.100 a day, 365 days
Loose cargo	3.9	1.8
Freight from roll on/roll of ships (including cars)	9.8	12.3

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Transport network

32.000 seaside ships



But also inland transport by
road



87.000 landside ships



and rail



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Transit Controls

*for
DUAL USE goods*



Transit controls



UNSCR 1540

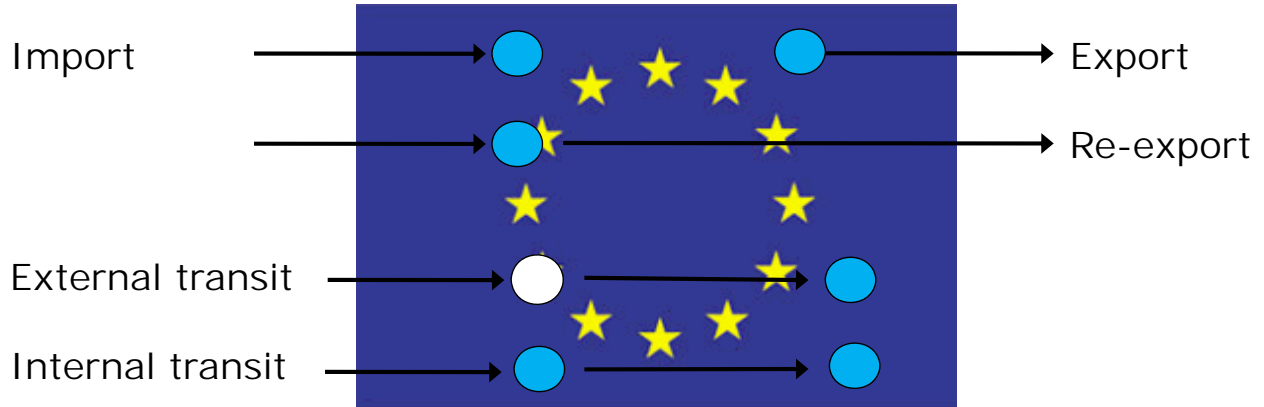
Paragraph 3

All states shall prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery by:

- a) Controlling production, use, storage and transport
- b) Physical protection measures
- c) (border) Controls on illicit trafficking and brokering
- d) Export controls, including transit/transshipment and end use controls



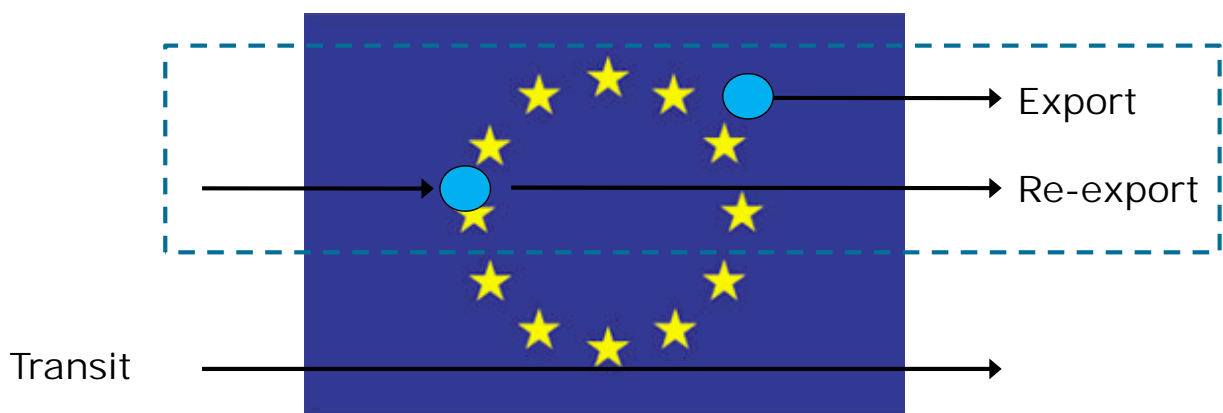
EU – Community Customs Code (CCC)



CCC does not have a definition for “transit”



EU – Dual use regulation (428/2009)



“Transit”: a transport of non-Community dual-use items entering and passing through the customs territory of the Community with a destination outside the Community;



Transit controls for dual use goods

- No transit controls for dual use goods *within* the EU;
- Transit controls for 'outside' the EU (entering and passing through EU):
 - Prohibition possibility if the items in transit are or may be intended for use in a WMD-programme (art 6.1)
 - National possibility to require a license before prohibiting the transit (art 6.2)
 - National possibility to extend the transit controls to military end use concerns if the destination is subject to an arms embargo, or if the items are not listed in the control lists (art 6.3)




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Transit Controls
for
MILITARY goods



History Dutch military transit controls

Introduced in 2002

- Political concerns (Ei Al cargo hub)
- Exception for EU/NATO+
- Based upon German legislation 



Amended in 2012

- Political concerns (supplies to MENA)
- No general exception for transshipment



Small amendment in 2016

- Political concerns (Yemen conflict)
- Removed certain countries from general license for transshipment

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Current Dutch transit controls for ML goods

- For shipments of military goods from a non-EU/NATO+ country to a non-EU/NATO+ country there is always a license requirement, whether transiting or transshipped through the Netherlands;
- For shipments of military goods from or to a EU/NATO+ country that only transit through the Netherlands there is a notification requirement;
- For shipments of military goods from or to a EU/NATO+ country that are transshipped through the Netherlands there is a license requirement.

Transshipment:



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Schematic current Dutch transit controls for ML goods

		Ally involved (TO or FROM ally)	NO ally involved
WITH transshipment (eg. from ship to ship)	Complete systems, SALW and ammunition	Individual License Requirement	Individual License Requirement
	Parts and components	General Licenses* NL007: from EU/NATO+ NL008: to EU/NATO+	
WITHOUT transshipment (cargo remains on carrier)		Notification Requirement	Individual License Requirement

* Countries active in Jemen conflict exempted since July 2016, now individual license requirement for those countries



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Operational Challenges



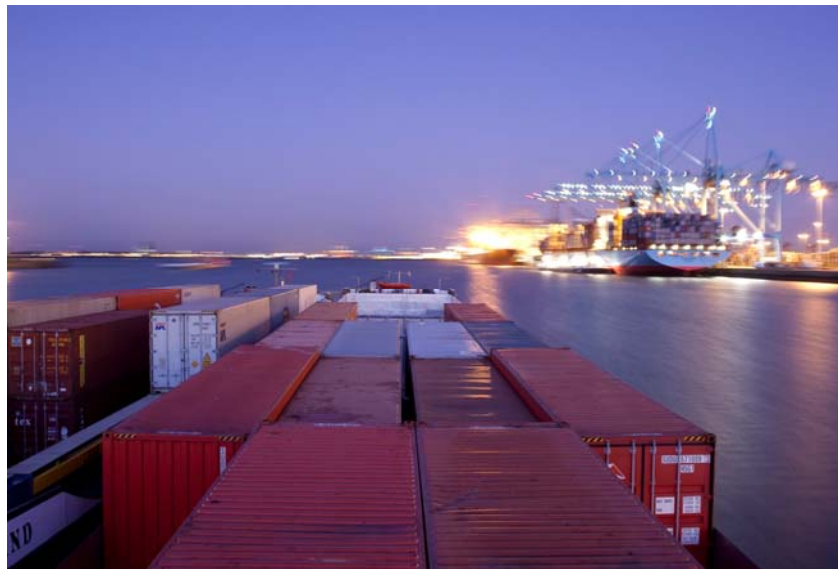
Transit controls: Looking for a needle in a haystack



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The aim: transit controls with least interference

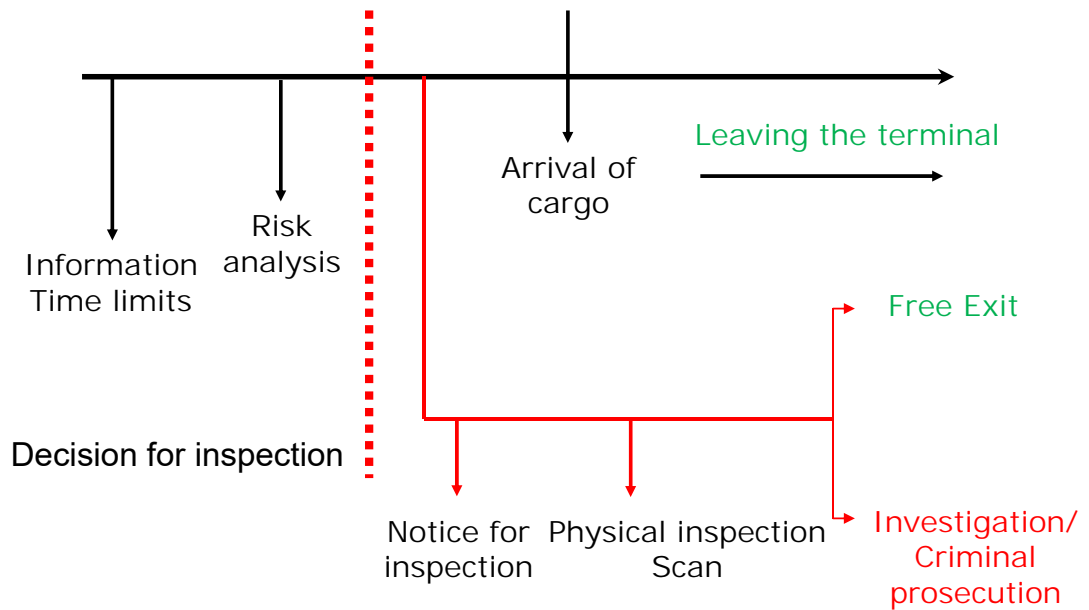


"The Port of Rotterdam show must go on 24/7"

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Risk analysis

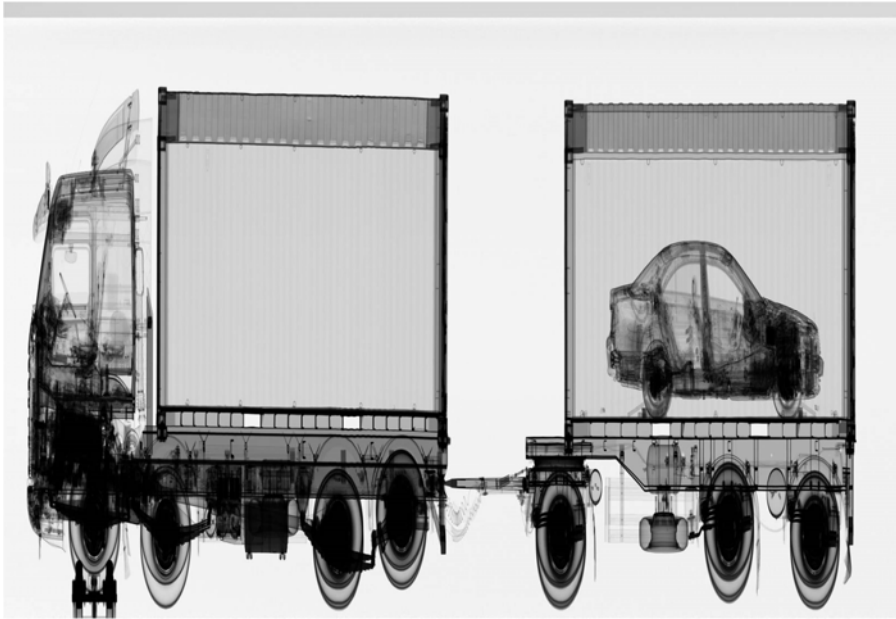


Means of inspection





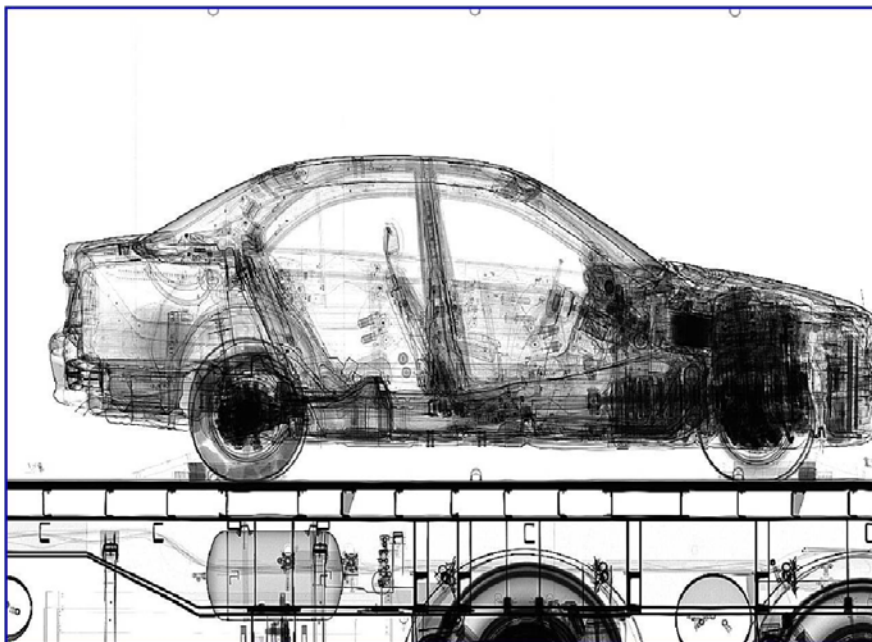
Scan



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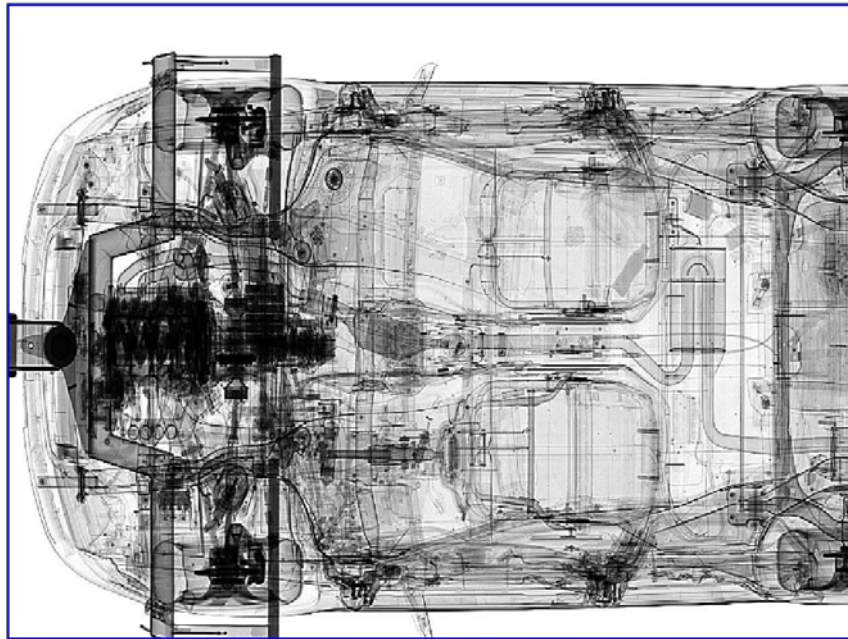
Scan, zoom 1x



19



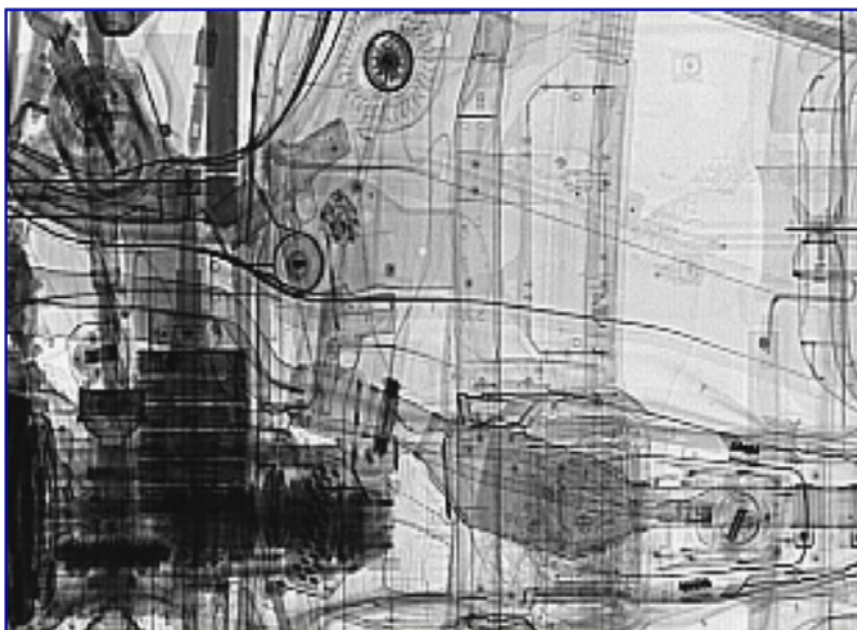
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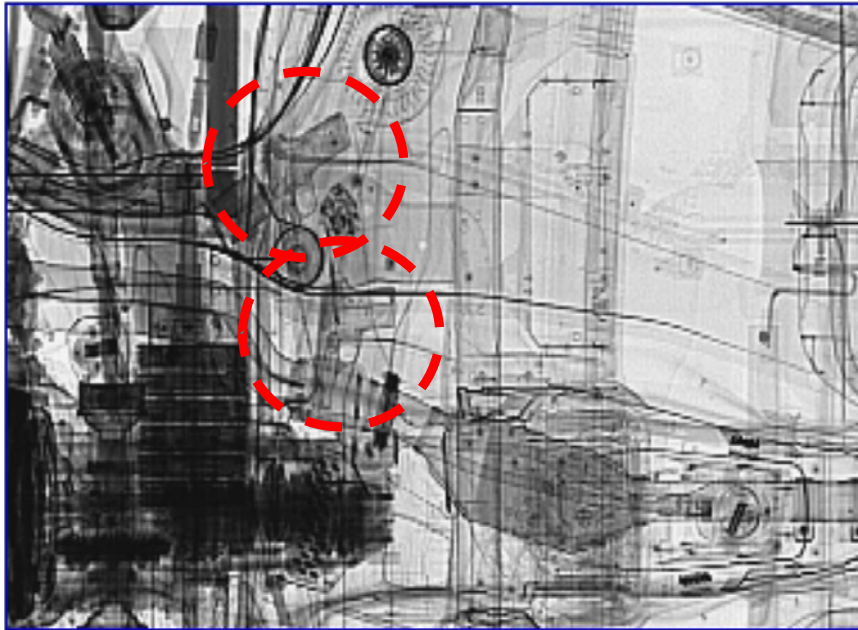
Scan, zoom 3x



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Scan, zoom 3x



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Transit - Challenges

- Harmonisation between countries
- Identifying shipments of concern – risk analysis
- Problem ownership
 - Who should apply for a license?
 - What happens with items that have been stopped?
 - Who pays for costs incurred?

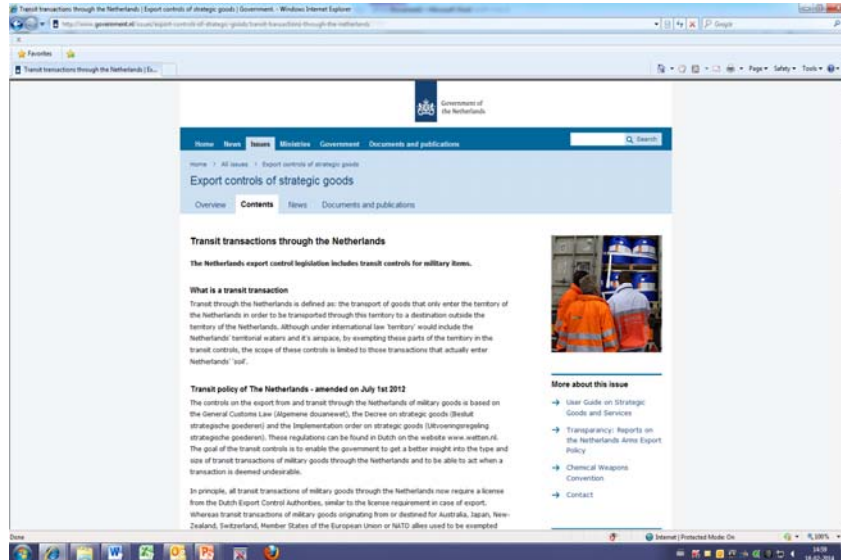


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Website export controls of strategic goods

<http://www.government.nl/issues/export-controls-of-strategic-goods>



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Thank you for your attention

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W www.rijksoverheid.nl/exportcontrole



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Dutch Customs – more information

- Pushing boundaries

<http://www.youtube.com/watch?v=YqAV1woA-XM>

- Co-operation

<http://www.youtube.com/watch?v=gkQZWFZlyUw>

- Risk control

http://www.youtube.com/watch?v=z_BH3VXdB6w

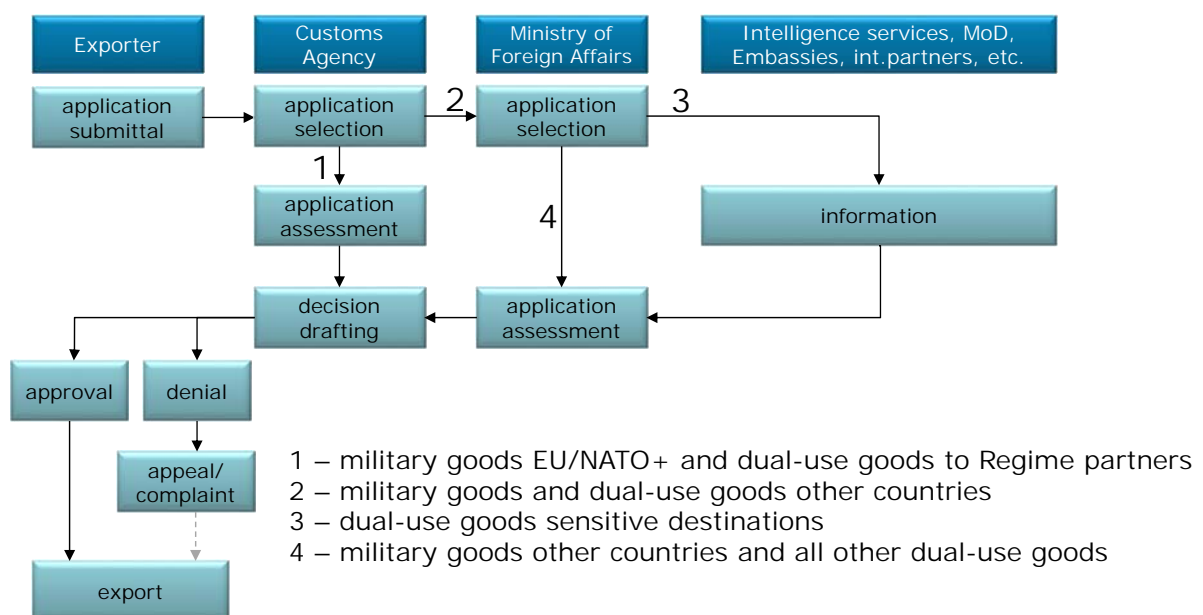
- Enforcement

<http://www.youtube.com/watch?v=V4QqTiYWvcQ>

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Export control and licensing process





Transparency

Datum Afgifte	Nummer	SS-Post	Omschrijving goederen	Opgegeven gebruik	D/T	Datum aanvraag	Land van eindbestemming	Land van herkomst	waarde(€)	Datum vervall
01-02-05	25137639	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Tbv militair gebruik (luchtmacht)	D	18-11-04	India via Singapore	Nederland	160.636	28-02-06
01-02-05	25418620	1C450b8	Methyldiethanolamine	Tbv de olie-industrie	D	28-01-05	Tunesië	Onbekend	563.964	28-02-06
01-02-05	25418656	1C35047	Fosforentasulfide	Vervaardiging van pesticiden	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
02-02-05	25087770	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	15.960	28-02-06
02-02-05	25424520	1C233	Detectoren	Meten van radioactiviteit	D	31-01-05	Canada	Onbekend	484.160	28-02-06
02-02-05	25432037	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
03-02-05	25419774	0C001	Uraniumhexafluoride	Uraniumverrijking	n	03-02-05	Israël	Nederland	3.660	28-02-06
03-02-05	25427004	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
03-02-05	25427020	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
04-02-05	25436261	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
04-02-05	25436377	0B001c	Ultra gascentrifuges	Uraniumverrijking	D	18-11-04	Israël	Nederland	3.660	28-02-06
04-02-05	25437030	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
07-02-05	25438442	1C35038	Fosforpentachloride	Vervaardiging van geneesmiddelen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
07-02-05	25438450	1C450b8	Methyldiethanolamine	Tbv de olie-industrie	D	28-01-05	Tunesië	Onbekend	563.964	28-02-06
07-02-05	25438466	1C35032	Fosforoxychloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
08-02-05	25426716	1C35007	Fosfortrichloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
11-02-05	25438162	6A002a1	Apparatuur voor informatie	Tbv de jacht	D	18-11-04	Israël	Nederland	3.660	28-02-06
11-02-05	25444680	1C35002	Fosforoxychloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
11-02-05	25444686	1C35007	Fosfortrichloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
16-02-05	25468880	1C35046	Triethanolamine	Tbv de jacht	D	18-11-04	Israël	Nederland	3.660	28-02-06
21-02-05	25464002	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
21-02-05	25465726	6A006b1	Magnetometers	Tbv de jacht	D	18-11-04	Israël	Nederland	3.660	28-02-06
22-02-05	25469226	6A0036	Camera's	Tbv de jacht	D	18-11-04	Israël	Nederland	3.660	28-02-06
22-02-05	25469626	2B001a	Draaibanken en freesmachi	Uraniumverrijking	D	18-11-04	Israël	Nederland	3.660	28-02-06
23-02-05	25467110	6A002a2a	(Tweede generatie) beeldversterkerbuizen	Nachtzichtsysteemen	D	18-11-04	Israël	Nederland	3.660	28-02-06
24-02-05	25467100	3B001	Productie-apparatuur	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
24-02-05	25467116	2B230	Drukzeters (onderdelen)	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
24-02-05	25467207	2B230	Drukzeters (onderdelen)	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25461100	1C35032	Fosforoxychloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25461116	1C35038	Fosforpentachloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25461118	1C35038	Fosforpentachloride	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25467170	2B230	Drukzeters (onderdelen)	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25467176	3B001	Productie-apparatuur	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
25-02-05	25467191	2B230	Drukzeters (onderdelen voor)	Vervaardiging van halfgeleidermaterialen of materialen	D	28-01-05	Egypte	Duitsland	74.178	28-02-06
26-02-05	25506123	3B001	Productie-apparatuur	Vervaardiging van halfgeleidermaterialen of materialen	D	28-02-05	Israël	Onbekend	2.093.866	28-02-07

<https://www.rijksoverheid.nl/onderwerpen/exportcontrole-strategische-goederen/inhoud/rapportages-dual-use-en-militaire-goederen>



Assessment criteria – military goods EU Common Position: 8 criteria



1. International commitments (sanctions or embargoes)
2. Human rights situation, compliance with Humanitarian Law
3. Internal (armed) conflicts (repression)
4. Regional peace, security and stability
5. National security (including allies)
6. Behaviour towards international community (terrorism, NPT)
7. Risk of diversion
8. Compatibility with the technical and economic capacity of the recipient country (transaction in relation to economic capacity, social development of country of destination)



Types of arms exported by Dutch companies

Dutch companies have particular expertise in:

- Naval vessels
- Radar systems
- Other high-end technology (e.g. electronic components)

There are no Dutch companies producing small arms or light weapons

