
Arms Trade Treaty
First Conference of States Parties
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THE ARMS TRADE TREATY

PROVISIONAL TEMPLATE

INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE ARMS TRADE TREATY, IN ACCORDANCE WITH ARTICLE 13(1)

This provisional template is intended for use by States Parties to the Arms Trade Treaty when preparing their initial report in accordance with the Treaty's Article 13(1).

The template is divided into two sections. Section A encompasses information which relates to binding obligations under the Treaty. Section B (shaded) contains information which relates to provisions in the Treaty which are estimated to be binding to a lesser degree, or non-binding.

The division of provisions into binding and non-binding has been undertaken - solely for the purpose of this Template - on the basis of a strict observance of the qualifiers included in the text of the Treaty. Thus,

- if a provision in the text is prefaced with “shall” only, it is considered binding and information on that topic should be provided in the initial report.
- if a provision in the text has qualifiers, such as “shall...subject to its national laws”, or “shall...pursuant to national law”, or “shall...consistent with national law”, or “shall...where necessary/appropriate”, then a binding obligation is deemed to exist unless certain conditions are fulfilled - and information should be provided at least to indicate whether the obligation is considered applicable or not in the specific national context.
- if States Parties are only encouraged to take, or invited to consider taking, certain actions, the provision is deemed non-binding and information on the topic is voluntary. This category also includes qualifiers such as “may include...” or actions to be initiated “by mutual consent” with another State Party.

In Section B, States Parties are obliged according to Article 13(1) to provide information on the listed measures to the extent that such measures have been undertaken to implement the Treaty. On a voluntary basis, more information may also be provided.

GOVERNMENT OF THE NETHERLANDS

INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE ARMS
TRADE TREATY, IN ACCORDANCE WITH ITS ARTICLE 13(1)

This Initial Report may be made publicly available	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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SECTION A.
INFORMATION RELATED TO BINDING OBLIGATIONS IN THE TREATY

1. NATIONAL CONTROL SYSTEM AND LIST

A. Overview of legislation and ordinances governing the national control system**[Article 5(2)]**

(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)

The following legislation plays a role in the Netherlands control system for strategic goods:

(see website in Dutch: <https://www.government.nl/topics/export-controls-of-strategic-goods/documents/directives/2012/04/12/user-guide-on-strategic-goods-and-services>)

National Legislation

General Customs Act: Algemene Douanewet (Adw) (stb. 2008, 111)

http://wetten.overheid.nl/BWBR0023746/geldigheidsdatum_18-09-2015

Strategic Goods Order 2012: Besluit Strategische Goederen (Stcr. 2011, 19960)

http://wetten.overheid.nl/BWBR0024139/geldigheidsdatum_18-09-2015

Implementation measure for Strategic Goods: Uitvoeringsregeling strategische goederen 2012 (Stcr. 2011, 1996)

http://wetten.overheid.nl/BWBR0030610/geldigheidsdatum_18-09-2015

Strategic Services Act: Wet Strategische Diensten (Stb. 2011,445)

http://wetten.overheid.nl/BWBR0030545/geldigheidsdatum_18-09-2015

Arms and Munitions Act: Wet Wapens en Munitie (Stb. 1995, 292)

http://wetten.overheid.nl/BWBR0008804/geldigheidsdatum_18-09-2015

Chemical Weapons Convention Implementing Act (CWC Implementing Act): Uitvoeringswet verdrag chemische wapens (Stb. 1995, 338).

http://wetten.overheid.nl/BWBR0007434/geldigheidsdatum_18-09-2015

Chemical Weapons Convention Implementing Order (CWC Implementing Order): Uitvoeringsbesluit verdrag chemische wapens (Stb. 1997, 15)

http://wetten.overheid.nl/BWBR0008467/geldigheidsdatum_18-09-2015

Economic Offences Act: Wet op de Economische Delicten (Stb. 1950, 258)

http://wetten.overheid.nl/BWBR0002063/geldigheidsdatum_21-10-2015

Relevant EU legislation

EU Common Position 2008 (428/2009)

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008E0944&rid=1>

Regulation (EC) 428/2009 of the Council of the European Union of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ.2009 L134)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0428:20120615:EN:PDF>

Common Military List of the European Union

[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421\(05\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN)

Regulation 258/2012, implementing of UN firearms protocol http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0258&qid=1447239625305&from=NL			
B. The national control system includes the following:		Yes	No
i)	competent national authorities (further specified below) [Article 5(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	a control list [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	one or more national points of contact to exchange information on ATT implementation [Article 5(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below.			
-			
C. The national point(s) of contact has (have) been notified to the Secretariat of the Treaty [Article 5(6)] (if 'No', please clarify below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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D. The national control list covers the following:		Yes	No
i)	Battle tanks [Article 2(1a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Armored combat vehicles [Article 2(1b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Large-caliber artillery systems [Article 2(1c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Combat aircraft [Article 2(1d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Attack helicopters [Article 2(1e)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	Warships [Article 2(1f)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii)	Missiles and missile launchers [Article 2(1g)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	Small arms and light weapons [Article 2(1h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The national control list also includes the following, in order to enable the application of Articles 3 and 4:		Yes	No
ix)	Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below			
-			
E. The national control list has been provided to the Secretariat of the Treaty [Article 5.4] (if 'No', please elaborate further below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The national control list for military goods is the Common Military List of the European Union. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN			

2. PROHIBITIONS

A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, in the circumstances specified in Articles 6(1) to 6(3) (if 'No' in any respect, please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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B. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(2) (please list below)
UN arms embargos, OSCE-embargos, European Union decisions, Wassenaar Arrangement, Missile Technology Control Regime.
C. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(3) (please list below)
Geneva Conventions I-IV, Additional Protocol I, Rome Statute of the International Criminal Court, Genocide Convention.

3. EXPORTS

A. The national control system includes the following:	Yes	No
i) an authorization or licensing system for arms exports [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) prohibition assessment guidelines [Article 6]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) export assessment criteria [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) a risk assessment procedure [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below		
-		
B. National export controls apply to the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4 (if 'No', please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
C. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)] (if 'No', please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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D. The national risk assessment procedure includes all the criteria described in Article 7(1)(a) and (b), and Article 7(4) (if 'No' in any respect, please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
E. The competent national authority(-ies) for the control of exports [Article 5(5)] (please specify below)		
Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands.		
F. The national control system allows appropriate information about an export authorization to be made available, upon request, to the importing State Party and/or to the transit or trans-shipment States Parties [Article 7(6)] (if 'No' please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		

4. IMPORTS

A. The national control system includes measures that allow the regulation, where necessary, of imports of conventional arms covered under Article 2(1). [Articles 6(1) to 6(3) and Article 8(2)] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Arms and Munitions Act (AMA). The AMA covers all different kind of munitions and systems to fire them. It covers all ATT related categories. http://wetten.overheid.nl/BWBR0008804/geldigheidsdatum_18-09-2015		
If 'Yes', please also answer the following question		
B. The competent national authority(-ies) for the regulation of imports [Article 5(5)] (please specify below)		
Ministry of Security and Justice of the Netherlands.		
C. The national control system allows for the provision, pursuant to national law and upon request, of appropriate and relevant information to assist an export assessment by a potential exporting State Party [Article 8(1)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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5. TRANSIT & TRANS-SHIPMENT

A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Yes. Depending on destination an individual license or notification is required. Legal text in General Customs Act: Algemene Douanewet (Adw) (stb. 2008, 111) http://wetten.overheid.nl/BWBR0023746/geldigheidsdatum_18-09-2015 and Strategic Goods Order 2012: Besluit Strategische Goederen (Str. 2011, 19960) http://wetten.overheid.nl/BWBR0024139/geldigheidsdatum_18-09-2015			
B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Yes. Depending on destination an individual license or open license is required. Legal text in General Customs Act: Algemene Douanewet (Adw) (stb. 2008, 111) http://wetten.overheid.nl/BWBR0023746/geldigheidsdatum_18-09-2015 and Strategic Goods Order 2012: Besluit Strategische Goederen (Str. 2011, 19960) http://wetten.overheid.nl/BWBR0024139/geldigheidsdatum_18-09-2015			
C. Control measures for the regulation of transit and/or trans-shipment cover : (If 'Yes' to (ii) or (iii), please indicate in the free text field how enforcement is conceived - systematic control or only when information is available?)	Yes	No	
i)	Transit / trans-shipment through land territory (including internal waters)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Transit / trans-shipment through territorial waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Transit / trans-shipment through national air space	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Only when information is available.

D. The competent national authority(-ies) for the regulation of transit and trans-shipment

[Article 5(5)]

(please specify below)

Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands.

6. BROKERING

A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under Article 2(1)

[Articles 6(1) to 6(3) and Article 10]

(if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)

Yes

No

Depending on type of goods and country of destination a license or (one time) notification is required.

Legal text in Strategic Services Act: Wet Strategische Diensten (stb. 2011,445)

http://wetten.overheid.nl/BWBR0030545/geldigheidsdatum_18-09-2015

and Implementation Measure for Strategic Services: Uitvoeringsregeling Strategische Diensten (Stcrt. 2011, 20510)

http://wetten.overheid.nl/BWBR0030629/geldigheidsdatum_21-10-2015

B. The definition of brokering used in national legislation

[Articles 6(1) to 6(3) and Article 10]

(please specify in particular if there are extraterritorial elements in the definition, for instance the activities of nationals resident abroad, or transfers that take place between two third countries)

The definition for brokering of military equipment is defined in article 1 of the Strategic Services Act ("Wet strategische diensten"). This act is also applicable on Dutch residents abroad (outside the Netherlands territory).

Article 1, brokering services military equipment:

a. the negotiation or arrangement of agreements with a view to the purchase, sale or supply military equipment which is not in the European part of the Netherlands and Bonaire, Sint Eustatius and Saba, and is not intended for import into the European part of Netherlands and Bonaire, Sint Eustatius and Saba;

b. to sell or buy military equipment to the benefit of one or more parties that is not located in the European part of the Netherlands and Bonaire, Sint Eustatius and Saba and is not intended for import into the European part of the Netherlands and Bonaire, Sint Eustatius and Saba;

C. The competent national authority(-ies) for the regulation of brokering

[Article 5(5)]

(please specify below)

Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands.

7. DIVERSION

A. Measures foreseen in the national control system to prevent the diversion of conventional arms covered by Article 2(1)

[Article 11(1)]

Yes

No

i)

assessing the risk of diversion of an export [Article 11(2)]
(if 'No', please provide background below)

-

ii)

cooperation and information exchange, where appropriate and feasible and pursuant to national law, with other States Parties [Article 11(3)]
(if 'No', please provide background below)

-			
B. The national control system includes appropriate measures to be taken, pursuant to national law and in accordance with international law, when a diversion of transferred conventional arms under Article 2(1) has been detected [Article 11(4)] (if 'No', please elaborate below)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
-			

8. RECORD KEEPING

A. The national control system includes provisions for maintaining records regarding: [Article 12(1)] (mandatory to retain records for one of the two options below)		Yes	No
i)	issued authorizations for the export of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	actual exports of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)] (if 'No' to both (i) and (ii), please elaborate below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-			
B. Records are kept for a minimum of 10 years [Article 12(4)] (if 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-			

9. REPORTING

A. The national control system allows for the provision of information as required by Article 13(3) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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10. ENFORCEMENT

A. Measures are in place that provide the ability to enforce of the national laws and regulations that implement the provisions of the Arms Trade Treaty [Article 14] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
B. National legislation allows the provision to another State Party of jointly agreed assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty [Article 15(5)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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11. INTERNATIONAL COOPERATION

A. Cooperation is possible with other States Parties of the Treaty with a view to its effective implementation, where such cooperation is consistent with national law and security interests [Article 15(1)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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12. INTERNATIONAL ASSISTANCE

A. National regulations and policy allow for the provision - upon request and if in a position to do so - of implementation assistance as set out in Article 16(1) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		

13. DISPUTE SETTLEMENT

A. National regulations and policy allow for consultations and, by mutual consent, cooperation in the settlement of disputes regarding the interpretation or application of the Treaty by at least one of the means outlined in Article 19(1) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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SECTION B.
INFORMATION RELATED TO NON-BINDING PROVISIONS IN THE TREATY

States Parties are obliged according to Article 13(1) to provide information on the measures listed below, to the extent that such measures have been undertaken to implement the Treaty. On a voluntary basis, more information may also be provided

1. NATIONAL CONTROL SYSTEM AND LIST

F. Arms for recreational, cultural, historical and sporting purposes are included in the national control list [Article 2(1)(h) & Preamble, 13th para]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If 'No', please provide further information below, for instance whether a separate set of controls are applied to these types of arms		
Yes, only very few exceptions have been made, mainly for historical arms. For more information see ML1 and ML2 on the Common Military List of the European Union. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN		
G. Additional categories not listed under Section A1.D are included in the national control list [Article 5(3)] (If 'Yes', please specify below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
H. Control list definitions are supplemented by more detailed definitions not in the control list itself [Article 5(3)] (If 'Yes', please provide further information below)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
-		
I. The national control list is publicly available [Article 5(4)] (if 'Yes', please provide information below as to how your control list is made publicly available - if available on the open internet please provide the hyperlink)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The national control list for military goods is the Common Military List of the European Union. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN		
J. Additional voluntary information about non-obligatory aspects of a national control system (please elaborate below - for instance regarding inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system or parts thereof)		
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2. PROHIBITIONS

D. Additional voluntary information relevant to prohibitions under Article 6 (please elaborate below)
-

3. EXPORTS

G. The national risk assessment procedure includes the consideration of risk mitigation measures that could be undertaken to mitigate identified risks [Article 7(2)] (if 'Yes' please elaborate below, including an indication of types of risk mitigation measures that are most often used)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes, these risk mitigation measures include: <ul style="list-style-type: none"> - End use certificate; - Signed contract; - Advice from own embassies, secret service or partners; 		

<p>- Additional license requirements like, a written report with proof that the equipment has been installed on the end user's location, installation of equipment by the exporter, etc.</p>		
<p>H. The national control system allows exports of controlled equipment without a licence or under simplified procedure under certain circumstances [for instance temporary exports or exports to trusted partners] (if 'Yes' please provide further information below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Yes, for certain goods and/or countries simplified procedures exist. When the receiving party is an ally (EU member state, NATO members, Switzerland, Australia, Japan or New-Zealand), this risk assessment is done annually and not on a case-by-case basis.</p> <p>No license is required for export to the Netherlands armed forces, the BENELUX (Belgian and Luxembourg) and to NATO partners if they are the legal owners of the goods.</p>		
<p>I. The national risk assessment procedure includes other criteria <u>not</u> mentioned in the articles cited in 3.D above (if 'Yes' please specify below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Yes, the assessment criteria are based on the 8 criteria from the EU common position 944/2008 (defining common rules governing the control of exports of military technology and equipment) which incorporate the obligations under article 6 of the ATTT as well as other criteria: regional stability, international obligations, safety of allies, risk of diversion (of goods to unintended parties), social and economic capacity of the receiving country.</p> <p>The 8 criteria from the EU Common Position 2008 (428/2009) can be found in the document below: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008E0944&rid=1</p>		
<p>J. Measures to exercise control over exports are applicable also to other categories of conventional arms than those covered in Articles 2(1), 3 and 4 [Article 5(3)] (if 'Yes', please elaborate below)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Netherlands export control system is based on the Common Military List of the European Union, which includes all categories of conventional arms covered under Article 2 (1) , 3 and 4 of the ATT as well as additional categories. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN</p>		
<p>K. An export authorization can be reassessed if new relevant information becomes available [Art 7(7)] (if 'Yes', please provide further information below. Are there also legal provisions for suspension or withdrawal of a license?)</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Yes, based upon Strategic Goods Order 2012 this is possible. However there needs to be substantial information in order to be able to revoke an active license.</p> <p>Strategic Goods Order 2012: Besluit Strategische Goederen (Str. 2011, 19960) http://wetten.overheid.nl/BWBR0024139/geldigheidsdatum_18-09-2015</p>		
<p>L. Information / documentation included in an application for an export authorization (please specify below)</p>		
<p>- Contract between exporter and importer; - End Use certificate; - Other information that is requested by Netherlands authorities to be able to analyze the license request.</p>		
<p>M. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization [Article 5(5)] (please specify below)</p>		
<p>- Ministry of Defense of the Kingdom of the Netherlands; - Ministry of Finance of the Netherlands; - Ministry of Economic Affairs of the Netherlands; - Ministry of Security and Justice of the Netherlands; - Chamber of Commerce; - Secret Service; - Customs authorities.</p>		

N. The national control system allows a State of final destination to request information concerning pending or actual export authorizations pertaining to it [Article 8(3)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
O. Additional voluntary information relevant to national export controls (please specify below - for instance on the control of re-exports.)		
The Netherlands Government has published an User Guide on Strategic Goods and Services. This (non legal) document has been established to inform persons and companies about the Dutch export control legislation. In Dutch: https://www.rijksoverheid.nl/documenten/rapporten/2006/10/23/handboek-strategische-goederen In English: https://www.government.nl/topics/export-controls-of-strategic-goods/documents/directives/2012/04/12/user-guide-on-strategic-goods-and-services		

4. IMPORTS

D. Imports of conventional arms subject to control are under specific circumstances permitted without regulation or under simplified procedure (if 'Yes' please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The national armed forces and police are exempted if it is for their own use.		
E. Measures to regulate imports are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes, the Arms and Munitions Act (AMA) basically covers all kind of munitions and systems to fire them.		
F. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an import authorization (when such an authorization is required) [Article 5(5)] (please specify below)		
The Import regulation is under the responsibility of the Ministry of Finance (Customs). When needed they consult with Ministry of Foreign Affairs of the Kingdom of the Netherlands, Ministry of Defense of the Kingdom of the Netherlands or other involved stakeholders.		
G. Information / documentation required for an import authorization (please specify below)		
<ul style="list-style-type: none"> - Personal details of the sending and receiving parties (including passport and fiscal details). Information of the companies involved. Information whether the receiving party is authorized to receive firearms. - Country of origin and destination country. - Information about the weapons that will be received (number, make etc.). - Information about the way the weapons are sent. 		
H. Additional voluntary information relevant to national import controls (please specify below)		
-		

5. TRANSIT & TRANS-SHIPMENT

E. Transit / trans-shipment of controlled equipment is permitted without regulation or under simplified procedure under certain circumstances (for instance in a free trade area) (if 'Yes' please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> - A license is always required when unloading and loading of the goods takes place (trans-shipment). - A license is also required when <ul style="list-style-type: none"> o no unloading and loading of the goods takes place, o the transport means is by air of by water and 		

<ul style="list-style-type: none"> o the shipment is <u>not</u> to or from an ally (EU member state, NATO member, Australia, New Zealand Japan or Switzerland (transit). <ul style="list-style-type: none"> - A notification (not a license) is required when <ul style="list-style-type: none"> o no unloading and loading of the goods takes place, o the transport means is by air or by water and o the shipment is to or from an ally (EU member state, NATO member, Australia, Japan, New Zealand or Switzerland (transit). 		
F. National control of transit and/or trans-shipment goes beyond the fulfillment of obligations under Article 6 of the Treaty (if 'Yes', please specify the additional scope of control and indicate whether the additional control applies to all items in the national control list)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Yes, the assessment criteria are based on the 8 criteria from the EU common position 944/2008 (defining common rules governing the control of exports of military technology and equipment) which incorporate the obligations under article 6 of the ATTT as well as other criteria: regional stability, international obligations, safety of allies, risk of diversion (of goods to unintended parties), social and economic capacity of the receiving country.</p> <p>The 8 criteria from the EU Common Position 2008 (428/2009) can be found in the document below: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008E0944&rid=1</p>		
G. Measures to regulate transit and/or trans-shipment are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Netherlands export control system is based on the Common Military List of the European Union, which includes all categories of conventional arms covered under Article 2 (1) , 3 and 4 of the ATT as well as additional categories. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN</p>		
H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required) [Article 5(5)] (please specify below)		
<ul style="list-style-type: none"> - Ministry of Defense of the Kingdom of the Netherlands; - Ministry of Economic Affairs of the Netherlands; - Chamber of Commerce; - Secret services; - Several customs' organizations; - Fiscal Intelligence and Investigation Bureau. 		
I. Information / documentation required in an application for a transit / trans-shipment authorization (please specify below)		
<ul style="list-style-type: none"> - Personal details exporting company (person); - Personal details involved companies or persons (including end user); - Type of license request: individual license or general license; - Details involved good(s); - End use details; - Details transaction(s); - Details end use(s) and end user(s); - Details previously granted licenses. <p>Below you will find the document link for a (Dutch) export or transit/transshipment license request: http://download.belastingdienst.nl/douane/docs/aanvraag_vergunning_uit_doorvoer_strategische_goederen_iud0291z4_folre.pdf</p>		
J. Additional voluntary information relevant to national transit / trans-shipment controls (please specify below)		
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6. BROKERING

D. National brokering controls contain exemptions (for instance for national	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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armed forces or defence industry) [Articles 6 & 10] (if 'Yes', please provide further information below)		
<p>Yes, for certain goods and/or countries simplified procedures exist. When the receiving party is an ally (EU member state, NATO members, Switzerland, Australia, Japan or New-Zealand), this risk assessment is done annually and not on a case-by-case basis.</p> <p>No license is required for export to the Netherlands armed forces, the BENELUX (Belgian and Luxembourg) and to NATO partners if they are the legal owners of the goods.</p>		
E. National brokering controls go beyond the fulfillment of obligations under Article 6 of the Treaty (for instance regulating brokering in other situations) (if 'Yes', please specify the additional scope of control)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Yes, the assessment criteria are based on the 8 criteria from the EU common position 944/2008 (defining common rules governing the control of exports of military technology and equipment) which incorporate the obligations under article 6 of the ATTT as well as other criteria: regional stability, international obligations, safety of allies, risk of diversion (of goods to unintended parties), social and economic capacity of the receiving country.</p> <p>The 8 criteria from the EU Common Position 2008 (428/2009) can be found in the document below: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008E0944&rid=1</p>		
F. Measures to regulate brokering are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The Netherlands export control system is based on the Common Military List of the European Union, which includes all categories of conventional arms covered under Article 2 (1) , 3 and 4 of the ATT as well as additional categories.</p> <p>http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN</p>		
G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering [Article 5(5)] (please specify below)		
<ul style="list-style-type: none"> - Ministry of Defense of the Kingdom of the Netherlands; - Ministry of Economic Affairs of the Netherlands; - Chamber of Commerce; - Secret services; - Several customs' organizations; - Fiscal Intelligence and Investigation Bureau. 		
H. Information / documentation required in an application related to brokering (please elaborate below)		
<ul style="list-style-type: none"> - Personal details broker; - Personal details involved companies or persons; - Type of license request: individual license or general license; - Details involved good(s); - Details transaction(s); - Details end use(s) and end user(s); - Details previously granted licenses. <p>Below you will find the link of the (Dutch) form for a brokering license request: http://download.belastingdienst.nl/douane/docs/aanvraag_vergunning_tussenhandel_iud0341z3folre.pdf</p>		
I. Additional voluntary information relevant to national brokering controls (please specify below)		
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7. DIVERSION

C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1)	Yes	No
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[Article 11(1)] :			
iii)	establishment of mitigation measures [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	provision, upon request, of end use / end user documentation to the exporting State [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	requirement for end use / end user assurances from an importing State (or industry) [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	examination, where appropriate, of parties involved in a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	requirement, where appropriate, for additional documentation, certificates, assurances for a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ix)	exchange of relevant information with other States Parties on effective measures to address diversion, as well as on illicit activities and actors [Articles 11(5) & 15(4)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	reporting through the Secretariat to other States Parties on measures taken to address diversion of transferred conventional arms covered under Article 2(1) [Articles 11(6) & 13(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
xi)	other measures [Article 11(1)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Companies are obliged to add the contract and an end user statement to the request for a permit.			
D. Measures included in the national control system, to be taken when a diversion of transferred conventional arms has been detected [Article 11(4)]		Yes	No
i)	alerting potentially affected States Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	investigative and law enforcement measures at the national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	using international tracing mechanisms to identify points of diversion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	other measures (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
As a member of the Wassenaar Agreement and as an EU member state, we exchange information with other members, including on (risks of) diversion.			
E. Measures taken to prevent or address diversion are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Netherlands export control system is based on the Common Military List of the European Union, which includes all categories of conventional arms covered under Article 2 (1) , 3 and 4 of the ATT as well as additional categories. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN			
F. Additional voluntary information relevant to the prevention of diversion of conventional arms (please specify below - for instance regarding measures in place to avoid diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty)			
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8. RECORD KEEPING

C. The national control system includes provisions for maintaining records regarding :		Yes	No
i)	imports of conventional arms covered under Article 2(1) of the Treaty into national territory as final destination [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) of the Treaty [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iii)	authorizations related to the conduct of brokering activities included in the scope of the national control system (for instance relating to a register of brokers) [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Records cover other categories of conventional arms than those specified in Article 2(1) (if 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The Netherlands export control system is based on the Common Military List of the European Union, which includes all categories of conventional arms covered under Article 2 (1) , 3 and 4 of the ATT as well as additional categories. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0421(05)&from=EN			
E. Additional voluntary information relevant to national record keeping (please specify below - for instance types of information preserved in national records for exports and imports respectively)			
<ul style="list-style-type: none"> - Information about end-use; - Relevant information about decision process; - Decision information (whether or not the license has been granted). 			

9. REPORTING

B. Additional voluntary information relevant to national reporting (please specify below, for instance if national reports are publicly available - if available on the open internet please provide the relevant hyperlink)
The Netherlands has a yearly publication of the export of military equipment within that year. These reports are publically available on the government's website. https://www.rijksoverheid.nl/onderwerpen/exportcontrole-strategische-goederen/inhoud/rapportages-dual-use-en-militaire-goederen/rapportages-strategische-goederen

10. ENFORCEMENT

C. National measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms covered under Article 2(1) of the Treaty becoming subject to corrupt practices [Article 15(6)] (please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> - Licensing enforcement team audits regularly relevant companies; - Border control by Customs; - Outreach to relevant companies and organizations. 		
D. Additional voluntary information relevant to national enforcement (please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)		
All offences related to export control legislation are criminalized by the Economic Offences Act. Economic Offences Act: Wet op de Economische Delicten (Stb. 1950, 258) http://wetten.overheid.nl/BWBR0002063/geldigheidsdatum_21-10-2015		

11. INTERNATIONAL COOPERATION

B. Additional voluntary information relevant to participation in international cooperation (please elaborate below - for instance in terms of the measures suggested in Article 15, or in terms of participation in international or regional cooperation in the transfer control area)
The Netherlands cooperates in the transfer control area mainly via the Wassenaar Arrangement and the EU.

12. INTERNATIONAL ASSISTANCE

B. National regulations and policy allow the provision of financial resources to the voluntary trust fund established under Article 16(3) of the Treaty (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
C. Additional voluntary information relevant to the provision- or receipt of implementation assistance (please specify below - for instance regarding assistance provision capacities or assistance needs,)		
The Netherlands delivers assistance via relevant EU programs and Netherlands sponsorships of certain NGO's.		

13. DISPUTE SETTLEMENT

B. National regulations and policy allow for the settlement of disputes concerning the interpretation or application of the Treaty through recourse by mutual consent to arbitration as outlined in Article 19(2) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-		
C. Additional voluntary information relevant to dispute settlement under the terms of the Treaty (please specify below)		
-		