

Belgium wants to provide some comments and suggestions on the document “Elements of a process for assessing the risk of diversion” that was drafted by the facilitator of the WGETI sub-group on Article 11.

First, we are generally satisfied with the structure of the document and the pertinent, to-the-point elements that are included and are therefore generally ready to accept it. In that regard, the same approach as to the previous guidance might be appropriate, namely to welcome this document as a living document of a voluntary nature to be reviewed and updated regularly by the WGETI, as appropriate, and posted on the ATT website. It would also be useful, in that respect, to explicitly emphasize in the document itself that it is a living document of a voluntary nature.

Second, we very much appreciate the concrete and practical guidance that the document provides in points 5 and 6 on information sources and risk indicators. In that regard, as an EU Member State, we simply want to recall the detailed guidance on the application of the diversion criteria in the EU Common Position as well as the ATT in the User’s Guide to the Common Position (page 122 tot 140). This guidance includes a comprehensive overview of information sources and risk indicators that could inspire further elaboration of points 5 and 6 of the document.

In addition to these more general remarks, we want to make the following few small points about the actual text of the document:

- In point 2 and 3, it might be useful to just talk about an “application” and not an application form” as “form” generally implies a paper document, which is no longer the standard practice in many States.
- In the first sentence of point 4, the phrase “when deemed necessary” should be included, because the need for authentication often varies according to the type of documentation, the destination, the end-user, etc. The sentence could read as follows: “ *In order to prevent the use of forged or fraudulent documents being used to facilitate diversion, when deemed necessary, ATT States Parties should authenticate the required documentation submitted as part of an application for an export authorization.*”.
- In the last sentence of the introductory paragraph of point 5, a phrase like “at least”, “inter alia” or “among others” should be included. All the elements that are listed there are very useful, but there are also others, so the list in the document should not be understood as an exhaustive list.