

## Bucharest International Export Control Conference Turkey's Contribution

Turkey has been implementing export controls over sensitive items since the establishment of the Coordinating Committee for Multilateral Export Controls (CoCom) and was one of the founding members of the Wassenaar Arrangement, the successor regime of the CoCom, in 1996. Since then, Turkey has become party to Missile Technology Control Regime, Australia Group, Nuclear Suppliers' Group, Zangger Committee and Chemical Weapons Convention. The control lists endorsed by these agreements and arrangements are subject to export authorization process under Turkish export control system.

However, being conscious of the fact that the techniques employed by the proliferators constantly evolve into more sophisticated forms, Turkey carries out regular overhauls of its export control system. In this context, Turkey has put into two new pieces of legislation so as to strengthen existing rules and procedures of control.

### 1) The Entry of Dual Use Goods to Turkish Free Zones

Turkish export control legislation in force, which is very much in line with the EC Regulation (EC 1334/2000) in this respect, does not apply to goods that are not assigned to customs-approved treatment. In other words, free zones and goods subject to transit trade are not within the scope of export controls.

Though the exclusion of free zones from the scope of export controls has justifiable grounds, still it stands as a potential loophole within the system. Therefore, a proportionate measure was needed to assure that the flow of trade would not be affected, while the transfer of sensitive materials to and from free zones could be controlled.

In this respect, a new piece of circular was drafted enabling the exporter country to ask for a government guarantee for the sensitive materials transferred to the Turkish free zones. The aforementioned circular, which entered into force in 25<sup>th</sup> November 2005, stipulates that upon the request of the exporter country, the importer company located within one of the free zones shall apply to the Undersecretariat of Foreign Trade (UFT) and undertake to bring the items in question to the free zone and not to divert those to another destination or to Turkey. The importer company can only bring those dual use items to the free zones located in Turkey if the UFT approves the transfer. The goods, which are transferred to the free zones in accordance with the abovementioned procedure, can only be released from the free zones with the permission of the UFT. In other words, the transfer of goods from Turkish free zones can be subject to export controls, provided that the country of origin has asked for it before the goods are transferred to the free zones.

### 2) Registration of "End-Use Certificates"

Turkey has recently introduced a new safeguard mechanism with regard to the "End-Use Certificates". In 19<sup>th</sup> January 2007, a new Communiqué has entered into force stipulating that the end-use certificates prepared and signed by the Turkish importer firms need to be registered by the UFT. Through the registration procedure, the importer firm will have to submit information

with regard to its tax registry number, the goods to be imported, the exporter company and the exporter country; together with the notarized copy of the list of authorized signatures. The end-use certificates, which have been registered, will have the valid official seals and stamps on them. It is believed that the aforementioned system will provide the traceability of the end-use certificates issued by the Turkish importers.

The valid seal and stamp forms will be distributed shortly through regime secretariats.