

TURKEY'S POLICY, PRACTICES AND PROCEDURES FOR
THE EXPORT OF CONVENTIONAL ARMS
AND RELATED TECHNOLOGY

1. Basic principles, policies and/or national practices on the export of conventional arms and related technology.

The export and related trade activities concerning conventional arms and related technology are regulated in strict compliance with internationally accepted norms and standards. Turkey's policy on arms exports is to serve the international norms set forth by the United Nations and other international organizations as well as by a number of international treaties and regimes.

In addition, given her sensitive geostrategic location, Turkey fully supports all efforts aimed at promoting regional as well as global peace and stability. Consequently, Turkey's commitments and policies in this regard pay utmost attention to ensure that the regulations and principles to which it adheres are fully implemented.

Taking into consideration the multiplicity of actual and potential conflicts that characterize her geographical surrounding, Turkey urges all responsible countries to display the same sensitivity and restraint in this respect.

2. National legislation governing the export of conventional arms and related technology.

The Law no 5201 on "Control of Industrial Enterprises Producing Vehicles and Equipment of War and Arms, Ammunition and Explosive Material" which has been ratified by the Turkish Grand National Assembly on 29 June 2004 and Regulation thereof dated 6 May 2007 constitutes the legal framework on the export of conventional arms and related technology.

According to the Law, applications for such exports are made to the Ministry of National Defence. The transfer of any defence related goods and technology abroad is strictly supervised and controlled by the Ministry of National Defence, the Turkish General Staff, the Ministry of Foreign Affairs, the Ministry of Economy and the Ministry of Customs and Trade.

3. International agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which Turkey is a party.

Turkey keenly supports the UN Conventional Arms Register process, fulfills its reporting responsibilities in a timely manner and comprehensively and continues to give active support to expanding the Register.

Turkey fully adheres to the UN resolutions entailing the imposition of arms embargoes.

Turkey is also a party to the export control mechanism under Wassenaar Arrangement.

Additionally Turkey actively contributed to negotiation process of the Arms Trade Treaty that sets common standards at the highest possible level to regulate the exports, imports and transfers of conventional arms. Turkey has, on 2 July 2013, signed the Treaty, which is currently undergoing national ratification procedures.

4. Procedures for processing an applications to export conventional arms and related technology:

-Who is the issuing authority?

-What other authorities are involved and what is their function?

-Who deals with compliance?

The export of all weapons and ammunition of war are controlled by virtue of a two-tier mechanism that involves separate processes of

- licensing by the Ministry of National Defence and
- registration by the Ministry of Economy.

The first tier is regulated under the law no. 5201 dated 29 June 2004 on "Control of Industrial Enterprises Producing Vehicles and Equipment of War and Arms, Ammunition and Explosive Material". This Law requires licenses to be obtained from the Ministry of National Defence for the export of all weapons and ammunitions, except sporting and hunting rifles. The provisions of the said Law are fleshed out by means of a Control List issued each year by the Ministry of National Defence. The Control List contains, inter alia, references to export control agreements and arrangements to which Turkey adheres.

The second tier is that the Ministry of Economy through Exporters' Unions is responsible for registering all export applications. If any defence item, which is included in the list published by the Ministry of National Defence is discovered by the Exporters' Unions, in the course of registration process, applications are directed to the Ministry of National Defence to obtain export licence.

5. Lists of conventional weaponry under national export controls and the basis for their control.

In line with Article 4 of Law no. 5201, a control List covering all defence items whose export is subject to the permission of the Ministry of National Defence, is published every year in the Official Gazette. The Main categories of the List are barrelled weapons, tactical vehicles, military explosives and pyrotechnical material, rocket launchers, rockets and missiles, nuclear, chemical and biological weapons, combat aircraft and helicopters and other aerial vehicles, surface and sub-surface warships, military command, control, communication and information systems, military air and space systems, military reconnaissance, observation and verification sensors, other military equipment and devices including MTCR related items as well as equipment and technologies in Wassenaar Arrangement Munition List. The current Control List has been published in the Official Gazette on 23 March 2017.

6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete erga omnes system or a published list of

-Destinations of concern?

-Embargoed countries?

-Differentiation between destinations (e.g., is there any preferential treatment of (group of) countries?

Export permissions are provided on a "case-by-case" basis, taking into account the UN-imposed restrictions and embargoes, export control regimes which Turkey is a party and possible implications on regional or global security and stability. All applications for arms exports must be accompanied by end-user certificates issued by appropriate authorities in the recipient states.

7. Requirements for the provision of an end-user certificate in an export licence application, or of non-re-exportation clauses, or of any other type of certification clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-exportation clauses before and after delivery.

Provision of an end-user certificate issued by the competent authorities of the importing state is a critical requirement in the consideration of conventional arms export licences. Due judgement is applied, in light of the past record of the state concerned, on the validity and reliability of the end-user certificates.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

None

9. The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?

Although it is not obligatory, companies are urged to seek consent from the relevant authorities prior to initiating talks with foreign companies or governments with whom they intend to start transactions. On the other hand, the written consent and approval of the appropriate authorities is a pre-requisite in the event of a contract for export.

10. Policy on the revocation of export licences once they have been approved; please list any published regulations.

According to Law no. 5201, upon the decision of the Council of Ministers, an export licence could be subsequently revoked. All damages incurred by the exporter emanating from such a decision of revocation are indemnified by the Treasury upon the decision of the Council of Ministers.

11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.

In the event of malpractice in the export process of a particular item whose authorization has been granted, the export licence of the party in question becomes subject to revocation in accordance with the outcome of the investigation. Furthermore, penal mechanisms are initiated through the notification of the national legal authorities.

12. Any circumstances in which the export of arms does not require an export licence.

None

13. Licences for temporary export (e.g. demonstrations or testing), the period allowed and any special conditions attached to the licence, including verification of return procedures.

In case the need arises for the temporary export of a particular defence item, a temporary licence for up to 6 months duration may be issued by the Ministry of National Defence. A detailed assessment of the application would nevertheless be made, in order to determine whether the temporary export application in question is justifiable under existing conditions. The Ministry of Customs and Trade is the authority tasked with the following up the temporary export case. If the temporarily exported items are not returned, relevant provisions of the customs legislation are applied.

14. Licence documents and any standard conditions attached to it (copies to be provided).

Applications are made in writing to the Ministry of National Defence Technical Services Department, detailing the specifications of the product and the transaction. Name of the recipient country, name and address of the recipient person and the company, production and quality documents, type, quantity and prices of the products, export contract, information on the production and the source of the said information as well as end-user certificates are required during applications for export permissions.

15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for.

There are only "export" and "temporary export" licences which are already explained above.

16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.

Turkish defence industry firms work closely and cooperate with the authorities with regard to the defence items intended for export. In this respect, the Ministry of National Defence is the main advisory body. Furthermore, the Ministry of National Defence and its subsidiaries such as the Undersecretariat for Defence Industries, advise defence industry contractors and exporters. Any relevant information or advice can be obtained by direct contact or phone or through internet at www.msb.gov.tr.

17. The average number of export licences issued annually and the staff engaged in the export licensing procedure.

The number of export licences issued in 2016 is 861. Export licensing as an interagency and coordinated action requires the involvement of numerous staffs.

18. Any other relevant information pertaining to the export of conventional arms and related technology, e.g. additional laws, reports to Parliament, special procedures for certain goods.

None

19. Are all guidelines governing conventional arms transfers nationally published?

All national legislation, regulations, official decrees and control lists are being made public through publication in the Official Gazette.