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State of Israel

Ministry of Defense

August 2, 2018

Approval and coordination of transport of goods into the Gaza Strip

General:

1. As part of Israel's civilian policy vis-à-vis the Gaza Strip, the transport of all goods not otherwise restricted in legislation or under the protocols of the relevant authorities is generally permitted. Goods whose entrance into Gaza is restricted as aforesaid require individual permits from the relevant authorities for the purpose of transport into Gaza.
2. However, any transport of goods into Gaza is made possible subject to the capacity of the commercial crossings into the Gaza Strip and to individual coordination of transfer of goods into the Gaza Strip.
3. For clarification, this procedure does not address the following fields:
 1. Approvals for projects in the Gaza Strip (which include the transport of goods).
 2. Work vis-à-vis international organizations within these fields.
 3. Transport of goods under the Gaza Reconstruction Mechanism.
 4. Issuance of permits or coordination for transport of goods under the purview of the Defense Export Department (as detailed below).

Purpose: The purpose of this protocol is to explain and detail the process of transporting goods from Israel to the Gaza Strip according to individual applications, from the application submission stage through to the actual transport of goods to the Gaza Strip.

Classification of goods requiring individual permits for transport into the Gaza Strip:

1. Section 20 of the Defense Export Control Law 5667-2007 (hereinafter: "Control Law") stipulates that the transport of controlled dual-use items into the Gaza Strip requires individual permits.

Controlled dual-use items are items listed in the Defense Export Control Order (Controlled Dual-Use Goods Transferred to Areas under Palestinian Civilian Control 5769-2008 (hereinafter: "Control Order")). It is further noted that in addition to the Control Order, two additional orders list arms and missiles that are prohibited for transport to the Gaza Strip and the West Bank without authorization from the Defense Export Department (Defense Export Control Order (Arms) 5768-2008; Defense Export Control Order (Missiles) 5768-2008). These orders are under the purview of the Defense Export Department (hereinafter: "the additional orders").
2. In addition thereto, the Coordination of Government Activities in the Territories (COGAT) is vested with the power to issue directives determining that certain items not listed in the Control Order require individual permits in order to be transported into the Gaza Strip. COGAT is authorized to do so in its capacity to implement civilian policy vis-à-vis the Gaza Strip and pursuant to Security Cabinet Resolution B/44 from June 20, 2010 (hereinafter: "COGAT directives"). Inasmuch as said authority is exercised, COGAT directives, which may change periodically, will be posted on COGAT's website.
3. All goods listed in the Control Order or in COGAT directives are controlled dual-use items which require individual permits for transport into the Gaza Strip. No other goods, so long as they are not listed in the additional orders, require an individual permit in advance.
4. Emphasis:

1. An application for approval to transport goods must be submitted in cases where the goods are suspected as potentially falling under the definitions set forth in the Control Order or COGAT directives (for instance, composite electronic devices) and in cases in which the goods in question contain materials that meet the definitions stipulated in the Control Order or COGAT directives.
2. Chemical agents are inherently suspect given their nature and complexity. Therefore, an application for approval to transport chemical agents must be submitted regardless.
3. Passage of all goods related to transportation requires advance approval after an examination by the Office of the Transportation Coordinator.

Parties empowered to approve transport of dual-use goods:

5. Under the Control Law, the relevant authority with respect to granting permits to transport goods into the Gaza Strip is any party designated by the director general of the Ministry of Defense or the Head of the Defense Export Department.
6. According to the delegation of power by law (published in Official Gazette No. 7533 on Thursday, June 29, 2017, p. 7116), the following are officials authorized to approve the transport of dual-use goods listed in the Control Order into the Gaza Strip:
 1. Head of the Gaza CLA, Head of COGAT Operations and Head of the Gaza CLA Economic Division - all goods listed in the Control Order.
 2. Environment Staff Officer - goods 1 to 25, and 55 in the first addendum, goods 1 to 3, 5, 10 to 17, 29, 30, 43, 54 to 59 and 62 in the second addendum.
 3. Communications Staff Officer - goods 27 to 29 and 55 in the first addendum, goods 35, 50 and 52 in the second addendum.
 4. Commerce and Industry Coordinator at the Gaza CLA - goods 26 and 30 to 56 in the first addendum, goods 5 to 9, 17 to 33, 36 to 49, 51 and 61 in the second addendum.

7. Goods listed in the COGAT directives will be approved by the Head of the Gaza CLA or any party on his behalf as set forth in the directives.
8. The power to hear an appeal against a decision to deny a request to transport goods is vested with the COGAT and the Head of the Civilian Department (Official Gazette No. 7545, July 17, 2017, p. 7634). For a detailed explanation of the appeal process - see below, in a section of the procedure on this issue.
9. To clarify, the professional officials authorized to approve the transport of dual-use goods are the officials authorized to determine whether or not specific goods meet the criteria listed in a specific item in the Control Order or in the COGAT directives.

Submission of applications for a permit to transport dual-use goods:

10. The manner in which applications for the transport of dual-use goods into the Gaza Strip should be filed to the professional officials entrusted with coordinating and reviewing applications is listed below. Of course, each application must include all details required for its review.
11. Communications equipment: Any communications equipment, communication-support equipment or equipment containing communications-related functions (computers, electronics, electricity), equipment that may cause interference with communications networks when operated, and items for communications infrastructure (see items 27 to 29 in the first addendum to the Control Order), including optical equipment and types of cameras (item 35 in the second addendum to the Control Order), UPS components (item 50 in the second addendum to the Control Order), and various types of detectors (see also item 52 in the second addendum to the Control Order) – should be submitted to the Office of the Communications Staff Officer at the Judea and Samaria Civil Administration.

Directions for submitting applications:

1. In cases where the party making the order is located in the Gaza Strip and is importing the goods - the application will be filed using a designated electronic

form in the License Status and Importer Permits System. To clarify, the party receiving the goods in the Gaza Strip must be named explicitly.

2. Applications for transport of goods from Israel or Judea and Samaria to the Gaza Strip are to be submitted by the supplier of the goods, using the link:
https://www.gov.il/he/service/request_transfer_pa_wireless
 3. Inquiries about the status of an application may be directed by email to:
kamatt@moc.gov.il, or by phone: 02-9977777/8.
12. Application for approval for materials (such as raw materials, paint, materials for the plastics industry, glues, synthetic resins, fertilizers, etc.) will be submitted to the Office of the Environment Staff Officer at the Judea and Samaria Civil Administration.
- Directions for submitting applications:
1. Applications will be filed by the supplier transporting the goods into the Gaza Strip.
 2. Where the party making the order is located in the Gaza Strip and is importing the goods – the application will be filed by a customs broker.
 3. All applications must name the party receiving the goods in the Gaza Strip.
 4. Applications will be submitted to the Office of the Environment Staff Officer by email - samirh@sviva.gov.il. Delivery must be confirmed at tel. no. 02-9977082.
 5. Applications will be submitted using the forms attached hereto as Annex A. All required documents as specified in these forms must be attached, and all required details must be provided.
13. Vehicles and vehicle parts: All applications for the transport of vehicles and vehicle parts (regardless of whether or not they are dual-use goods) must be submitted to the Office of the Transportation Coordinator at the Gaza CLA.

Directions for submitting applications:

1. All applications will be submitted by a dealer/importer licensed for vehicle commerce in the Gaza Strip by the Palestinian Authority's Ministry of Transportation.
 2. Applications will include itemization of requested goods, complete information of the dealer/importer in the Gaza Strip and of the party supplying the goods (detailed receipts with seller's complete information).
 3. Applications will include accurate specifications for vehicles designated for transport into the Gaza Strip, enclosing the original vehicle license and confirmation from the Palestinian Authority's Ministry of Transportation.
 4. Inquiries regarding application status can be made directly to the Office of the Transportation Coordinator at tel. no. 08-6741495; fax no. 08-6717896.
14. Applications for transport into the Gaza Strip of any goods constituting dual-use goods (or goods suspected as potential dual-use goods) that are not included in the above definitions will be submitted to the Dual-Use Assessment Desk at the Gaza CLA.

Directions for submitting applications:

1. All applications will be filed to the Dual-Use Assessment Desk at the Gaza CLA by the ordering party in the Gaza Strip via the Palestinian Civil Affairs Committee in the Gaza Strip and the relevant infrastructure bodies.
2. Applications will include the complete information of the ordering party in the Gaza Strip and the party supplying the goods (name + ID no., company name, company no., contact number).
3. Applications will include accurate specifications of the controlled goods requested for transport into the Gaza Strip, enclosing a Palestinian Authority form, original supplier account + Bill of Entry and Packing List (if originating abroad), original catalog, cover letter from applicant regarding use and

designation of the requested equipment. Additional documents may be required as relevant to the application.

4. Inquiries regarding application status can be made directly to the Dual-Use Assessment Desk at the Gaza CLA at telephone no. **08-6741476**.
15. It is clarified that the authorized officials reserve the right to update the forms referred to in this protocol at any time, while acting to publish the update as part of this procedure. To remove doubt, we clarify that any updates to the forms will take effect immediately, regardless of their publication as part of this procedure, or any other publication.

General provisions on application processing times:

16. The Defense Export Control Regulations (Licenses) 5768-2008 set forth that applications will be answered within 45 days of submission.
17. The professional officials entrusted with processing applications may request any additional information required to make a decision on the application. The 45-day processing period will restart on the day the requested information is received.
18. Should supplementary security screening be required prior to issuance of a final decision on the application be required (for the security clearance process - see below), the official handling the application will issue a summons for questioning within 14 business days after the decision is made, via the channels used to file the application. The 45-day processing time shall restart on the day the required questioning takes place. Should the party summoned fail to appear on two agreed dates - the application will be closed, and processing will be discontinued. It is also clarified that inasmuch as the party summoned for questioning has filed or will file additional applications for permits to transport dual-use goods, such applications will not be processed until the party appears for questioning. The processing of all applications filed by the party summoned for questioning is subject to their appearance for questioning, as required.

Application processing – approvals:

19. As a rule, applications for the transport of goods which turn out not to be dual-use following the review of the documents submitted, (i.e., goods that do not match one of the items in the Control Order or COGAT directives) - will be approved for transport into the Gaza Strip subject to coordination as detailed below.
20. Goods which, according to the information supplied with the application, are dual-use, will be examined by the professional officials entrusted with processing the application (i.e., the officials to whom the application was submitted), together with professional officials and commanders from the Gaza CLA, COGAT and security officials, as needed.
21. Criteria guiding the review of applications: Section 8 of the Control Law sets forth guiding criteria that the authorized official may take into account when approving an application:

The relevant authority may refuse to grant a permit subject to this section, or stipulate conditions for granting such a permit according to the following considerations, *inter alia*:

The applicant's criminal record;

Breach of any of the provisions of said law or a condition in a permit granted pursuant to this section or breach of any legal provision or permit condition preceding the commencement of this law and relating to actions regulated by this law on the part of the applicant;

Failure to comply with rules stipulated by the minister in regulations;

Where the applicant is a corporation - any of the considerations enumerated in subsections (1) to (3) with respect to the party with a controlling share, a stakeholder or person holding a position in the corporation. For the matter at hand, "stakeholder" and "person holding a position" are as defined in the Corporation Law 5759-1999;

End user compliance with assurances given under Section 6(b);

Considerations related to the type of security equipment, security information or security service with respect to which the permit is requested;

Considerations related to the end user or end usage;

22. The aforesaid notwithstanding, it is noted that one of the considerations employed in the review of applications for the transport of dual-use goods is the level of security threat posed by the transport of the dual-use goods into the Gaza Strip, as indicated, *inter alia*, by the nature of the material, the receiving party, the transporting party and other parties in the transport “chain.”

Notice of approval or denial to the applicant:

23. The decision to approve/deny an application for the transport of goods requiring approval to the Gaza Strip will be provided to the applicant using the same channel by which the application was received (i.e., directly or via the Palestinian Civil Affairs Committee, as detailed above in the section on submission of applications). All decisions will be provided in writing.
24. Note that receipt of a permit to transport dual-use goods provides no exemption from the requirement to make individual arrangements for the transport of the goods.
25. Decisions to deny an application will be provided in writing, detailing (inasmuch as possible considering security) the reason for the denial.
26. The applicant may file an application for reconsideration of the denial using the same channels used to submit the original application. An application for reconsideration will provide further reasons, not included in the original application, which are relevant to the application and the applicant believes differ from the application. To clarify, an application that fails to present reasons justifying reconsideration will not be considered on its merits.
27. An application for reconsideration will be reviewed following the same process applied in the case of a new application, including repeat referral for assessment by security officials and subject to the schedules applicable to the review of new applications.

Filing and processing appeals against denials of applications:

28. An applicant who receives a decision to deny transport of requested dual-goods into the Gaza Strip may appeal the decision of the authorized official.
29. Appeals will be filed with the COGAT Public Liaison Officer, enclosing all information provided with the previous application, the notice of denial provided to the applicant, and detailed reasons why the decision should be changed.
30. To clarify, an appeal that includes new information not previously presented to the official making the decision will not be processed as an appeal but rather referred to the authorized official who had denied it as an application for reconsideration (see above).
31. Should it emerge that the submission is, in fact, an appeal as described above, the Public Liaison Officer will bring it to the official authorized to consider the appeal.
32. The guiding criteria for review of an appeal are identical to the guiding criteria for review of the application itself, as stated above.
33. Inasmuch as the official authorized to review the appeal decides to approve the application - the applicant must be notified thereof, as well as the professional official, who will act to issue an approval for the application as stated above.
34. COGAT Public Liaison Office contact information and business hours:

Contact information:

Telephone no. - 03-697-7957

Fax no. - 03-697-5177

Email: cogat.pnz@gmail.com

Business hours: Monday to Thursday 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM.

“Commerce banned” parties:

35. Per opinions provided by security officials, for national security reasons, there is a place to prohibit certain parties from transporting and/or receiving goods to/in the Gaza Strip, whether directly or via other parties. This applies regardless of whether the goods are dual-use or not.
36. The Head of the Gaza CLA may decide that the correct course of action in the case of a party against which there is security information is to issue a full ban on the party transporting goods to the Gaza Strip and/or receiving goods in the Gaza Strip.
37. Any application made for approval to transport goods by a party against whom a full ban as aforesaid has been issued will be refused. Any application to include goods destined for said party or related to said party in the daily coordination list will be refused. Any goods discovered to be related to said party “in real time,” during transport to the Gaza Strip, will not be cleared for transport.
38. A party wishing to appeal a full ban imposed on them will contact the Gaza CLA Public Liaison Officer, enclosing reasoning and all information relevant to the review of the application.

Coordination of transport of goods into the Gaza Strip:

39. As a rule, goods will be transported into the Gaza Strip via Kerem Shalom Crossing, other than in exceptional cases for which arrangements and coordination will be made on an individual basis.
40. The daily coordination list will be formulated by the evening of the business day preceding the coordination day by the Economic Coordination Desk at the Gaza CLA.
41. The Gaza CLA may determine that certain types of goods will be transported on certain days (as has been determined, at the time of the publication of this procedure, with respect to communications equipment), according to the availability of the relevant professional representatives. This shall be pursued in dialogue and coordination with the Palestinian Civil Affairs Committee.

42. In cases where several parties seek to transport goods on a single truck, steps must be taken to ensure the items requested for transport can be clearly linked to each party relevant to them and that they are packed separately and marked accordingly. Where coordination is made for the transport of dual-use goods, each supplier is required to undertake coordination separately.
43. The Head of the Gaza CLA Economic Division, or any party acting on his behalf, will approve the coordination list upon examination of the following:
 1. The parties involved in the transport are not under a full ban, as defined above.
 2. The goods designated for transport, inasmuch as they require advance approval - have, in fact, received advance approval.
 3. Dual-use goods originating in Israel have been coordinated vis-a-vis the Commercial Coordination Mechanism.

Any transport requested to be included in the daily coordination list that fails to meet these conditions will be deleted from the daily coordination list.

It is clarified that the above statements with respect to screening carried out by the Head of the Gaza CLA Economic Division or anyone acting on his behalf do not in any way shift the onus or reduce the responsibility incumbent upon the party seeking to transport dual-use goods into the Gaza according to the law.

44. In addition to the aforesaid, 48 hours prior to the planned transport of approved dual-use goods into the Gaza Strip, the party supplying the goods to the Gaza Strip must individually coordinate the transport of the approved dual-use goods.

Directions on this coordination follow:

1. Coordination must be made via e-mail: Erez.Kalkala@gmail.com. The e-mail must include the following information: supplier information (name, telephone number, email address, company number, name of contact); Gaza customer information (name, ID number, telephone number); details of shipper (truck license plate number, driver's name, telephone number).

1. [sic] The permit provided for the transport of goods and the shipping certificate detailing the type and quantity of goods shipped must also be enclosed.
2. Once the daily coordination list is “finalized,” the Economic Division will provide the applicant with the coordination number attached to his application.

Actual transport of goods:

45. During transit through Kerem Shalom Crossing, the Kerem Shalom CLA representative will check the daily coordination list matches the goods actually transported. In addition, with respect to goods requiring a permit, the CLA representative will ensure there is a written permit. In addition, where several parties wish to transport goods on a single truck, the CLA representative will make sure the various goods can be clearly ascribed to the different parties.
46. Any shipment found not to match the daily coordination list and/or the commercial transport permit and/or contains goods that cannot be clearly ascribed to various parties as stated above - will not be cleared for transport into the Gaza Strip. CLA representatives have discretion in the matter.
47. In addition to the aforesaid, should it emerge during processing at the crossing that certain goods being transported into the Gaza Strip are, in fact, directly or indirectly connected to a person who has been put under a full ban as stated above, the CLA representatives will not clear such goods for transport into the Gaza Strip, even if the connection was not discovered during the preparation of the daily coordination list.
48. To clarify, neither the coordination for the transport of goods nor the grant of a permit gives rise to an obligation that the goods will reach the Gaza Strip should breaches be found with respect to the coordination, the permit or any other law, or in case the conditions of the procedure have not been met, or in cases in which relevant considerations arise (including security considerations) during processing and examination of the goods at the crossing.

Implications of transport of dual-use goods without coordination or permit:

49. Section 56(e) of the Counter-Terrorism Law 5776-2016 sets forth:

“56(e) For the purposes of this section –

- (1) Property seized at the border crossing between Israel and the Gaza Strip, that was not reported despite being subject to a reporting requirement, without the necessary authorization or where there was an attempt to conceal it and smuggle it, will be presumed to be property which this section applies to, unless proven otherwise;
 - (2) Property that was used to transfer or conceal the property mentioned in paragraph (1) will be presumed to have been used directly for committing a grave terrorist offense, unless whoever owns, possesses or controls that property proves he did not know it would be used to transfer or conceal property mentioned in paragraph (1);
50. In cases where attempts are made to transport goods despite not having obtained the required permit and/or not having coordinated their transport as required - could be denied entry into the Gaza Strip, according to the discretion of the CLA representative at the crossing.
51. All parties involved in the chain of transport of goods to the Gaza Strip (e.g., suppliers, shippers, etc.) must ensure the shipments, including the goods shipped and the truck hauling them, are not used for the transport of goods that did not receive the required permit.
52. Attempts to transport in breach of binding procedure and protocol may put those responsible at risk of criminal proceedings.
53. Two further consequences that may be employed to counter prohibited attempts to transfer dual-use goods into the Gaza Strip:
1. Any goods requiring a permit (i.e., listed in the Control Order, the COGAT directives or the additional orders) attempted to be transferred into the Gaza Strip without the required permit may be seized, as per the provisions of the law. Gaza CLA officials are vested with the power to seize the goods being transported

without the required permit, as well as all others on the truck (even if some had the required permit and even if some required no permit whatsoever), as well as the truck itself.

2. For any such attempted prohibited transport of dual-use goods, civilian fines may be considered pursuant to the Control Law. On this matter, Gaza CLA officials will follow the relevant procedure (Procedure on Fining Parties Unlawfully Transporting Dual-Use Goods into the Gaza Strip), which is publicly available.
54. The aforesaid does not in any way detract from any other legal measure any administrative authority of the State of Israel is legally empowered to use against any person or any good implicated in an attempt to transport goods to the Gaza Strip (such as the powers of the tax authorities, the powers of the Israel Police, etc.)
55. Attached – annex.

Annex - Application for Transport of Dual-Use Goods Form - Environment Staff Officer

Application for Transport of Dual-Use Goods Form - Environment Staff Officer

We reiterate that the table entitled “Specifics regarding composition of agents requested for transport into Gaza” must be filled out according to the following rules:

Any application forwarded without a full table as per the explanations provided in this letter will not be considered.

1. The table must list all components by their chemical name, i.e., chemical molecule name.

Example: Black pigment containing iron oxied [*sic*] will be indicated by its molecular name Fe_2O_3 , not under the term “pigment.” The same applies to the rest of the agents in the pigment (if such exist).

Another example:

The agent BXPb drier has three components. They must be specified using chemical language:

1. Hydrotreated heavy naphtha
 2. 2-ethylhexanoate
 3. 2-Ethylhexanoic acid
2. Each of the chemical names will note the CAS number in the appropriate column.
 3. For each component, list the percentage of the entire agent. 100% of components must be listed.
 4. Ensure a separate table is provided for each requested commercial name, for example:
A company requesting to transport agents with the following commercial names:
Wood varnish, matt paint and oil primer will fill out separate, serially numbered (1, 2, 3) tables for each of these agents.
 5. The top of the table must contain the following:

- Serial number as specified in the section above
 - Commercial name
 - Requested quantity, in kg.
 - Agent use
6. The bottom of the table contains a declaration that all components of the aforesaid agent (i.e., 100%) have been listed. Each table must be signed.
7. A declaration verifying the information given about the agents must also be filled out.

Specifics regarding composition of agents requested for transport into Gaza Table

Serial Number:

Commercial name:

Requested quantity, in kg:

Component name (polymer/resin - note recurring unit) COPONENT- chemical name or moleculary [<i>sic</i>] name	CAS NUMBER	Percentage of mixture/solution %	Comments

Agent use (sealing/thermal insulation/asphalt/other):

I hereby declare that the details contained in this table are full and provide complete information about 100% of the agent components. Signature: _____