

ATT-BAP REPORTING GUIDANCE NOTES

MODULE 3 – IMPORTS

The Arms Trade Treaty-Baseline Assessment project has developed a series of nine ATT-BAP Guidance Notes to assist States in the completion of their national ATT-BAP Survey and in the preparation of their initial report on measures to implement the Arms Trade Treaty, as required under Article 13 (1). Each of the ATT-BAP Guidance Notes focuses upon a particular topic and ATT commitment. Each Note:

- Identifies the relevant Treaty articles for each topic
- Introduces the ATT-BAP Survey questions and a sample of responses provided by States
- Provides information on potential sources of information for addressing the ATT-BAP Survey questions, highlighting similar questions or relevant responses contained in national reports on transfer control systems for other international instruments

IMPORTS: RELEVANT ATT ARTICLES

Article 5.5

Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.

Article 8

1. Each importing State Party shall take measures to ensure that appropriate and relevant information is provided, upon request, pursuant to its national laws, to the exporting State Party, to assist the exporting State Party in conducting its national export assessment under Article 7. Such measures may include end use or end user documentation.

2. Each importing State Party shall take measures that will allow it to regulate, where necessary, imports under its jurisdiction of conventional arms covered under Article 2 (1). Such measures may include import systems.

3. Each importing State Party may request information from the exporting State Party concerning any pending or actual export authorizations where the importing State Party is the country of final destination.

Article 11.3

Importing, transit, trans-shipment and exporting States Parties shall cooperate and exchange information, pursuant to their national laws, where appropriate and feasible, in order to mitigate the risk of diversion of the transfer of conventional arms covered under Article 2 (1).

Article 12.2

Each State Party is encouraged to maintain records of conventional arms covered under Article 2 (1) that are transferred to its territory as the final destination or that are authorized to transit or trans-shipment territory under its jurisdiction.

Article 12.3

Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

Article 12.4

Records shall be kept for a minimum of ten years.

ATT-BAP SURVEY QUESTIONS

The ATT-BAP Survey contains several questions for States to explain how they fulfill their ATT commitments with regards to the establishment and maintenance of a system for regulating imports. The questions seek information on import legislation, relevant agencies, measures to regulate imports and record-keeping for authorizations and actual imports, and relate to Articles 5, 8, 11 and 12.

Examples of answers provided by States that completed ATT-BAP Surveys during 2013-2015 are included below to show the types of information that States have included in their Surveys and are indicative of the type of information governments are willing to share publicly on measures taken to implement the ATT. Completed Surveys are available for review via the 'Country Profiles' and 'Database' pages on the Arms Trade Treaty – Baseline Assessment Project Portal at: <http://www.armstrade.info/>

3. IMPORTS

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Bosnia and Herzegovina			
A) Is the regulation of arms imports established in national legislation? [Articles 5.5 and 8.2]	✓		Export, import, transit and brokering of the weapons is regulated by the Law on control of Foreign Trade and Services of Strategic Importance for Security of B&H (Official Gazette of BiH, N.103/09)

	Yes	No	Details / Reference / Web link /Additional comments
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Response taken from ATT-BAP Survey completed by Grenada

B) Which Ministry/ies or government agency/ies is/are responsible for regulating arms imports? [Article 5.5]			The Prime Ministers Ministry.
i) Which Ministry or agency leads this process? [Article 5.5]			The Royal Grenada Police Force leads this process

	Yes	No	Details / Reference / Web link /Additional comments
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Response taken from ATT-BAP Survey completed by Trinidad and Tobago

C) What measures does your State take to regulate imports? [Article 8.1]			The Firearms Act (1970) outlines that persons using/ dealing in firearms must obtain the relevant license prior to obtaining import permits, which are mandatory. These licenses and permits must be obtained from the Commissioner of Police (TTPS). The Firearms Registry documents and issues the import permits and in conjunction with the Customs and Excise Division, they verify that the imported firearm corresponds with the information on the import permit, thereby ensuring accountability and transparency.
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	Yes	No	Details / Reference / Web link /Additional comments
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Response taken from ATT-BAP Survey completed by Hungary

D) Does your State have measures in place to ensure that appropriate and relevant information is available to exporting States as part of their export assessment process? [Articles 8.1 and 11.3]	✓		Documentation at disposal for exporting States: Import license International Import Certificate (upon request) State confirmed End-User Certificate (upon request)
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	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Vanuatu			
E) Does your State maintain records of arms imports? [Article 12.2]	✓		Most are for the dealers
i) For how many years are records maintained? [Articles 12.2 and 12.4]			More than Ten years – since 1987 when the ACT was effective
ii) What information do the records contain? [Article 12.3]			
a) Quantity	✓		
b) Value	✓		
c) Model / type	✓		
d) Exporting State	✓		
e) Transit /transshipment State(s)	✓		
f) Other (please specify)			Records also contain types of arms and ammunition imported (according to CAP 198), serial number, model and make.

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 3 Imports will be contained in primary and/or secondary legislation or a Presidential decree, as well as policy guidelines. States may be able to find and use relevant information contained within their reports on implementation of the UN Programme of Action (PoA) or their UNSCR 1540 implementation reports, specifically with regard to questions on legislation, policy guidelines and procedures.

RELEVANT QUESTION(S) FROM UN POA REPORTING TEMPLATE AND UNSCR 1540 IMPLEMENTATION REPORT MATRIX:

ATT-BAP SURVEY QUESTION	UN POA REPORTING TEMPLATE QUESTION	UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS
Question 3.A. - Is the regulation of arms imports established in national legislation?	Question 6. - Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import or retransfer of SALW? List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.	OP 3 (c) and (d) and OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?: (25) Control of importation
Question 3.B. – Which Ministry/ies or government agency/ies is/are responsible for regulating arms imports?		OP 3 (c) and (d) and OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?: (11) National Licensing Authority
Question 3.C. - Does your State take measures to ensure that all authorizations are detailed and issued prior to export?		OP 3 (c) and (d) and OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?: (6) Licensing provisions (7) Individual licensing (8) General licensing (9) Exceptions from licensing (12) Interagency review for licenses

ATT-BAP SURVEY QUESTION	UN POA REPORTING TEMPLATE QUESTION	UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS
Question 3.E. – Does your State maintain records of arms imports?	Question 6.14. – Does your country require that exporters and importers of SALW keep records of their activities?	
Question 3.F. – Please provide any other information on import practices you would like to share.	Question 6.13 – Does your country require that SALW imported into your country be marked at the time of import? Question 6.13.1 – Who is required to mark the SALW?	