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# ATT-BAP REPORTING GUIDANCE NOTES

## MODULE 4 – TRANSIT / TRANSSHIPMENT

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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

### TRANSIT / TRANSSHIPMENT: 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 9

Each State Party shall take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment under its jurisdiction of conventional arms covered under Article 2 (1) through its territory in accordance with relevant international

#### 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 transit/transshipment. The questions seek information on relevant legislation, relevant agencies, measures to regulate transit/transshipment and record-keeping for authorizations, and relate to Articles 5, 9 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/>

### 4. TRANSIT / TRANSSHIPMENT

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Estonia			
A) Is the regulation of transit and/or transshipment established in national legislation? [Article 9]	✓		
i) If yes, please provide the definition of transit and/or transshipment in your national legislation.			For the purposes of Strategic Goods Act (Estonian national export control legislation) "transit" means: 1) the carriage of military goods through Estonia; 2) the passage of defence-related products through Estonia pursuant to Directive 2009/43/EC of the European Parliament and of the Council; 3) the carriage of dual-use items from a country outside the European Union to another country outside the European Union through Estonia. Transshipment is considered as a specific form of transit. There is no definition of "transshipment" in the national legislation.

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Greece			
B) Which Ministry/ies or government agency/ies is/are responsible for regulating arms transit and/or transshipment? [Article 5.5]			The Ministries of Development & Competitiveness, Defense, Foreign Affairs, Citizens Protection, Merchant Marine have competency over transit & transshipment licenses.
i) Which Ministry or agency leads this process? [Article 5.5]			The Ministry of Development & Competitiveness has the lead role in the process and coordinates accordingly

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Portugal			
C) What measures does your State take to regulate transit and/or transshipment under its jurisdiction? [Article 9]			Economic operators wishing to transit defence related products through Portugal must obtain a prior authorization. The application for a transit authorization is assessed according to the criteria of the EU Common Position 2008/944/CFSP, which include IHL/HR issues, sanctions, internal or regional conflicts etc. The end-user certificate and import and export authorizations issued by the origin and the destination countries are double checked by the MFA and the licensing authority (either the Ministry of Defence or the Ministry of Interior - Police).

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by South Africa			
D) Does your State maintain records of arms that are authorized to transit and/or transship territory under its jurisdiction? [Article 12.2 and 12.4]	✓		
i) For how many years are records maintained? [Article 12.4]			20 years
a) Quantity	✓		
b) Value	✓		
c) Model/Type	✓		
d) Exporting State	✓		
e) Importing State	✓		
f) Transit / transshipment State(s)	✓		
g) End-User	✓		
h) Other (please specify)			

	Yes	No	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by the United Kindgom			
E) Please provide any other information on transit and/or transshipment practices you would like to share.			As a matter of policy, and based on an assessment of risk and proportionality, the UK exempts transit/transshipment of most military goods from control provided certain conditions can be met. However we do control transit of all military goods to destinations subject to UN, OSCE, EU or national arms embargo, and the transit of more sensitive goods (including those specified in the ATT) to a number of higher risk destinations.

## SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 4 Transit / Transshipment 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 4.A. - Is the regulation of transit and/or transshipment established in national legislation?	Question 6. - Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit 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?: (20) Transit control (21) Transshipment control
Question 4.B. – Which Ministry/ies or government agency/ies is/are responsible for regulating arms transit and/or transshipment?		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?: (4) Enforcement agencies/ authorities (11) National Licensing Authority
Question 4.C. – What measures does your State take to regulate transit and/or transshipment under its jurisdiction?		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

