

Arms Trade Treaty

Baseline Assessment Project

The ATT Baseline Assessment Project

Guidance for Completing the Initial Report
on Implementation Measures

ATT-BAP REPORTING GUIDANCE NOTES

MODULE 1 – NATIONAL CONTROL LIST

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

NATIONAL CONTROL LISTS: RELEVANT ATT ARTICLES

Article 2

1. This Treaty shall apply to all conventional arms within the following categories:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;
- (g) Missiles and missile launchers; and
- (h) Small arms and light weapons

2. For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as “transfer”.

3. This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under the State Party's ownership.

Article 3

Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.

Article 4

Each State Party shall establish and maintain a national control system to regulate the export of parts and components where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1) and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such parts and components.

Article 5.2

Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty

Article 5.3

Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty

ATT-BAP SURVEY QUESTIONS

The ATT-BAP Survey contains several questions for States to explain how they fulfill their ATT commitments with regard to the establishment and maintenance of a national control list that covers, at a minimum, the eight categories of conventional arms outlined in Article 2(1) of the ATT, as well as ammunition and components that are used for assembling conventional arms as defined in Articles 3 and 4.

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/>

1. NATIONAL CONTROL LIST

| | Yes | No |
|--|-----|----|
| Response taken from ATT-BAP Survey completed by Argentina | | |
| B. For which activities does your State maintain a national control list of conventional arms: [Article 2.2 and Article 5.2] | | |
| i) Export | ✓ | |
| ii) Import | ✓ | |
| iii) Transit / Transshipment | ✓ | |
| iv) Brokering | ✓ | |

| | Yes | No |
|---|-----|----|
| Response taken from ATT-BAP Survey completed by France | | |
| C. Does your national control list cover the following: [Articles 2.1, 3, 4, and 5.2] | | |
| i) Battle tanks [Article 2.1] | ✓ | |
| ii) Armored combat vehicles [Article 2.1] | ✓ | |
| iii) Large-caliber artillery systems [Article 2.1] | ✓ | |
| iv) Combat aircraft [Article 2.1] | ✓ | |
| v) Attack helicopters [Article 2.1] | ✓ | |
| vi) Warships [Article 2.1] | ✓ | |
| vii) Missiles and missile launchers [Article 2.1] | ✓ | |
| viii) Small arms and light weapons [Article 2.1] | ✓ | |
| ix) Ammunition / Munitions for the above items [Article 3] | ✓ | |
| x) Parts and components requiring control for the above items [Article 4] | ✓ | |

| | Yes | No |
|---|-----|---|
| Response taken from ATT-BAP Survey completed by Slovenia | | |
| D. Is/are your national control list(s) publicly available? [Article 5.3] | ✓ | |
| i) If yes, please provide a copy or link to where your control list is made publicly available. | | http://www.mo.gov.si/si/delovna_podrocja/proizvodnja_in_promet_z_obrambnimi_proizvodi/ |

| | Yes | No |
|---|-----|--|
| Response taken from ATT-BAP Survey completed by Italy | | |
| E. Are the controlled items defined? [Article 5.3] | ✓ | |
| i) If yes, which definition(s) do you use? (e.g. Wassenaar, United Nations Register of Conventional Arms, National definitions, etc.) | | The definitions are derived from the relevant multilateral and European rules (EU Common Position 2008/944/CFSP, the Wassenaar Arrangement, the United Nations Register of Conventional Arms). |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 1 National Control List 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 UN Security Council Resolution 1540 – specifically with regard to questions on legislation, policy guidelines and procedures.

RELEVANT QUESTION(S) FROM UNSCR 1540 IMPLEMENTATION REPORT MATRIX:

| ATT-BAP SURVEY QUESTION(S) | UN POA REPORTING TEMPLATE QUESTION(S) | UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S) |
|---|---------------------------------------|---|
| Question 1.C – Does your national control list cover the following: i) Battle tanks ii) Armored Combat Vehicles iii) Large-caliber artillery systems iv) Combat aircraft v) Attack helicopters vi) Warships vii) Missiles and missile launchers viii) Small arms and light weapons ix) Ammunition / Munitions for the above items x) Parts and components requiring control for the above items | | OP 6, 7, and 8(d). Control lists, Assistance, Information – Can information be provided on the following issues?: (1) Control Lists – items (goods / equipment / materials / technology); (2) Control Lists - other |
| Question 1.D – Is/are your national control list(s) publicly available? | | Can information be provided on the following issues?: (1) Control Lists – items (goods / equipment / materials / technology); (2) Control Lists - other |
| Question 1.E – Are the controlled items defined? | | Can information be provided on the following issues?: (1) Control Lists – items (goods / equipment / materials / technology); (2) Control Lists - other |



ATT-BAP REPORTING GUIDANCE NOTES MODULE 2 – EXPORTS

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

EXPORTS: 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 7.5

Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and issued prior to the export.

Article 7.6

Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.

Article 7.7

If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 12.1

Each State Party shall maintain national records, pursuant to its national laws and regulations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2 (1).

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 an export control system. The questions seek information on export control legislation, relevant agencies, the authorization process and record-keeping for authorizations and actual exports, and relate to Articles 5, 7 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/>

2. EXPORTS

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|--|
| Response taken from ATT-BAP Survey completed by South Africa | | | |
| A) Is the control of arms exports established in national legislation? [Article 5.5] | ✓ | | The National Conventional Arms Control (NCAC), Act 2002 (Act No 4 of 2002) as amended by the The National Arms Control Amendment Act 2008 (Act No 73 of 2008). The National Conventional Arms Control Regulation, Notice No R 637 of 28 May 2004. The Firearms Control Act, No 60 of 2000 as amended and its supporting notices and regulations. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|--|
| Response taken from ATT-BAP Survey completed by Montenegro | | | |
| B) Which Ministry/ies or government agency/ies is/are responsible for implementing controls on arms exports? [Article 5.5] | | | Four Ministries are responsible for implementing controls on arms exports: Ministry of Economy, Ministry of Foreign Affairs and European Integration, the Ministry of Defense and Ministry of Interior. When applicable, depending on type and use of controlled goods, Ministry shall acquire opinion of other competent authorities as well. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Austria | | | |
| C) Does your State take measures to ensure that all authorizations are detailed and issued prior to export? [Article 7.5] | ✓ | | |
| i) If yes, what measures does your State take to ensure that all authorizations are detailed and issued prior to export? | | | Exporters have to apply for a license for every transaction either to the Ministry of the Economy or Ministry of the Interior. MFA and Ministry of Defence are consulted. MFA provides foreign policy advice such as IHL/HR issues, sanctions, internal or regional conflicts etc. Licenses specify goods, time etc., additional requirements (e.g. customs certificates of recipient) may be stipulated. Denied licenses have to give the reasons for denial, exporter can take negative decisions to court. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
| Response taken from ATT-BAP Survey completed by Albania | | | |
| D) Can your State reassess an authorization if your State becomes aware of new and relevant information? [Article 7.7] | ✓ | | As prescript in the "Law No. 9707, dated 5 April 2007 "On State Import-Export Control Of Military Goods And Dual-Use Goods And Technologies": The State Export Control Authority may revoke or hold licences, authorisations and international import certificates in abeyance: 1. In the event of an emergency involving national security needs and interest, or in order to ensure fulfilment of the international obligations of the Republic of Albania. 2. If an entity goes into liquidation, in line with the relevant legal procedures. 3. If the entity involved in international transfers of goods goes bankrupt, and the relevant bankruptcy legal procedures are started against it. 4. If there is need for the State Export Control Authority to conduct additional expertise of the documents submitted by the entity involved in international transfers of goods, which is applying for licence, authorisation, or international import certificate. 5. If notice is taken that the entity involved in international transfers of goods has violated the legislation, including legislation on export control, provided for in this Law. 5. If notice is taken that the entity involved in international transfers of goods has violated the legislation, including legislation on export control, provided for in this Law. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Romania | | | |
| E) Does your State maintain records of arms export authorizations? [Article 12.1] | ✓ | | |
| i) For how many years are records maintained? [Articles 12.1, 12.4] | | | Official records are maintained electronically and stored permanently. Exporters have the obligation to preserve for 15 years the documents on operations carried out with military goods subject to control. In the case in which military goods are exported, imported, transferred or are used in brokering activity which are in connection with international instruments concerning the traceability, the persons referred to in article 3 have the obligation to keep at least 20 years the documents related to the operations carried out. In the case of economic agents who manufacture military goods which are related to international instruments concerning to traceability, the period of storage of the documents is of at least 30 years. Records contain information on quantity, value, model/type, importing State, end-user, as well as license type, number, expiry date, description of goods and control list category number, end-use, other relevant information. |

| | | | |
|---|---|--|---|
| ii) What information do the records contain? [Article 12.3] | | | |
| a) Quantity | ✓ | | |
| b) Value | ✓ | | |
| c) Model/type | ✓ | | |
| d) Importing State | ✓ | | |
| e) End-User | ✓ | | |
| f) Other (please specify) | | | License type, number, expiry date, description of goods and control list category number, end-use, other relevant information |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
| Response taken from ATT-BAP Survey completed by Portugal | | | |
| F) Does your State maintain records of actual arms exports? [Article 12.1] | ✓ | | |
| i) For how many years are records maintained? [Articles 12.1, 12.4] | | | 15 years minimum |
| ii) What information do the records contain? | | | |
| a) Quantity | ✓ | | |
| b) Value | ✓ | | |
| c) Model/Type | ✓ | | |
| d) Importing State | ✓ | | |
| e) End-User | ✓ | | |
| f) Transit /transshipment State(s) | ✓ | | |
| g) Other (please specify) | | | License use documentation |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 2 Exports 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(S) | UN POA REPORTING TEMPLATE QUESTION(S) | UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S) |
|---|--|--|
| Question 2.A. - Is the control of arms exports 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?: (5) Export control legislation in place |
| Question 2.B. - Which Ministry/ies or government agency/ies is/are responsible for implementing controls on arms exports? Question 2.B.i. - Which Ministry or agency leads this process? | | 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 2.C. - Does your State take measures to ensure that all authorizations are detailed and issued prior to export? [Article 7.5] Question 2.C.i. - If yes, what measures does your State take to ensure that all authorizations are detailed and issued prior to export? | Question 6.2. - Does a person or an entity who transfers SALW require a license or other form of authorization to transfer SALW from/into your country? Question 6.5. - What kind of documents does your country require prior to authorizing an export of SALW to another country? Question 6.7. - Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided? | 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 (10) Licensing of deemed export/ visa (12) Interagency review for licenses (17) End-user controls |

| ATT-BAP SURVEY QUESTION(S) | UN POA REPORTING TEMPLATE QUESTION(S) | UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S) |
|---|--|---|
| Question 2.E. - Does your State maintain records of arms export authorizations? Question 2.F. - Does your State maintain records of actual arms exports? | Question 6.14. - Does your country require that exporters and importers of SALW keep records of their activities? | |
| Question 2.G. - Please provide any other information on export practices you would like to share. | Q. 6.6 When exporting, does your country place any restriction on re-export of SALW? If so, what are the restrictions placed on re-export? Re-export permitted only when there is prior notification; Re-export permitted only when there is prior approval. Q. 6.9. Does your country permit the export of SALW without a licence or under simplified procedure under certain circumstances? Peacekeeping, temporary exports, equipment needed for training purposes, equipment needed for repair, delivery of spare parts, other. | |

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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 |
|--|-----|----|---|
|--|-----|----|---|

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 |
|--|-----|----|---|
|--|-----|----|---|

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. |
|--|--|--|---|

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
|--|-----|----|---|

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) |
|--|---|--|--|

| | 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? | |

ATT-BAP REPORTING GUIDANCE NOTES MODULE 4 – TRANSIT / TRANSSHIPMENT

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- Identifies the relevant Treaty articles for each topic
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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 Kingdom | | | |
| 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 |

ATT-BAP REPORTING GUIDANCE NOTES MODULE 5 – BROKERING

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

BROKERING: 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 10

Each State party shall take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction for conventional arms covered under Article 2 (1). Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering.

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 arms brokering. The questions seek information on arms brokering legislation, relevant agencies and measures to regulate brokering, and relate to Articles 5 and 10.

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/>

5. ARMS BROKERING

| | 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 brokering established in national legislation? [Article 10] | ✓ | | |
| i) If yes, please provide the definition of brokering used in your national legislation? | | | Brokering services mean negotiating or contracting business deals for the purchase, sale or procurement of goods of strategic importance for the security of BiH from a third country to another third country; sale and purchase of goods of strategic importance for the security of BiH for their transfer from a third country to another third country. Ancillary services are not considered as brokering services. The ancillary services are transport, financial services, insurance or re-insurance, and advertising or marketing promotion. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by South Africa | | | |
| B) Which Ministry/ies or government agency/ies is /are responsible for implementing controls on arms brokering? [Article 5.5] | | | There is a unit within the Department of Defence (DoD) and Military Veterans called the Directorate of Conventional Arms Control (DCAC). The DCAC serves as a Secretariat and implements controls on arms brokering. It should be noted that all the elements of effective control are addressed in an integrated way. i.e various Departments and entities involved, consulted and participate, i.e in determining policy, promulgation of legislation, listing items that are controlled, compliance, law enforcement and border control. |
| i) Which Ministry or agency leads this process? [Article 5.5] | | | The Directorate of Conventional Arms Control (DCAC), DoD. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|--|
| Response taken from ATT-BAP Survey completed by Switzerland | | | |
| C) Does your State take measures to regulate brokering taking place under your jurisdiction? [Article 10] | ✓ | | |
| i) If yes, what measures does your State take to regulate brokering taking place under your jurisdiction? [Article 10] | | | Anyone who on Swiss territory wishes to broker war material on a professional basis for recipients abroad, irrespective of the location of the war material requires an initial license (Art. 9 para. 1 WMA). Anyone who on Swiss territory wishes to broker war material for a recipient abroad, without operating his own production plant for the manufacture of war material in Switzerland, requires, in addition to an initial license in terms of Article 9, a specific license for each individual case. The Federal Council may provide exceptions for certain countries. Anyone who acts as a professional broker for a recipient abroad in respect of firearms under the legislation on weapons, their components or accessories, or their munitions or munitions components shall receive a specific license only if he proves that he holds a corresponding license to trade arms under the legislation on weapons (Art. 15 WMA). |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|--|
| Response taken from ATT-BAP Survey completed by Hungary | | | |
| D) Please provide any other information on brokering practices you would like to share. | | | It is obligatory to attach to the application the End-User Certificate |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 5 Brokering 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 5.A. - Is the regulation of arms brokering established in national legislation? | Question 6. - Does your country have laws, regulations and/or administrative procedures governing brokering of SALW? List laws and/or administrative procedures regulating brokering in your country. Are those laws and procedures part of the national export control. | 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?: (3) Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology (23) Control of providing funds (24) Control of providing transport services OP2. NW, CW and BW - Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized? : (7) transfer |
| Question 5.B. - Which Ministry/ies or government agency/ies is /are responsible for implementing controls on arms brokering? | | 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 |

| ATT-BAP SURVEY QUESTION | UN POA REPORTING TEMPLATE QUESTION | UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS |
|---|--|--|
| Question 5.C. - Does your State take measures to regulate brokering taking place under your jurisdiction? Question 5.C.i. - If yes, what measures does your State take to regulate brokering taking place under your jurisdiction? | Question 8.2. - Does your country require registration of SALW brokers? Question 8.3. - Does your country require a license, permit or other authorization for each brokering transaction? Are such applications for a license, permit or other authorization considered for approval on a case-by-case basis? Are there exceptions to the requirement to hold a license or authorization for a brokering transaction? (e.g. of the transaction is on behalf of the police or armed forces or other government officials) Question 8.3.3. - What are the criteria for granting a license, permit or other authorization? | 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 licences |
| Question 5.D. - Please provide any other information on brokering practices you would like to share. | Question 8.4. - Does your country have measures to validate the authenticity of documentation submitted by the broker? Question 8.7. - Does your country regulate activities that are closely associated with the brokering of SALW? If so, which of the following activities are regulated when undertaken in connection with the brokering of SALW? Acting as dealers or agents, providing technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security, other services. | |

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- 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

PROHIBITIONS: RELEVANT ATT ARTICLES

Article 6

1. A State Party shall not authorize any transfer of conventional arms, covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.

2. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.

3. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.

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 specific circumstances under which States Parties are obliged to deny the authorization of any conventional arms transfers. The questions seek information on whether the State prohibits arms transfers in the given circumstances and relevant international agreements to which it is a party, and relates to Article 6.

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/>

6. PROHIBITIONS

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Albania | | | |
| A) Does your State prohibit transfers of conventional arms: i) If the transfer would violate obligations under measures adopted by the United Nations Security Council acting under Chapter VII, in particular arms embargoes. [Article 6.1] | ✓ | | Ministry of Foreign Affairs and Albanian State Export Control Authority (AKSHE), are the responsible authorities which cooperates, according to their competences, in the development of monitoring activities and in the application of embargos and restrictive regimes for the export of strategic goods and the obligations which follow from applying the embargos on the transport of strategic goods, decided by a UN Security Council resolution, on a common position approved by the EU and a OSCE decision, the decision of some NATO members or application of the legal acts of the relevant authorities of the Republic of Albania. In this framework, the application of restrictive regimes, another duty of the State's Export Control Authority through the Ministry of Defense, is the preparation, the determination and application of sanctions, the preparation of the necessary methodological norms, mechanisms, procedures and Guidance for the application of control regimes on the strategic goods activities. This authority was given to AKSHE by the Decision of the Council of Minister no.43, of 16.01.2008, published on the Official Gazette No.8, Page 240, of 30.01.2008. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Trinidad and Tobago | | | |
| A) Does your State prohibit transfers of conventional arms: ii) If the transfer would violate relevant international obligations under international agreements to which you are a party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms. [Article 6.2] | ✓ | | |
| a) Please provide a list of the relevant international agreements to which you are a party. [Article 6.2] | | | United Nations Convention on Transnational Organized Crime (UN TOC) - Firearms Protocol; United Nations Programme of Action (UN PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects; Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) - Organization of American States (OAS) |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
| Response taken from ATT-BAP Survey completed by Sweden | | | |
| A) Does your State prohibit transfers of conventional arms: iii) If you have knowledge at the time of authorization that the arms or items covered by your State's legislation would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which you are a Party. [Article 6.3] | ✓ | | |

| | | | |
|--|--|--|---|
| <p>a) Please provide a list of the relevant international agreements to which you are a party. [Article 6.3]</p> | | | <ul style="list-style-type: none"> • Rome Statute of the International Criminal Court; • Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; • Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; • Convention (III) relative to the Treatment of Prisoners of War; • Convention (IV) relative to the Protection of Civilian Persons in Time of War; • Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts; • Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts; • Convention for the Protection of Cultural Property in the Event of Armed Conflict including additional protocols; • Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques; • Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare; • Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction; • Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects inclusive Amendment and Protocols; and • Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. |
|--|--|--|---|

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|--|
| Response taken from ATT-BAP Survey completed by Switzerland | | | |
| <p>B) Please provide any other information on prohibitions you would like to share.</p> | | | <p>It is the understanding of Switzerland that the term “grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party” in Article 6, paragraph 3, encompasses acts committed in international and in non-international armed conflict, and includes, among others, serious violations of Common Article 3 to the Geneva Conventions of 1949, as well as, for States Parties to the relevant agreements, war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court of 1998. It is the understanding of Switzerland that the term “knowledge” in Article 6, paragraph 3, in light of the object and purpose of this Treaty and in accordance with its ordinary meaning, implies that the State Party concerned shall not authorize the transfer if it has reliable information that provide substantial grounds that the transfer would be used in the commission of the enlisted crimes.</p> |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 6 Prohibitions 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 UNSCR 1540 implementation reports. More specifically, select responses to questions in the implementation report matrix concerning Operative Paragraph 2 of the Resolution as well as details on legally binding instruments, organizations, codes of conduct, arrangements, statements or other issues to which your State is a party or is involved in can be applied to your ATT implementation report.

The following are some examples of relevant international agreements for each of the questions relating to Section 6 Prohibitions:

Regarding Question 6.A.i.:

- Chapter VII of the UN Charter

Regarding Question 6.A.ii.:

- Examples of UN instruments
 - United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons (CCW / CCWC))
 - United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)
 - United Nations Convention against Transnational Organized Crime (TOC) – Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol)
- Examples of relevant multilateral/international agreements
 - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention (BTWC) or Biological Weapons Convention (BWC))
 - Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention (CWC))
 - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Treaty)
 - Convention on Cluster Munitions
 - The Hague Code of Conduct against the Proliferation of Ballistic Missiles (HCOC) (International Code of Conduct against the Proliferation of Ballistic Missiles) (ICOC)
 - The Missile Technology Control Regime (MTCR)
 - Treaty on Non-Proliferation of Nuclear Weapons (NPT)
 - Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies
- Examples of relevant regional agreements
 - Andean Plan to Prevent, Fight and Eradicate Illicit Trafficking in Small Arms in All its Aspects
 - Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that Can be Used for Their Manufacture, Repair or Assembly (Kinshasa Convention)
 - Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials
 - European Union (EU) Common Position 2003/468/CFSP on the Control of Arms Brokering
 - European Union (EU) Common Position 2008/944/CFSP Defining Common Rules Governing the Control of Exports of Military Technology and Equipment

- Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA Convention)
- Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and Bordering States
- Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms and Light Weapons
- South African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials

Regarding Question 6.A.iii:

- Convention for the Protection of Cultural Property in the Event of Armed Conflict and Additional Protocols
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques
- Geneva Conventions and Additional Protocols
- Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare (Geneva Protocol)
- Rome Statute of the International Criminal Court

ATT-BAP REPORTING GUIDANCE NOTES MODULE 7 – RISK ASSESSMENT

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

RISK ASSESSMENT: RELEVANT ATT ARTICLES

Article 7

1. If the export is not prohibited under Article 6, each exporting State Party, prior to authorization of the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, under its jurisdiction and pursuant to its national control system, shall, in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State in accordance with Article 8 (1), assess the potential that the conventional arms or items: (a) would contribute to or undermine peace and security; (b) could be used to: (i) commit or facilitate a serious violation of international humanitarian law; (ii) commit or facilitate a serious violation of international human rights law; (iii) commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party; or (iv) commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party.

2. The exporting State Party shall also consider whether there are measures that could be undertaken to mitigate risks identified in (a) or (b) in paragraph 1, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

3. If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.

4. The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.

5. Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and issued prior to the export.

6. Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.

7. If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 11.2

The exporting State Party shall seek to prevent the diversion of the transfer of conventional arms covered under Article 2 (1) through its national control system, established in accordance with Article 5 (2), by assessing the risk of diversion of the export and considering the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States. Other prevention measures may include, where appropriate: examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures.

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 risk assessment for export decisions. The questions seek information on the risk assessment processes, criteria and mitigation measures, and relates to Articles 7 and 11.

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/>>

7. RISK ASSESSMENT

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by the Netherlands | | | |
| A) Does your State always conduct a risk assessment prior to authorization of an arms export? [Article 7.1] | | ✓ | |
| i) If no, please specify under which conditions a risk assessment is not required. [Article 7.1] | | | When the receiving party is an ally (EU members, NATO members, Switzerland, Australia, Japan and New-Zealand). This risk assessment is done annually and not on a case-by-case basis. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Argentina | | | |
| B) Does your State require that the following criteria are included in your national assessment prior to granting an export authorization: [Article 7.1] | ✓ | | |
| i) Whether the arms would contribute to or undermine peace and security? | ✓ | | |
| ii) Whether the arms could be used to commit or facilitate a serious violation of international humanitarian law? | ✓ | | |
| iii) Whether the arms could be used to commit or facilitate a serious violation of international human rights law? | ✓ | | |
| iv) Whether the arms could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which your State is a party? | ✓ | | |
| v) Whether the arms could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which your State is a party? | ✓ | | |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|--|
| Response taken from ATT-BAP Survey completed by Sweden | | | |
| C) Are additional criteria considered in addition to the above prior to authorizing a transfer: | | | |
| i) Risk of diversion [Article 11.2] | ✓ | | |
| ii) Acts of gender based violence? [Article 7.4] | ✓ | | |
| iii) Other (please specify) | | | <p>In addition to the criteria under 7.B, the following elements are considered in the Swedish guidelines:</p> <ul style="list-style-type: none"> • Necessity from a Swedish security policy perspective (exports are conceived as supporting the maintenance of a defence industry geared to Swedish needs). • Compatibility with the goals and principles of Swedish foreign policy (blanket formulation to cover relevant factors whether or not they are explicitly mentioned in the guidelines). • Is the end user a government, a government authority or a government authorized recipient? • Has an acceptable end user assurance (or own production declaration) been received? • Has the recipient State respected previous end user assurances, or rectified problems in this area? (otherwise no further exports) • Does the export consist of spare parts, components or consumables for previously exported systems? (a positive presumption for such cases, but not in situations covered by 6.A.i-iii) • Is the recipient a Nordic Country or EU Member State? (a positive presumption for such cases, but not in situations covered by 6.A.i-iii) • Is the equipment in question lethal or non-lethal? (a more positive presumption for non-lethal equipment, but not in situations covered by 6.A.i-iii) <p>In addition to the criteria under 7.B, the following elements are considered in the EU Common Position:</p> <ul style="list-style-type: none"> • The national security of EU Member States as well as that of friendly and allied countries. • The behaviour of the buyer country as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law. • The risk of diversion. • Compatibility of the export with the technical and economic capacity of the recipient country, taking into account the desirability that States should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
| Response taken from ATT-BAP Survey completed by Lithuania | | | |
| D) Does your State consider risk mitigation measures as part of its authorization process? [Article 7.2] | ✓ | | |
| i) If yes, what risk mitigation measures does your State consider / practice? [Article 7.2] (i.e confidence building measures or jointly developed and agreed programs.) | | | Prior assurances and confirmation of end-user's obligations from the competent authorities of importing State, consultations with national embassies in the countries of destination. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|--|
| Response taken from ATT-BAP Survey completed by Germany | | | |
| E) Please provide any other information on risk assessment and / or mitigation practices you would like to share. | | | The ex-ante examination ensures right from the start that defense goods are not delivered to recipients if there is a danger that the goods will be diverted. If there are doubts about the recipient's assurance of the end-use, export license applications are rejected. Nonetheless, against the backdrop of discussions in relevant international forums, Germany is assessing the current system of end-use controls to ascertain whether further improvements could be made. In particular, it is checking to what extent post-shipment-controls in respective recipient countries could be integrated into the German export control system. Even an export control system which attempts to verify the end-use of munitions/military goods by means of post-shipment controls is not fully immune to illegal diversion of. In certain circumstances however, such a system would allow activities of this kind to be detected comparatively early and corresponding counter-measures to be implemented. |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 7 Risk Assessment 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 7.B. - Does your State require that the following criteria are included in your national assessment prior to granting an export authorization: | Question 6.4 – Name the relevant international commitments that your government applies or considers when assessing an application for export authorization. | |
| Question 7.E. - Please provide any other information on risk assessment and / or mitigation practices you would like to share. | <p>Question 6.10 – When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?</p> <p>Question 6.11 – After exporting, does your country verify or seek to authenticate DVCs provided?</p> | <p>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?: (17)</p> <p>End-user controls</p> |



ATT-BAP REPORTING GUIDANCE NOTES MODULE 8 – DIVERSION

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

DIVERSION: RELEVANT ATT ARTICLES

Article 11

1. Each State Party involved in the transfer of conventional arms covered under Article 2 (1) shall take measures to prevent their diversion.
2. The exporting State Party shall seek to prevent the diversion of the transfer of conventional arms covered under Article 2 (1) through its national control system, established in accordance with Article 5 (2), by assessing the risk of diversion of the export and considering the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States. Other prevention measures may include, where appropriate: examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures.
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).
4. If a State Party detects a diversion of transferred conventional arms covered under Article 2 (1), the State Party shall take appropriate measures, pursuant to its national laws and in accordance with international law, to address such diversion. Such measures may include alerting potentially affected States Parties, examining diverted shipments of such conventional arms covered under Article 2 (1), and taking follow-up measures through investigation and law enforcement.

5. In order to better comprehend and prevent the diversion of transferred conventional arms covered under Article 2 (1), States Parties are encouraged to share relevant information with one another on effective measures to address diversion. Such information may include information on illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion.

6. States Parties are encouraged to report to other States Parties, through the Secretariat, on measures taken in addressing the diversion of transferred conventional arms covered under Article 2 (1).

ATT-BAP SURVEY QUESTIONS

The ATT-BAP Survey contains several questions for States to explain how they fulfill their ATT commitments with regards to measures to prevent the diversion of conventional arms. The questions seek information on measures to prevent or mitigate the risk of the diversion of conventional arms, international cooperation and information sharing and responses to diversion, and relate to Article 11.

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/>

8. DIVERSION

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|--|
| Response taken from ATT-BAP Survey completed by Romania | | | |
| A) Does your State take preventative measures to mitigate the risk of diversion? [Article 11.2] | ✓ | | |
| i) If yes, what preventative measures does your State take to mitigate the risk of diversion? | | | The exporter shall be under the obligation to ask the foreign partner to produce an ensuring document from the end user - international import certificate or an equivalent document, issued or certified by the competent authority in the importer's country, respectively the consignee, or the declaration of the ultimate consignee, as applicable, according to which the latter undertakes to comply with the destination and final use, as stated, and, as applicable, not to re-export, respectively not to re-transfer the imported goods without prior written approval by the Ministry of Foreign Affairs. |

| | Yes | No | Details / Reference / Web link /Additional comments |
|--|-----|----|---|
| Response taken from ATT-BAP Survey completed by Switzerland | | | |
| B) Does your State cooperate and exchange information with States to mitigate the risk of diversion? [Article 11.3]. | ✓ | | Licenses shall not be granted for export trade and for contracts under Article 20 WMA if: "[...] in the country of destination there is a high risk that the exported weapons will be passed on to an undesirable end recipient (Art. 5 para. 2 WMO)". For a license to be granted for the export of finished products or for individual parts or assembly packages to a foreign government or an undertaking acting on behalf of a foreign government, a non-re-export declaration from the government of the country of destination is required. The requirement for a non-re-export declaration is waived if the case involves individual parts or assembly packages of negligible value. By issuing the non-re-export declaration, the country of destination undertakes not to export, sell, lend, or gift the war material authority or to transfer it in any other way to third parties abroad without the consent of the licensing authority. If there is an increased risk in the country of destination that the war material to be exported will be passed on to an undesirable end recipient, the licensing authority may stipulate that it has the right to verify compliance with the non-re-export declaration on site. In the case of export of substantial volume, a non-re-export declaration in the form of a diplomatic note from the country of destination is required. If there is evidence that the non-re-export declaration has been violated, the licensing authority may take precautionary measures. The Federal Department of Economic Affairs decides whether a license should be revoked (Art. 5a WMO). |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by Bulgaria | | | |
| C) Does your State take appropriate measures when it detects a diversion of transferred conventional arms? | ✓ | | |
| i) If yes, what appropriate measures does your State take when it detects a diversion of transferred conventional arms? | | | Detailed investigation of a case; checks through different information sources (such as "watch-lists"); in cases when Bulgarian exporters are involved in a diversion, the Penal Code provisions are applicable |

| | Yes | No | Details / Reference / Web link /Additional comments |
|---|-----|----|---|
| Response taken from ATT-BAP Survey completed by the United Kingdom | | | |
| D) Is your State willing to share information on effective measures to address diversion? | ✓ | | |
| i) If yes, what information is your State willing to share? | | | In principle, yes, however in practice it will depend upon the source and sensitivity of the information concerned. |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 8 Diversion 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 8.A. - Does your State take preventative measures to mitigate the risk of diversion? | <p>Question 6.8 - Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?</p> <p>Question 6.12 - When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?</p> | <p>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?:</p> <p>(17) End-user controls (22) Re-export controls</p> |

ATT-BAP REPORTING GUIDANCE NOTES MODULE 9 – ENFORCEMENT

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

ENFORCEMENT: 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 14

Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty.

ATT-BAP SURVEY QUESTIONS

The ATT-BAP Survey contains several questions for States to explain how they fulfill their ATT commitments with regards to enforcement. The questions seek information on relevant agencies and measures for enforcing national laws and regulations that implement the provisions of the Treaty, and relate to Articles 5 and 14.

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/>

9. ENFORCEMENT

| Details / Reference / Web link /Additional comments | |
|--|---|
| Response taken from ATT-BAP Survey completed by Denmark | |
| A) Which agency/ies is/are responsible for enforcing arms transfer controls? [Article 5.5] | The custom authorities ensure that the necessary authorizations are in place at the time when the arms are being transferred in or out of the country |

| Details / Reference / Web link /Additional comments | |
|--|---|
| Response taken from ATT-BAP Survey completed by Lithuania | |
| B) What measures does your State take to enforce national laws and regulations that implement the provisions of the Treaty? [Article 14] | Fines, criminal proceedings, revocation or suspension of licenses granted, denials of issuing licenses in the future. |

| Details / Reference / Web link /Additional comments | |
|---|--|
| Response taken from ATT-BAP Survey completed by Sweden | |
| C) Please provide any other information on enforcement practices you would like to share. | The authorities responsible for enforcing the arms transfer controls regularly holds consultation meetings in order to ensure and facilitate enforcement of the Swedish regulations. |

SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 9 Enforcement 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 9.A. - Which agency/ies is/are responsible for enforcing arms transfer controls? | | 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 |
| Question 9.B. - What measures does your State take to enforce national laws and regulations that implement the provisions of the Treaty? | | Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?: (7) transfer [specifically the "Enforcement: civil/criminal penalties and other" column] Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized? [Specifically the "Enforcement: civil/criminal penalties and others" column] |

| ATT-BAP SURVEY QUESTION | UN POA REPORTING TEMPLATE QUESTION | UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS |
|---|--|---|
| <p>Question 9.C. - Please provide any other information on enforcement practices you would like to share.</p> | <p>Question 6.3 - Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?</p> <p>Question 6.15 - During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution).</p> <p>Question 8.5 - Is it a criminal offence in your country to engage in a SALW brokering transaction without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?</p> <p>Question 8.8 - What penalties or sanctions does your country impose for illegal brokering activities?</p> | <p>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW/CW/BW and Related Materials? Can violators be penalized? [Specifically the "Enforcement: civil/criminal penalties and others" column]</p> |

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For more information, visit the Arms Trade Treaty-Baseline Assessment Project Portal at www.armstrade.info or contact us at ATT@stimson.org

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