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WORKING GROUP ON TRANSPARENCY AND REPORTING

INTRODUCTORY PAPER FOR MEETING OF 17 FEBRUARY 2022

Introduction and mandate for the WGTR CSP7-CSP8

1. During the Seventh Conference of States Parties (CSP7) of the Arms Trade Treaty (ATT), held in hybrid format due to the COVID-19 pandemic from 30 August – 03 September 2021, States Parties dealt with a number of recommendations of the Co-Chairs of the Working Group on Transparency and Reporting (WGTR) that followed from the WGTR's discussions during its meeting of 28-29 April 2021 and the remote consultations in May - June 2021, endorsed the revised initial and annual reporting templates and recommended their use by States Parties in compiling their reports in accordance with Article 13 of the Treaty, as well as endorsed a number of standing agenda items and recurring and specific tasks for the WGTR for the period between CSP7 and CSP8.

2. Following the WGTR recommendations in the WGTR Co-Chairs' report to CSP7, States Parties:
   a. *Recalled that transparency is a key purpose of the Treaty and as such, the WGTR must ensure that transparency is reflected in all its processes, discussions and proposals aimed at the fulfilment of the objectives of the Treaty;*
   b. *Reiterated that reporting is a fundamental obligation of the ATT, and submitting initial and annual reports is an indicator of the commitment of a State Party to the Treaty;*
   c. *Expressed its concern for the low rate of compliance with the reporting obligations;*
   d. *Urged States Parties that are not fully compliant with their reporting obligations to submit their reports or, in case of difficulty to do so, to make use of the available assistance mechanisms in order to achieve full compliance with the Treaty's reporting obligations;*
   e. *Encouraged all relevant stakeholders to continue to implement the Outreach Strategy on Reporting that was adopted at CSP4, and to use all available means to actively engage with States Parties that are not fully compliant with the reporting obligations, in order to raise awareness on the mandatory nature of reporting and to provide assistance upon request;*
   f. *Encouraged States Parties and signatory States to register online for access to the IT platform and make use of the information exchange platform;*
   g. *Endorsed the revised Initial reporting template, as contained in Annex C of the Co-Chairs' report, and recommended its use by States Parties in compiling their initial reports in accordance with Article 13 paragraph 1 of the Treaty;*
   h. *Endorsed the revised Annual reporting template, as contained in Annex E of the Co-Chairs' report, and recommended its use by States Parties in compiling their annual reports in accordance with Article 13 paragraph 3 of the Treaty;*
   i. *Endorsed the standing agenda-items and the recurring and specific tasks for the WGTR in the period between CSP7 and CSP8, as included in Annex A of the Co-Chair's report.*

3. The standing agenda items that States Parties instructed the WGTR to deal with as a minimum are the following:

a. State of play of compliance with reporting obligations;
b. Challenges concerning reporting;
c. Substantive reporting and transparency issues;
d. Organizational means for information exchange;
e. IT platform: reporting and transparency functionalities; and
f. WGTR mandate in the period between CSP8 and CSP9.

4. Under each of these standing agenda items States Parties charged the WGTR with both recurrent tasks and specific tasks for the period between CSP7 and CSP8:

*a. With regard to the **state of play of compliance with reporting obligations**, at every meeting the WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.*
*b. With regard to **challenges concerning reporting**, the WGTR will as a minimum:*
    i. encourage participants of States Parties that are in non-compliance with their ATT reporting obligations to share their challenges to submitting timely and accurate initial and annual reports;
    ii. monitor the implementation of the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer);
    iii. give participants the opportunity to propose and discuss other means to support States Parties in addressing their reporting challenges;
    iv. encourage participants to report on initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4;
    v. give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation, adopted at CSP3; and
    vi. monitor the impact and usefulness of the updated Initial Reporting template and the updated Annual Reporting template endorsed at CSP7.
*c. With regard to **substantive reporting and transparency issues**, the WGTR will as a minimum:*
    i. give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR;
    ii. monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System" (HS) of the World Customs Organization (WCO);
    iii. exchange practices, challenges and limitations concerning the public availability of annual and initial reports; and
    iv. exchange practices, challenges and limitations concerning the aggregation of data in annual reports.
*d. With regard to **organizational means for information exchange**, the WGTR will as a minimum:*
    i. give participants the opportunity to propose and discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level;
    ii. follow up the implementation of the three-tier approach to sharing information on diversion, adopted at CSP4.
*e. With regard to the **reporting and transparency functionalities of the IT platform**, the WGTR will*

as a minimum:

i. *give participants the opportunity to flag any problems or inconveniences concerning the IT platform;*

ii. *give participants the opportunity to propose and discuss improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty, including proposals to harness information from the initial and annual reports in a manner that allows follow-up on these reports;*

iii. *monitor and assess the use of the online reporting functionality and the information exchange platform on the ATT website; and*

iv. *work towards the consideration of a functionality that makes the information in annual reports available in a searchable database that allows for queries and extracting data.*

f. *With regard to the **WGTR mandate in the period between CSP8 and CSP9**, the WGTR will review the relevance of the aforementioned standing agenda items and recurrent tasks in the light of the state of play of ATT transparency and reporting, with a view to preparing a proposal for consideration by CSP8.*

5. The Co-Chairs have prepared this introductory paper to unpack the tasks of the WGTR for discussions in the period between CSP7 and CSP8, and to allow WGTR participants to prepare efficiently for the first WGTR meeting, which will take place in February 2022, as indicated in the CSP8 President's letter of 22 November 2021. The paper explains the background of the given tasks, summarizes past proposals and discussions, sets out elements for discussion and puts a number of proposals for consideration to WGTR participants. This should ensure a structured and effective discussionduring the meeting.

6. In light of the reduced time allocated to the meeting due to the format of the meeting, caused by the challenges posed by the COVID-19 pandemic, the Co-Chairs have adapted the agenda in order to ensure that enough time is allocated for those topics that either may require a decision by CSP8 or are necessary to discuss though they may not lead to a decision by CSP8. Some of the topics that are omitted from the agenda for the 17 February 2022 meeting can be addressed in writing, or be postponed to the next preparatory meetings of the CSP8 cycle.

7. As the paper includes several calls to WGTR participants to submit their own proposals on certain topics, the Co-Chairs encourage participants to submit any proposals in writing, via e-mail to the Co-Chairs and the ATT Secretariat, or via the information exchange platform, by 04 February 2022.

Agenda item 1: State of play of compliance with reporting obligations

Recurring task: The WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.

8. Reviewing the status of reporting is traditionally done through a presentation by the ATT Secretariat. **During the 17 February 2022 meeting, the ATT Secretariat will give a general overview of the reporting status and of the progress that has been made in comparison to the previous status update**.

Agenda item 2: Challenges concerning reporting

Recurring task 1: The WGTR will encourage participants of States Parties that are in non-compliance with their ATT reporting obligations to share their challenges to submitting timely and accurate initial and annual reports.

9. This recurring task is traditionally included in the WGTR mandate to offer States Parties a continuous platform to share problems and difficulties as well as solutions and good practices, in the organization and fulfilment of their reporting obligations. In that respect, in previous meetings some States Parties shared their difficulties in establishing effective procedures for information gathering and reporting, whilst other States Parties presented how they dealt with such challenges in their control system. **The Co-Chairs therefore invite States Parties that have not yet complied with all their reporting obligations to share the obstacles that have kept them from reporting, during the 17 February 2022 meeting. The Co-Chairs also invite State Parties that have complied with their reporting obligations to share their experiences in compiling and submitting their reports.**

10. The Co-Chairs remind States Parties about the comprehensive assistance tools that the CSP already recommended and endorsed, namely:

- The document "National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments" – offering guidance on the organization of reporting duties;
- The document "Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers" - providing guidance in the form of questions and answers to facilitate the preparation of the mandatory annual report; and
- The "Outreach strategy on reporting" (under which all States and other ATT stakeholders will be asked to brief the WGTR about any initiative undertaken to promote and enhance compliance with the reporting duties of the Treaty).

11. The Co-Chairs also point out that States Parties that are experiencing challenges with respect to their reporting obligations can apply to the Voluntary Trust Fund for assistance.

12. Besides, States Parties can take part in the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer), which was conceived as an auxiliary instrument to assist States Parties that have specific questions on reporting.

Recurring task 2: The WGTR will monitor the implementation of the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer).

13. The project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer) was supported by States Parties at CSP5. The first step in the project was a meet & greet event, which took place on 06 February 2020, among delegates of States that expressed interest either in offering or in receiving assistance on reporting issues. The reactions of participants in the event were positive and revealed their willingness to continue these peer-to-peer exchanges.

14. During the 06 February 2020 meeting of WGTR, it was decided that the follow-up of this project would remain in the hands of the ATT Secretariat. No further meetings or meaningful follow-up have been possible due to the COVID-19 pandemic. The ATT Secretariat is now considering ways to follow-up on this project in the face of COVID-restrictions.

Recurring task 3: The WGTR will give participants the opportunity to propose and discuss other means to support States Parties in addressing their reporting challenges.

15. Compliance with the ATT's annual reporting requirement is on a downward trajectory. While the challenges faced by governments due to the global COVID-19 pandemic might have caused delays in reporting, this negative trend threatens to undermine the treaty's objective of transparency and confidence building in the global arms trade. This stresses the importance that the WGTR, while continuing to implement existing measures, develop new ones to address this situation.

16. In light of the reduced time allocated to the 17 February 2022 meeting, and given that currently there is no specific proposal under discussion, the Co-Chairs propose to postpone the discussion of this agenda item for the next preparatory meeting of the CSP8 cycle. ATT stakeholders are invited to submit any proposals they may have, in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the information exchange platform by 04 February 2022.

Recurring task 4: The WGTR will encourage participants to report on initiatives taken to implement the document entitled "Outreach Strategy on Reporting".

17. Continued downturn trends in reporting confirm the relevance to increase efforts inimplementing the "Outreach strategy on reporting" adopted at CSP4, which includes several recommendations and calls on all ATT stakeholders to pay attention to reporting issues in their work on implementing and helping to implement the Treaty.

18. The Presidents of CSP6 and CSP7 engaged with those States Parties that are in arrears with their reporting obligations on a bilateral basis and through individualized letters.

19. The ATT Secretariat has monitored the responses to individualized letters sent out by the President of CSP7. Of the States Parties contacted, three (3) submitted their Initial Reports, and four (4) submitted outstanding Annual Reports.

20. The Co-Chairs have encouraged the beneficiaries of VTF funded projects related to improving reporting capacities to share with the WGTR their experience and lessons learned. States that have received VTF funding to improve reporting capacity have shared positive feedback regarding their experiences, and the Co-Chairs continue consultations with beneficiaries of these projects. **The Co-Chairs encourage beneficiaries of VTF funded projects related to reporting to share their experience and achievements in this area during the 17 February 2022 meeting.**

21. Afterwards, the Co-Chairs will call on States Parties, civil society and regional organizations to brief WGTR participants about any information sessions or promotional events on reporting that they have held, and about any other initiative focused on enhancing compliance with the reporting duties.

Recurring task 5: The WGTR will give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the `FAQ`-type guidance document on the annual reporting obligation, adopted at CSP3

22. The 'FAQ'-type guidance document on the annual reporting obligation was endorsed by States Parties at CSP3 and updated at CSP5, when States Parties endorsed a number of amendments that were necessary to reflect the introduction of the online reporting tool.

23. CSP7 endorsed the revised Annual reporting template and recommended its use by States Parties in compiling their annual reports in accordance with Article 13 paragraph 3 of the Treaty. The Co-chairs reviewed the "FAQ"-type guidance document on the annual reporting obligations in light of the revised

Annual reporting template and, with the support of the ATT Secretariat, have prepared draft suggested amendments to the document to reflect the revised template (Annex A).

24. The "FAQ"-type guidance document on the annual reporting obligation requires that proposals for alterations and additional questions and answers be considered in the WGTR. **The co-chairs therefor invite WGTR participants to review their suggested amendments in Annex A and submit any comments or additional proposals for alternations and additional questions to the co-chairs and the ATT Secretariat, or via the information exchange platform, at the latest ten days before the WGTR meeting in which they want to have their proposals discussed. The Co-Chairs will brief the WGTR participants to the meeting if specific suggestions are received, and will invite the proponents to present their contributions.**

Specific task 6: The WGTR will monitor the impact and usefulness of the updated Initial Reporting template and the updated Annual Reporting template endorsed at CSP7.

25. CSP7 endorsed the revised Initial reporting template and the revised Annual reporting template and recommended their use by States Parties in compiling their reports in accordance with Article 13 of the Treaty.

26. In light of the limited time that has passed since the introduction of the revised templates and the reduced time allocated to the 17 February 2022 meeting, the Co-Chairs propose to postpone the discussion of this agenda item for the CSP9 cycle.

Agenda item 3: Substantive reporting and transparency issues

Recurring task 1: The WGTR will give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR

27. This is a recurring task to allow WGTR participants to raise any issue on the substance of any of the obligations in article 13 of the Treaty. **All participants are invited to raise any substantive issue they want to see discussed in the WGTR in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the information exchange platform during the current CSP8 cycle.**

28. The Co-chairs recall that the CSP5 decided that in order to increase understanding of the gendered impact of armed violence in the context of the ATT all Working Group Chairs and facilitators are encouraged to consider gender aspects in their sessions. **Though the Co-chairs underline that this topic is not included in the mandate and there is no treaty obligation to provide information regarding thematic discussions, a representative of the Women's International League for Peace and Freedom (WILPF) will be invited to reflect on ways to promote transparency regarding the topic of Gender and Gender Based Violence within the ATT framework during the 17 February 2022 meeting.**

Recurring task 2: The WGTR will monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System"(HS) of the World Customs Organization (WCO)

29. This project dates back to the 31 May 2018 WGTR meeting, when a briefing by a representative of the World Customs Organization (WCO) informed that except for SALW, most of the conventional arms covered under Article 2 (1) of the ATT are not classified by specific customs codes that would allow identification of those conventional arms in the Harmonized System (HS). As this was found regrettable from the perspective of not only reporting and record-keeping, but also enforcing arms transfer controls,

participants unanimously agreed that, where absent, introducing specific customs codes for the conventional arms covered under Article 2 (1) of the ATT could be beneficial. The briefing demonstrated that amendments concerning conventional arms would not be controversial and that conventional arms would also lend themselves well to specific codes. It would be recommendable to work towards the 2027 review, which would require finalized amendments by 2024. The amendments to the HS should be submitted by Member States through their customs administrations, thus States Parties are strongly encouraged to discuss the issue with their national customs administrations and to share their feedback with WGTR participants.

30. Since the briefing, the project has been on the agenda of every WGTR meeting but no concrete steps had been taken. In this light, the Belgian Co-Chair of WGTR at the time in the CSP6 cycle, committed to draft a concept note on the topic and, when available, he would share this with those States Parties that have shown interest in the matter. **As the Co-Chairs have been advised that this work is still under development and that the said document will be presented to the WGTR after its finalization, the Co-Chairs propose to address this agenda item be postponed to the CSP9 cycle, depending on its progress.**

Specific task 3: The WGTR will exchange practices, challenges and limitations concerning the public availability of annual and initial reports

31. The number of States Parties that choose to make their reports available to States Parties only has increased year by year. Besides, the Co-Chairs note that some of these experienced in submitting public ATT annual reports gradually shifted to limiting their availability to States Parties only. Several States Parties and stakeholders have expressed concern about this trend, which the Co-Chairs consider legitimate in light of the Treaty's purpose in Article 1 of promoting transparency.

32. A discussion on this subject took place during the meeting of the WGTR in April 2021. The Co-Chairs see value in further discussion on this subject taking place to help ATT stakeholders to understand the challenges, limitations and/or preferences of States Parties that choose not to make their reports public, without questioning their right to do so.

33. In any case, the Co-Chairs encourage States Parties to access the reporting section on the ATT website. States Parties whose reports have been made accessible on the restricted area of the website only are encouraged to signal any changes in preference to the ATT Secretariat.

34. **The Co-Chairs will invite States Parties and other stakeholders to share practices, challenges and limitations concerning the public availability of the annual and initial reports**.

Specific task 4: The WGTR will exchange practices, challenges and limitations concerning the aggregation of data in annual reports

35. The Co-Chairs emphasize that this topic is not included in the mandate to discuss whether or not disaggregation of data is a treaty obligation, as this was discussed when the templates were initially adopted, but to have an exchange on States' practices and challenges on this particular topic. The Co-Chairs do point out that the FAQ-style guidance document on the annual reporting obligation, in questions 22 & 23 indicate expressly that States Parties should consider disaggregating their information by category of conventional arms on which they are reporting, as well as by country of origin or destination, and then strongly encourages States Parties to do so per country. The disaggregation of data is even more valuable in light of the discussion about the development of a searchable online database, as aggregated data would complicate comparability.

36. In light of the reduced time allocated to the meeting of 17 February 2022 meeting, the Co-Chairs

propose to postpone the discussion of this agenda item for the next meeting in the CSP8-cycle.

Agenda item 4: Organizational means for information exchange

Recurring task 1: The WGTR will give participants the opportunity to propose and discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level

37. This is a recurring task to allow WGTR participants to propose and discuss any instrument that could strengthen, promote or expedite the information exchanges that the Treaty requires or encourages States Parties to undertake in articles 7 (6), 8 (1), 11 (3), 11 (5), 13 (2), 15 (2-4) and 15 (7).

38. The Co-Chairs remind ATT stakeholders that during the preparatory process of CSP6, the WGTR focused on two mechanisms, namely the information exchange platform in the restricted area of the ATT website and the Diversion Information Exchange Forum among States Parties and signatory States.

39. Concerning the information exchange platform, during the 06 February 2020 meeting of the WGTR the Co-Chairs suggested that the platform could be used as a tool in the preparation for meetings of the ATT working groups and for intersessional work, as well as for any exchanging or sharing of information that is required or encouraged by the Treaty including, but not limited to, information sharing on diversion, as part of the three-tier approach (referenced in the following agenda item). While such proposals were well received by the participants, some pointed out the need of support from the ATT Secretariat to make States Parties and Signatories aware of announcements on the platform, and others questioned the security of the IT system.

40. In the remote consultations that followed the February 2020 meeting the Co-Chairs discussed the use of the platform for the proposed substantive purposes with the ATT Secretariat and the Chair of the WGETI and encouraged them to request input on pending issues from States Parties and signatory States by posting "announcements" on the platform. The Co-Chairs posted announcements on the platform requesting input and comments on several working documents ahead of the CSP6. Only a couple of States Parties responded to this request by uploading their feedback in the IT platform.

41. Given that the number of users that have requested access to the information exchange platform remains quite limited, the Co-Chairs strongly encourage States Parties and signatory States to register online for access to the restricted area of the ATT website and for access to the IT platform.

42. The Co-Chairs recall that exchanges via the information exchange portal are one of the predefined tiers in the three-tier approach to sharing information on diversion that was endorsed by States Parties at CSP4, next to discussions in the WGETI and the Diversion Information Exchange Forum adopted by the CSP6.

43. **The Co-Chairs invite WGTR participants to propose and discuss other structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level. The Co-Chairs welcome any written proposals, via e-mail to the Co-Chairs and the ATT Secretariat or via the information exchange platform, as well as oral proposals during the 17 February 2022 meeting**.

Recurring task 2: The WGTR follow up the implementation of the three-tier approach to sharing information on diversion, adopted at CSP4

44. With the adoption of the Diversion Information Exchange Forum and its Terms of Reference in CSP6, a relevant step was taken in the fulfilment of one of the pillars of the three-tier approach to sharing

information on diversion. It is expected that the broad support provided to the Forum will be reflected in active participation and constructive exchanges that will help address the problem of arms diversion. CSP7 recognized that because of the confidential nature of the DIEF and the sensitivity of the relevant information, and in order to be meaningful and effective, Diversion Information Exchange Forum meetings need to be held in-person and allow for broad participation of States Parties and Signatories and mandated the CSP8 President to organize the first formal meeting of the Diversion Information Exchange Forum as soon as broad in-person participation is feasible.

45. The mandate of the WGTR still includes the task to monitor the implementation of the three-tier approach to sharing information on diversion because the said approach was instituted by the WGTR and the group has a role in monitoring the usefulness and value of the initiatives that are taken in the context of the three-tier approach, including the DIEF.

46. During the CSP7-cycle, a State Party put forward the idea to consider the possibility of complementing the information exchange platform with a public part feature to allow broader and more inclusive exchanges among all ATT stakeholders, including for the intersessional work. In this context, the Co-Chairs invited participants to consider this idea and invited them to provide written input on the elements that could be considered for the addition of the said feature, including the parameters for its use, the type of information that could be exchanged, the benefits of the project, and any other relevant element. No further input or suggestions have been received on this point.

47. In light of the reduced time allocated to the meeting of 17 February 2022 meeting, the Co-Chairs propose to postpone the discussion of this agenda item for the next meeting in the CSP8 cycle. All participants are invited to provide suggestions and comments, in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the information exchange platform itself by 15 April 2022.

Agenda item 5: Reporting and transparency functionalities of the IT platform

Recurring task 1: The WGTR will give participants the opportunity to flag any problems or inconveniences concerning the IT platform

48. The area of the ATT website that is restricted to States Parties includes the information exchange platform and the online reporting functionality. States Parties have had the opportunity to experience online reporting for three years already, to submit their reports about their exports and imports in 2018, 2019, and 2020. Also, the information exchange platform is fully operational. During the 06 February 2020 meeting the ATT Secretariat provided very comprehensive and clear instructions on the use of the platform and the WGTR Co-Chairs posted announcements on which States Parties had the opportunity to comment. **In this context, during the 17 February 2022 meeting the Co-Chairs will invite State Parties to flag any problems or inconveniences they have experienced in using the IT platform.**

Recurring task 2: The WGTR will give participants the opportunity to propose and discuss improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty, including proposals to harness information from the initial and annual reports in a manner that allows follow-up on these reports

49. This is a recurring task to allow WGTR participants to suggest any changes or improvements to the IT platform in general – including the online reporting tool and the information exchange platform – based on their use. In light of the reduced time allocated to the meeting of 17 February 2022 meeting, the Co-Chairs propose to postpone the discussion of this agenda item for the next meeting in the CSP8 cycle.

All participants are invited to provide suggestions and comments, in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the information exchange platform itself by 15 April 2022.

Recurring task 3: The WGTR will monitor and assess the use of the online reporting functionality and the information exchange platform on the ATT website

50. During the meeting of 06 February 2020, the ATT Secretariat briefed the WGTR about the use of the online reporting tool located in the restricted area of the ATT webpage and presented instructions on the use of the information exchange platform. The Secretariat reported that only 12 States Parties used the online reporting tool to submit their annual report. In light of the limited use of the said online reporting tool, the Co-Chairs encouraged States Parties and signatory States to: 1) register online for access to the restricted area of the ATT website; 2) consider using the online reporting tool for submitting the annual reports; and 3) engage in the discussions on the announcements posted on the information exchange platform.

51. During the 17 February 2022 meeting, the Co-Chairs will invite all participants to provide suggestions and comments to improve the functionality and use of the online reporting functionality and the information exchange platform on the ATT website.

Specific task 4: The WGTR will work towards the consideration of a functionality that makes the information in annual reports available in a searchable database that allows for queries and extracting data.

52. Conventional arms covered by the Treaty have an indispensable role in the preservation of security, freedom and peace, provided they are used in accordance with the principles and criteria enshrined in the Treaty. States Parties must ensure that they are traded and used in a responsible and accountable way, and prevent their diversion to unauthorized users or for unauthorized end-uses. Accountability for arms export decisions can only take place when authorities are transparent. The development of a searchable online database that allows for queries and extracting data will be a substantial step in increasing transparency, which is one of the primary purposes of the Treaty. While it will provide information that can already be found in States Parties annual reports, it will better inform the public on the global arms trade in a user-friendly manner.

53. In this regard, the Co-Chairs recall the overwhelming consensus among participants of the WGTR's 08 March 2018 meeting that the information generated through the annual reports should be available in a searchable database.

54. The Co-Chairs also point out that any progress in the development of the searchable database also requires decisions on other WGTR issues, such as the reporting templates, and on more general issues, such as the IT budget. In this regard, the Co-Chairs consider that a long-term approach is needed to ensure that careful consideration is given to States Parties' expectations and needs with respect to a 'searchable online database', and to assess the cost-benefit of investing in such an instrument. It is important that States Parties firstly discuss and decide on the parameters and features of such a database, and only afterwards a cost-benefit analysis could be possible.

55. During the 28-29 April 2021 meeting, the ATT Secretariat presented a background paper outlining questions that could be put to States Parties to ascertain what they want and expect from a searchable online database. Co-chairs invite participants to provide further comments to the said approach as well as to the background paper.

56. In order to inform further discussion, Co-chairs have invited the EU External Action Service to provide a presentation of the COARM searchable online database which was introduced in October 2020.

Agenda item 6: WGTR mandate in the period between CSP8 and CSP9

Recurring task: the WGTR will review the relevance of the aforementioned standing agenda items and recurrent tasks in the light of the state of play of ATT transparency and reporting, with a view to preparing a proposal for consideration by CSP8.

57. The Co-Chairs will present a draft proposal for the mandate of the WGTR during the next meeting in the CSP8 cycle.

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ANNEX A

PROPOSAL TO UPDATE THE 'FAQ'- TYPE GUIDANCE DOCUMENT ON THE ANNUAL REPORTING OBLIGATION IN LIGHT OF THE REVISIONS TO THE REPORTING TEMPLATE ENDORSED BY CSP7

Working Group on Transparency and Reporting

DRAFT

Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT

Questions & Answers

TABLE OF CONTENTS

I. Introduction 3

II. Treaty obligation and other relevant ATT provisions 4
A. Article 13 (3) – annual reporting obligation 4
B. Article 2 (1) – scope 4
C. Article 5 (3) – implementation 4
D. Article 12 (3) – content of national records 4

III. Complete list of questions 5

IV. Questions and answers 8
A. Basic requirements of the annual reporting obligation 8
B. Scope of the annual reporting obligation 11
i. "authorized or actual exports and imports" 11
ii. "conventional arms covered under Article 2 (1)" 13
C. Information to be reported 17
D. Form of the report and utilization of reporting templates 21
E. Procedures and formalities of the annual reporting obligation 22
F. Enforcement of the annual reporting obligation 25

V. Annex 1: UNROCA categories a-g 26

VI. Annex 2: Relevant sources concerning definitions and categorization of conventional arms . 28

VII. Annex 3: UN descriptions of SALW 29
A. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons 29
B. United Nations Register of Conventional Arms 29

I. INTRODUCTION

This document provides guidance in the form of questions and answers to facilitate the preparation of the mandatory annual report, concerning authorized or actual exports and imports of conventional arms, that States Parties to the Arms Trade Treaty are required to submit to the ATT Secretariat in accordance with Article 13 (3) of the Treaty.

This 'FAQ'-type guidance document was proposed by Belgium during the meeting of the Working Group on Transparency and Reporting of 6 April 2017 and was recognized by States Parties as a valuable tool to improve compliance with the mandatory annual reporting obligation of the Treaty. It was consequently identified by the Working Group as a potential deliverable for the Third Conference of States Parties.

The document was initially drafted by Belgium in consultation with interested States Parties, civil society, and the ATT Secretariat.

The questions in this document are predominantly based on input received by the drafters from States Parties themselves, UN Regional Centres for Peace, Disarmament and Development, international assistance providers, and civil society.

The answers draw on several sources, most notably the Treaty itself.

Some guidance is also taken from the "Explanatory notes" included in the reporting template for the annual report, which was endorsed and recommended for use by States Parties during the Second Conference of States Parties ~~(also referred to as ATT reporting template)~~. A revised version of the annual reporting template for the annual report was endorsed and recommended for use by States Parties during the Seventh Conference of States Parties.

By nature this is an open-ended document. Proposals for alterations and additional questions and answers may be made at any time, but should be considered in the Working Group on Transparency and Reporting.

II. TREATY OBLIGATION AND OTHER RELEVANT ATT PROVISIONS

A. Article 13 (3) – annual reporting obligation

Each State Party shall submit annually to the ATT Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the ATT Secretariat. The report submitted to the ATT Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Indeed, the annual reporting template includes a field that allows a reporting State to authorize the United Nations Office for Disarmament (UNODA) to use the relevant information in its annual report as a basis for the reporting State's report to the United Register on Conventional Arms. Reports may exclude commercially sensitive or national security information.

B. Article 2 (1) – scope

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.

C. Article 5 (3) – implementation

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 in 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 in 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.

D. Article 12 (3) – content of national records

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.

III. COMPLETE LIST OF QUESTIONS

A. Article 13 (3) – annual reporting obligation 4
B. Article 2 (1) – scope 4
C. Article 5 (3) – implementation 4
D. Article 12 (3) – content of national records 4
A. Basic requirements of the annual reporting obligation 8
1. What information should the ATT annual report contain? 8
2. How should the ATT annual report be submitted to the ATT Secretariat? 9
3. When should the ATT annual report be submitted to the ATT Secretariat? 10
B. Scope of the annual reporting obligation 11
i. "authorized or actual exports and imports" 11
4. Article 13 (3) mentions exports and imports. Should States Parties also report on other transfers covered under Article 2 (2)? 11
5. What is the definition of an export / import? 11
6. Must gifts, loans and leases and other non-monetary transactions be reported? 11
7. Must temporary exports and imports be reported? 12
8. Must exports and imports by private persons and companies and/or exports and imports by State actors be reported? 12
9. What are authorized exports and imports? 12
10. What are actual exports and imports? 12
11. Do States Parties need to report both authorized exports/imports and actual exports/imports? 13
ii. "conventional arms covered under Article 2 (1)" 13
12. Article 13 (3) mentions conventional arms covered under Article 2 (1). What should be reported under categories (a-g)? 13
13. Category (h) of Article 2 (1) deals with small arms and light weapons. What should be reported under this category? 14
14. Should small arms and light weapons that are not made or modified to military specifications be reported? 14
15. Should States Parties report on conventional arms other than those covered under Article 2 (1)? 14
16. Article 13 (3) does not refer to ammunition/munitions and parts and components, mentioned in Articles 3 and 4 of the Treaty respectively. Should authorized or actual exports and imports of these items be reported? 15

17. Conventional arms are sometimes exported/imported complete but in disassembled parts and components (known as “kits”). Should authorized or actual exports and imports of these items be reported? 15

18. Should exports and imports of second-hand arms and surplus arms be reported? 15

19. How should items exported by a State other than the State of origin be reported? ... 15

20. How should the transfers of items to an intermediate location be reported? 16

21. Which State should report the export of a conventional arm that was co-produced by two or more countries? 16

C. Information to be reported 17

22. Which information about their authorized or actual exports and imports do States Parties need to include in their report as a minimum? 17

23. Do States Parties need to break down the information about exports and imports per country? 17

24. Do States Parties need to report both the number of items and the financial value of the authorized or actual exports and imports? 17

25. Do States Parties need to include details on the designation, model or type of the arms? 18

26. Do States Parties need to include details on the consignees and end-users of the arms? 18

27. Concerning small arms and light weapons, do States Parties need to report data such as calibres and serial numbers? 18

28. Do States Parties need to include the nature of export and imports in their report? .. 18

29. Can States Parties exclude commercially sensitive or national security information from their report? 19

30. Do States Parties need to indicate that commercially sensitive or national security information is excluded from their report? 19

31. Are there criteria to determine whether information is commercially sensitive or concerns national security? 19

32. Do the UNROCA standardized reporting forms and the ATT annual reporting template request States to provide the same information? 19

33. Do States Parties that have not authorised any exports and/or imports or that have not had any actual exports and/or imports have to report to the ATT Secretariat? 20

D. Form of the report and utilization of reporting templates 21

34. Does the Treaty itself prescribe a standardized reporting form or reporting template? 21

35. Is it compulsory to use the annual reporting template that was endorsed by the Conference of States Parties ? 21

36. Can States Parties use their submission to the UNROCA to comply with the annual reporting obligation? 21

E. Procedures and formalities of the annual reporting obligation 22

37. What is the procedure that is followed annually to request States Parties to report to the ATT Secretariat? 22

38. Which authority should submit the report to the ATT Secretariat? 22

39. What happens to the annual reports once they are submitted to the ATT Secretariat? 22

40. Does the technical infrastructure of the ATT Secretariat (email address, ATT website) provide a high standard of protection against hacker attacks? 23

41. Will the annual reports of States Parties be made publicly available? 23

42. Does a State Party need the consent of the importing or exporting States before it: a) reports its exports and imports; and b) makes this information publicly available? 24

43. What should a State Party do if, after submitting information for a certain calendar year, it determines that the information was incomplete or contained a technical error? 24

44. If a State Party has a question on the annual reporting obligation and its implementation, how can it contact the ATT Secretariat? 24

F. Enforcement of the annual reporting obligation 25

45. Does the Treaty provide for sanctions or other measures in case of non-compliance with the annual reporting obligation? 25

46. Are there any consequences if incorrect information is submitted? (accidentally or knowingly)? 25

A. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons 29

B. United Nations Register of Conventional Arms 29

IV. QUESTIONS AND ANSWERS

A. Basic requirements of the annual reporting obligation

1. What information should the ATT annual report contain?

The Treaty requires States Parties to report *"authorized or actual exports and imports"* (see questions 9 and following) of "*conventional arms covered under Article 2 (1)"* (see questions 12 and following). It does not expressly list the information that States Parties need to include in their annual report.

The Treaty does indicate that the annual report may contain the same information submitted to relevant United Nations frameworks, including the United Nations Register of Conventional Arms (hereinafter referred to as UNROCA). The UNROCA standardized reporting forms require States to enter, *as a minimum*:

1) the final importer or exporter State of the arms;
2) the number of items;
3) the State of origin of the arms (if not the exporter State); and
4) the intermediate location of the arms (if any).

In the optional "Remarks" column of the UNROCA standardized reporting forms, States *can* include a description of the arms and comments on the exports or imports.

States Parties using their UNROCA report to comply with the Treaty's annual reporting obligation should make sure that its content complies with this obligation (see question 36).

The Treaty provides a list of information that States Parties are encouraged to include in their national *records* of authorized or actual exports (and, possibly, of imports and authorized transits and trans-shipments) It should be clear, however, that this list does NOT apply to the annual reporting obligation; it does indicate the importance of certain basic information that is also included in the UNROCA standardized reporting forms.

As explained in the answer to question 2, the Second and Seventh Conferences of States Parties, recommended that States Parties use the template for reporting authorized or actual exports and imports. This reporting template is based on the UNROCA standardized reporting forms, but differs on certain elements (see question 32).

The reporting template provides for States Parties to report, *as a minimum*, the following information about their authorized or actual exports and imports:

1) whether the State Party in question is reporting authorised or actual exports and imports;
2) the number of items and/or the financial value of the exported and imported conventional arms; and
3) the final importing or exporting States of the conventional arms.

As in the UNROCA standardized reporting forms, the ATT annual reporting template provides States Parties with the option to include additional information: in particular, (1) the State of origin of the arms (if not the exporter State), (2) a description of the conventional arms and (3~~2~~) comments on the exports or imports.

The forms in the annual reporting template each also have a title page on which States Parties are requested to include general information concerning their report, namely the details of the national point of contact for the report (see question 38), the date of ~~submission~~ the report (meaning the date

it was drafted or finalised by the reporting State, not the date it was submitted to the ATT Secretariat), whether the United Nations Office for Disarmament Affairs may use relevant information in the report as a basis for the reporting State's report to UNROCA, the content of the report, and whether information has been omitted from the report because it is 'commercially sensitive' or for 'national security' reasons (questions 29 to 31).

For further guidance on which information to enter in the report, see questions 22 and following.

2. How should the ATT annual report be submitted to the ATT Secretariat?

2.1 What delivery options are available?

The Treaty itself does not instruct States Parties how to submit their reports to the ATT Secretariat.

On the ATT website an online tool for the submission of both initial and annual reports is available, which integrates the reporting templates endorsed by States Parties. States Parties can also use the online platform to upload their reports (in Word or PDF format). In order to submit an annual report online, the representative of the State Party that is submitting the report must have ~~[~~individual~~]~~ access to the restricted area of the website. Information on how to obtain access to the restricted area of the website is available on the website itself: https://www.thearmstradetreaty.org/registration-to-portal.html or can be obtained from the ATT Secretariat by emailing: info@thearmstradetreaty.org

Alternatively, States Parties may submit their annual reports to the ATT Secretariat by e-mail to info@thearmstradetreaty.org, by post or courier, or, if a higher degree of confidentiality is required, by hand through their Missions in Geneva (see further questions 37 and following). These submission options remain available to States Parties even after the introduction of online reporting tool.

In summary, States Parties may submit their annual reports in one of four ways: 1) via the online reporting tool on the ATT website; 2) via an email to info@thearmstradetreaty.org; 3) via post or courier; or 4) by hand-delivery to the ATT Secretariat offices.

2.2 What format should the annual report be in?

To facilitate compliance with the annual reporting obligation, ~~during the Second Conference of States Parties,~~ States Parties endorsed and recommended an annual reporting template that States Parties can opt to use to prepare and submit their report. This reporting template was first endorsed and recommended for use by the Second Conference of States Parties, and an amended version was endorsed and recommended by the Seventh Conference of States Parties. This annual reporting template is available on the ATT website in Arabic, Chinese, English, French, Russian and Spanish (https://www.thearmstradetreaty.org/reporting.html#anchorhowto). The template has been integrated into the online reporting tool and is available in English, French or Spanish. For further guidance on the annual reporting template, see question 34 and other questions throughout this document.

Alternatively, as the Treaty provides that the report may contain the same information submitted by the State Party to the UNROCA, States Parties can submit their UNROCA report to the ATT Secretariat *if* its content complies with the annual reporting obligation of the Treaty. For further guidance on this, see questions 1, 32 and 36, notably as regards small arms and light weapons.

Lastly, States Parties can opt to submit a custom-made national report, or a report on conventional arms exports and imports that they submit to a regional organization. Its content will however need to comply with the annual reporting obligation of the Treaty.

3. When should the ATT annual report be submitted to the ATT Secretariat?

The Treaty provides that each State Party shall submit its report to the Secretariat on an annual basis by 31 May. The report should include information on the authorized or actual exports and imports during the previous calendar year (e.g. the report submitted to the ATT Secretariat by 31 May ~~2017~~ 2022 will contain information on authorized or actual exports and imports that took place during the period 1 January to 31 December ~~2016~~2021.

For further guidance on the procedure and the formalities of the annual reporting obligation, see questions 37 and following.

B. Scope of the annual reporting obligation

i. "authorized or actual exports and imports"

4. Article 13 (3) mentions exports and imports. Should States Parties also report on other transfers covered under Article 2 (2)?

No. The annual reporting obligation only applies to exports and imports. So States Parties do not need to include information about transit, trans-shipment and brokering in their annual report.

5. What is the definition of an export / import?

The treaty does not include a definition of "export" or import". States Parties that use the ~~ATT~~ annual reporting template for their annual report are asked to indicate their definition of the term "export" and "import" via a series of checkbox options, which include:

1) "physical transfer of items across a national border";
2) "transfer of title";
~~2)~~3) ~~and~~ "transfer of control"; and
~~3)~~4) "other".

The three concrete options reflect the UNROCA practice that *"international arms transfers involve, in addition to the physical movement of equipment into or from national territory, the transfer of title to and control over the equipment"* (which is also included in Protocol II, as amended, of the Convention on Certain Conventional Weapons).

States Parties may naturally apply their general definitions of exports and imports in accordance with their customs legislation. The Glossary of International Customs Terms of the World Customs Organization (WCO), for example, defines exportation as *"the act of taking out or causing to be taken out any goods from the Customs territory"* and importation as *"the act of bringing or causing any goods to be brought into a Customs territory"*.

6. Must gifts, loans and leases and other non-monetary transactions be reported?

If gifts, loans and leases, and other non-monetary transactions are covered by a State Party's definition of export or import, they should be reported. In particular, transactions such as gifts and financial leases should be considered for reporting, as these transactions normally involve both a physical transfer and a transfer of title or control (see also question 5).

More generally, the Treaty text could be read to cover some movements without transfer of title and control and even those free of charge. The Treaty explicitly exempts from its application *"the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party's ownership"*. If such movements did not fall within the intended scope of "exports", there would have been no need to include an explicit exemption.

Liechtenstein, New Zealand and Switzerland attached an interpretative declaration to their ratifications of the Treaty, which reads as follows:

"It is [our] understanding […] that the terms "export", "import", "transit", "transshipment" and "brokering" in Article 2, paragraph 2, include, in the light of the object and purpose of this Treaty and

in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall within the scope of this Treaty."

7. Must temporary exports and imports be reported?

Temporary exports and imports imply that items are only exported or imported for a certain amount of time and intended to be subsequently returned to the same owner. The Treaty itself does not exclude such exports and imports from its scope, but States Parties need to make their own determination depending on their definitions of export and import (see question 5).

8. Must exports and imports by private persons and companies and/or exports and imports by State actors be reported?

The Treaty does not include a general exemption for certain categories of recipients or end-users. States Parties therefore need to report exports and imports regardless of the nature of the exporter or the importer, i.e. whether it is a private actor or a State actor such as the armed forces. This also includes government-to-government transfers.

Article 2 (3) of the Treaty does exempt one specific type of movement by (or on behalf of) a State Party from its definition of transfer, i.e. when conventional arms are moved by (or on behalf of) a State Party for its own use, provided that the conventional arms remain under that State Party's ownership. This concerns movements of conventional arms already owned by the State Party.

Concerning potential commercial sensitivity or national security issues, see questions 29 to 31.

9. What are authorized exports and imports?

Authorized exports and imports imply that (the competent authorities of) the State Party in question in some way permitted the export or import to take place. This generally happens in the form of an export or import licence.

An authorization or licence does not *oblige* the importer or exporter to actually conduct the export or import in question, the conventional arms which are the object of the authorization might subsequently not (all) be physically moved from or into the national territory of the State Party during the same reporting period, and this might even never take place. Likewise, the title to and control over the conventional arms might not be transferred during the same reporting period, or might never be transferred.

It should be noted that as a consequence, if State Party A (the exporting State Party) reports authorized exports and State Party B (the importing State Party) reports actual imports, their respective reports on exports and imports in a given reporting period might not (fully) correspond (see also question 11).

10. What are actual exports and imports?

Actual exports and imports are those that have effectively taken place. Depending on the definitions of export and import of the State Party in question, this entails that the arms have been actually physically transferred across the national border and/or the title and control over the arms has been actually transferred.

11. Do States Parties need to report both authorized exports/imports and actual exports/imports?

The Treaty requires States Parties to report authorized OR actual exports and imports. States Parties can therefore choose to report either authorized exports and imports or actual exports and imports. As indicated in the "Explanatory notes" of the ~~ATT~~ annual reporting template, they can make this choice for their report as a whole or per category of conventional arms. For reasons of transparency, it is advisable that States Parties clearly indicate in their report which approach they are using. For reasons of consistency and continuity, it is of course desirable that States Parties' choices in this respect, once made, remain stable over time.

A State Party wishing to report both authorized and actual exports and imports may of course do so. Both sets of information are useful, as the information about authorized exports and imports demonstrates what a State Party has *permitted* to take place, while information about actual exports and imports demonstrates what has *actually* taken place. For States Parties that use the ~~ATT~~ annual reporting template for their annual report, this would entail submitting two tables, one for authorised exports and imports and another for actual exports and imports.

In certain cases, a State Party might have to report *actual* exports and imports because it does not have information about authorized exports and imports of all conventional arms or of certain categories of conventional arms. Concerning imports, this could be the case if the State Party in question does not require an import authorization for (certain categories of) conventional arms. Concerning both exports and imports, this might also be the case if the State Party in question applies a system of open or general licences, where at the time of authorization the number of items and the financial value are undetermined.

ii. "conventional arms covered under Article 2 (1)"

12. Article 13 (3) mentions conventional arms covered under Article 2 (1). What should be reported under categories (a-g)?

The conventional arms listed in categories (a-g) are the following:
(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.

The treaty does not provide definitions for these categories. It does require in Article 5 (3), however, that national definitions shall not cover less than the descriptions used in the UNROCA at the time of entry into force of the Treaty (i.e. 24 December 2014). The descriptions used in the UNODA Standardized Reporting Forms for the UNROCA are included in Annex 1 of this document.

Therefore, States Parties have two choices. First, a State Party can use the UNROCA category descriptions. Second, a State Party can use national definitions that at least cover all elements contained in the UNROCA category descriptions. This means that States Parties can use broader national definitions, but not narrower definitions.

For States Parties that use the ~~ATT~~ annual reporting template for their annual report, the template contains an Annex 2 that allows States Parties to include more specific information about specific (diverging or more detailed) national definitions of these categories (a-g). These specific national definitions included in Annex 2 should reflect those included in the State Party's national control list for these categories (a-g).

Many relevant sources are available for use when formulating such national definitions, but also to establish whether certain items fall within one of these categories and within which exact category an item would need to be reported. A non-exhaustive list of such sources is included in Annex 2 of this document.

13. Category (h) of Article 2 (1) deals with small arms and light weapons. What should be reported under this category?

The treaty does not provide a definition of small arms and light weapons (also referred to as SALW). It does require in Article 5 (3) that national definitions of small arms and light weapons should not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of the Treaty (i.e. 24 December 2014). The relevant instruments are not listed in the Treaty. Relevant UN instruments could be:

1) the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (hereinafter referred to as International Tracing Instrument); and
2) UNROCA's 2014 reporting template for SALW as additional information.

The descriptions of small arms and light weapons in these instruments are included in Annex 3 of this document.

For States Parties that use the ATT annual reporting template for their annual report, the template contains the subcategories of small arms and light weapons that are included in the UNROCA standardized reporting form for the reporting on transfers of small arms and light weapons. The ATT annual reporting template also provides the option for States Parties to report on small arms and light weapons as aggregate categories. The template makes clear that other UN descriptions can be used.

14. Should small arms and light weapons that are not made or modified to military specifications be reported?

Neither Article 2 (1) (h) itself, nor the relevant UN instruments mentioned in the answer to question 13, the International Tracing Instrument in particular, explicitly differentiate between conventional arms that are made or modified to military specifications and arms that are made or modified to civilian specification in its definition of small arms and light weapons. Therefore States Parties must make their own determination.

15. Should States Parties report on conventional arms other than those covered under Article 2 (1)?

The annual reporting *obligation* in Article 13 (3) clearly applies only to conventional arms covered under Article 2 (1).

However, in Article 5 (3) of the Treaty, States Parties are *encouraged* to apply the provisions of the Treaty to the broadest range of conventional arms. This also applies to the provision on annual

reporting. States Parties are thus *encouraged* to include in their annual report information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1). In that sense, States Parties could consider including information concerning *all conventional arms in their national control list*, but are not required to do so.

For States Parties that use the ~~ATT~~ annual reporting template for their annual report, the template contains a section on "~~Voluntary~~ National Categories" that allows States Parties to report information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1).

16. *Article 13 (3) does not refer to ammunition/munitions and parts and components, mentioned in Articles 3 and 4 of the Treaty respectively. Should authorized or actual exports and imports of these items be reported?*

As explained in the answer to question 15, the reporting *obligation* in Article 13 (3) only applies to conventional arms covered under Article 2 (1), but States Parties are *encouraged* to include in their annual report information about authorized or actual exports and imports of other conventional arms. In that sense, States Parties could also consider including information concerning ammunition/munitions and parts and components, but are not required to do so.

In this respect, it should also be clear that ammunition/munitions and parts and components are not included in the category of small arms and light weapons.

17. *Conventional arms are sometimes exported/imported complete but in disassembled parts and components (known as "kits"). Should authorized or actual exports and imports of these items be reported?*

As explained in the answer to question 15, the Treaty provides no *obligation* and only an *encouragement* to include information concerning parts and components in the annual report. States Parties must therefore make their own determination.

Bearing in mind the object and purpose of the Treaty, States Parties could nonetheless consider reporting exports and imports of *complete* conventional arms covered under Article 2 (1) that are exported/imported in disassembled parts and components.

States Parties that use the ~~ATT~~ annual reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that they are reporting complete, but disassembled conventional arms. ~~Of course, this is voluntary information.~~

18. *Should exports and imports of second-hand arms and surplus arms be reported?*

Yes. As the Treaty does not distinguish between new, second-hand or surplus arms, States Parties should report authorized or actual exports and imports regardless of whether the arms in question are new, second-hand, or surplus.

19. *How should items exported by a State other than the State of origin be reported?*

States Parties should report such exports as normal exports, but clarify that the arms originate from another State. Both the UNROCA standardized reporting form and the ATT annual reporting template

~~endorsed and recommended for use during the Seventh~~cond Conference of States Parties ~~~~ contain a dedicated column to report this information.

20. How should the transfers of items to an intermediate location be reported?

If, for example, a State Party exports air-to-air missiles to State A for installation on combat aircraft to be exported to State B, the State Party in question should report the export of missiles to State B and clarify in its report that State A is the intermediate location. ~~Both t~~The UNROCA standardized reporting form ~~and the ATT reporting template~~ contains a dedicated column to report this information. States Parties that use the ATT annual reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that there is an intermediate location (State A).

21. Which State should report the export of a conventional arm that was co-produced by two or more countries?

The export should be reported by the final exporting State of the complete conventional arm. States Parties that use the ~~ATT~~ annual reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that they are reporting co-produced conventional arms. ~~Of course, this is voluntary information.~~

C. Information to be reported

22. Which information about their authorized or actual exports and imports do States Parties need to include in their report as a minimum?

As explained in the answer to question 1, the Treaty does not expressly list the information that States Parties need to include in their annual report, but some guidance is given by the Treaty's reference to *"information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms"*.

In that respect, the ATT annual reporting template takes as its starting point the information contained in the UNROCA standardized reporting forms, and includes as core information the following data:

1) the number of items or the financial value of the exported and imported conventional arms[1]; and
2) the final importing or exporting States of the conventional arms.

This represents a common understanding – not a Treaty obligation – of what information States Parties should include *as a minimum* when they report their authorized or actual exports and imports (or both, see question 11).

States Parties should consider providing this information broken down by category of conventional arms on which they are reporting, as well as by country of origin or destination (see question 23).

It should be noted that the option of reporting financial value is not included in the UNROCA standardized reporting forms (see questions 24 and 32). It was introduced in the ATT annual reporting template in light of the more binding nature of the ATT's reporting requirement, in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

23. Do States Parties need to break down the information about exports and imports per country?

The Treaty does not specify this, but in line with the UNROCA practice and taking into account the Treaty's purpose in Article 1 of promoting transparency, States Parties are strongly encouraged to break down the relevant data per country to or from which exports and imports were authorized or effected.

24. Do States Parties need to report both the number of items and the financial value of the authorized or actual exports and imports?

As the Treaty does not specify this, it is for States Parties to decide whether to include the number of items or the financial value.

The ~~ATT~~ annual reporting template, gives States Parties the option to provide information on the volume of exports and imports expressed either as the number of items or as a financial value. This differs from the approach in the UNROCA, which only requests UN Member States to provide information on the number of items of conventional arms that were exported and imported (see

[1] If a State Party opts to report the financial value of the authorized or actual exports and imports, it should indicate which currency is used.

question 32). The option of reporting financial value was introduced in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

As indicated in the "Explanatory notes" of the ATT annual reporting template, States Parties can choose to provide information on either the number of items or the financial value for every category in their report as a whole or use number of items for some categories and financial value for others. For reasons of consistency and continuity, it is desirable that States Parties' choices in this respect, once made, remain stable over time.

A State Party may report on both the number of items and the financial value if it wishes to do so.

25. Do States Parties need to include details on the designation, model or type of the arms?

The Treaty does not require States Parties to include details on the designation, model or type of the arms.

In line with the UNROCA practice, the ATT annual reporting template contains a column titled "Description of item", under the heading "Remarks". States Parties may use this column to describe the conventional arms that are exported or imported by entering the designation, type, model or any other information considered relevant. ~~This information is voluntary.~~

26. Do States Parties need to include details on the consignees and end-users of the arms?

The Treaty does not require States Parties to include details on the consignees and end-users of the arms.

In line with UNROCA practice, the ATT annual reporting template contains a column titled "Comments on the transfer", under the heading "Remarks". States Parties may use this column to explain or clarify the nature of the consignee(s) and end-user(s) of the arms. ~~This information is voluntary.~~

27. Concerning small arms and light weapons, do States Parties need to report data such as calibres and serial numbers?

The Treaty does not require States Parties to include data on individual conventional arms in their report, including small arms and light weapons.

In some cases, it could be relevant to exchange such information among the importing, transit, trans-shipment and exporting States Parties involved in a certain transfer, particularly to mitigate the risk of diversion. However, this goes beyond the annual reporting obligation contained in Article 13 (3) of the Treaty.

28. Do States Parties need to include the nature of export and imports in their report?

The Treaty does not require States Parties to include details on the nature of exports and imports.

In line with UNROCA practice, the ATT annual reporting template contains a column titled "Comments on the transfer", under the heading "Remarks". States Parties may use this column to explain or clarify the nature of the transfer - for instance, if it is temporary (e.g. for exhibitions or repairs), or if it is industrial in nature (e.g. intended for integration into a larger system). ~~This information is voluntary .~~

29. Can States Parties exclude commercially sensitive or national security information from their report?

Yes, Article 13 (3) expressly allows States Parties to exclude commercially sensitive or national security information from their report. However, this exception should be read in line with the Treaty purpose in Article 1 of promoting transparency. In this light, blanket omissions would not seem appropriate.

For States Parties that use the ~~ATT~~ annual reporting template for their annual report, the choice is available between providing the number of items or financial value of the exported/imported items. This is in order to alleviate concerns regarding commercial sensitivities and national security.

30. Do States Parties need to indicate that commercially sensitive or national security information is excluded from their report?

The Treaty does not provide guidance regarding the omission of information on the grounds that it is commercially sensitive or has national security implications. However, States Parties that use the ~~ATT~~ annual reporting template for their annual report are asked to indicate voluntarily whether any commercially sensitive and/or national security information has been withheld.

This disclosure is useful to avoid unnecessary questions regarding discrepancies between national reports.

31. Are there criteria to determine whether information is commercially sensitive or concerns national security?

No, The Treaty does not provide any criteria. It is at the discretion of States Parties to determine whether certain information is commercially sensitive or may affect national security. However, in exercising their discretion, States Parties should take into account the Treaty's purpose in Article 1 of promoting transparency. States Parties should therefore assess on a case-by-case basis whether or not an omission is in the public interest.

32. Do the UNROCA standardized reporting forms and the ATT annual reporting template request States to provide the same information?

No. While the ATT annual reporting template is based on the UNROCA standardized reporting forms, it differs on certain elements:

1) in accordance with the Treaty, the ATT annual reporting template allows States Parties to report either authorized or actual exports and imports. The UNROCA requests States to report on actual exports and imports only (see questions 9 and following);
2) in accordance with the Treaty, the ATT annual reporting template includes small arms and light weapons as a ~~mandatory~~ category that States Parties must report on. At the time of entry into force of the ATT, the UNROCA only invited States to provide information about exports and imports of small arms and light weapons in their report as part of additional background information, on the basis of a separate reporting form (see also question 36);
3) unlike the UNROCA, and in accordance with the Treaty, the ATT annual reporting template contains a section on "~~Voluntary~~ National Categories". This is to permit States Parties to include additional information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1), as encouraged under Article 5 (3) of the Treaty (see questions 15 and 16).

4) the ATT annual reporting template allows States Parties to choose to report the volume of exports and imports as either the number of items or as a the financial value. Under the UNROCA, States are requested to report the number of items (see question 24).

The ATT annual reporting template also includes a number of general questions that are not included in the UNROCA standardized reporting forms, i.e.:

1) the ~~voluntary~~ question on whether commercially sensitive or national security information is omitted from the report (see questions 29 to 31); and
2) the ~~mandatory~~ question on whether the export/import reports ~~should be restricted to States Parties or can also~~may be made publicly available (see question 41).

33. Do States Parties that have not authorised any exports and/or imports or that have not had any actual exports and/or imports have to report to the ATT Secretariat?

Yes. States Parties that do not have any authorized or actual exports and/or imports to report should submit a "nil report" to the ATT Secretariat, clearly stating that no exports and/or imports have taken place in any of the categories during the reporting period. Nil reporting is important, because it enables States Parties to demonstrate their compliance with the Treaty's annual reporting obligation even if they have no transfers to report in a given year.

For States Parties that use the ATT annual reporting template for their annual report, the template contains forms for nil reports for both exports and imports in Annexes 3A and 3B (as does the UNROCA).

If States Parties do not have any exports and/or imports to report in only *certain categories* of conventional arms, they should indicate this by entering the word "nil" in the appropriate columns of their report.

D. Form of the report and utilization of reporting templates

34. Does the Treaty itself prescribe a standardized reporting form or reporting template?

The Treaty itself does not prescribe a standardized reporting form or reporting template.

However, during the Second Conference of States Parties, States Parties endorsed and recommended a reporting template that States Parties can use to prepare and submit their annual report. A revised version of this reporting template was endorsed and recommended for use by the Seventh Conference of States Parties. This reporting template is available on the ATT website in Arabic, Chinese, English, French, Russian and Spanish. The template has been integrated into the online reporting tool and is available in English, French or Spanish.

The ~~ATT~~ annual reporting template contains the following four reporting forms:

1) annual report on exports of conventional arms;
2) annual report on imports of conventional arms;
3) nil report on exports of conventional arms (Annex 3A); and
4) nil report on imports of conventional arms (Annex 3B).

It also includes a title page, explanatory notes, and annexes with the 2014 UNROCA descriptions of seven categories of conventional arms (Annex 1), as well as a table that allows States Parties to include more information about specific (diverging or more detailed) national definitions of these categories (Annex 2).

Further information about the annual reporting template is included in answers to a number of questions throughout this document.

35. Is it compulsory to use the annual reporting template that was endorsed ~~during~~ by the ~~Second~~ Conference of States Parties ?

It is not compulsory to use the ATT annual reporting template, but its use~~d~~ was recommended by the ~~Second~~ Seventh Conference of States Parties. See question 2.2 for other format options.

36. Can States Parties use their submission to the UNROCA to comply with the annual reporting obligation?

States Parties can use their submission to the UNROCA to comply with the annual reporting obligation, as the Treaty itself provides that the ATT annual report may contain the same information submitted by the State Party to the UNROCA.

States Parties using their UNROCA report should make sure, however, that its content complies with the annual reporting obligation of the Treaty. This concerns in particular the reporting on exports and imports of small arms and light weapons, as the Treaty places a legal obligation on States Parties to report on these. Under the 2014 UNROCA, States were only invited to include additional voluntary information about exports and imports of small arms and light weapons in their report (see also question 32).

States Parties using their UNROCA report should also give a clear indication to the ATT Secretariat when submitting their report as to whether or not they want their report to be made publicly available.

E. Procedures and formalities of the annual reporting obligation

37. What is the procedure that is followed annually to request States Parties to report to the ATT Secretariat?

Each year, the ATT Secretariat issues a letter to all States Parties approximately two months before the deadline for the submission of annual reports (31 May), providing an initial reminder that annual reports are due to be submitted to the ATT Secretariat on or before 31 May. One month before the annual reports are due, States Parties receive another ~~[automatically generated]~~ email reminder that annual reports are due on or before 31 May. Both the initial reminder and the final reminder email – which are sent to all States Parties – include information on how to submit annual reports.

Copies of the initial reminder letter and final reminder email, as well as the ~~ATT~~ annual reporting template, can also be obtained directly from the ATT Secretariat (see question 44 ~~–~~for contact information).

In addition, States Parties receive automated email reminders generated by the online reporting platform notifying each representative of a State Party whose email address is in the ATT mailing list, that they are due to submit annual reports.

38. Which authority should submit the report to the ATT Secretariat?

States Parties should designate competent national authorities responsible for compliance with Treaty obligations, and notify the ATT Secretariat of the details in accordance with Article 5 (5) of the Treaty. This could include a specially designated authority directly responsible for compliance with the annual reporting obligation.

States Parties that use the ~~ATT~~ annual reporting template for their annual report are requested to enter the details of their responsible national point of contact on the title page.

Ideally, the national point of contact responsible for reporting would also be the person who is registered as the person authorized by the State Party to access the online reporting tool and submit reports via the online platform on behalf of the State, and this person would hold that State's credentials for accessing the online reporting tool.

39. What happens to the annual reports once they are submitted to the ATT Secretariat?

39.1 Reports submitted by email, post, courier or by hand delivery

The ATT Secretariat takes the following steps with respect to each annual report submitted by a State Party by email, post, courier or by hand delivery:

1. The ATT Secretariat acknowledges receipt of the annual report by sending an email to the State that submitted the report, and confirms the instructions provided by the State Party as to whether it wishes its annual report to be made available on the public area *and* the

restricted area of the website (available to States Parties only), or on the restricted area of the website only (see question 41);

2. The ATT Secretariat keeps a copy of the ~~Annual~~ annual ~~Report~~ report in printed form as well as in electronic form on a secure database; ~~and~~
3. The ATT Secretariat then uploads the ~~A~~annual ~~R~~report onto the ATT website on the public and/or restricted area of the website, depending on the submitting State~~'~~'s instructions; and
~~3.~~4. The ATT Secretariat enters information regarding the submission of the annual report into an internal database capturing information such as whether the report was submitted on time, whether the annual reporting template was used, whether the report included a nil report on exports and/or imports, and so on. This information is used to generate data and analysis by the ATT Secretariat on the status of reporting.

39.2 Reports submitted via the online reporting tool

Where a State Party submits its annual report via the online reporting tool:

1. The State representative who submitted the annual report will receive an automatically generated email confirming that the annual report has been successfully submitted to the ATT Secretariat;
2. The ATT Secretariat keeps a copy of the ~~A~~annual ~~R~~report in printed form as well as in electronic form on a secure database; and
3. The ATT Secretariat then uploads the ~~A~~annual ~~R~~report onto the ATT website on the public and/or restricted area of the website, depending on the submitting State's instructions.

40. Does the technical infrastructure of the ATT Secretariat (email address, ATT website) provide a high standard of protection against hacker attacks?

The ATT Secretariat has reasonable measures in place to protect the ATT website and the IT platform against cyber attack.

41. Will the annual reports of States Parties be made publicly available?

The Treaty provides that "*reports shall be made available, and distributed to States Parties by the Secretariat*".

States Parties must decide on the degree of availability of their annual reports, and whether this entails making them available to the public, as most States Parties have done. In making this choice, States Parties should take into account the Treaty's purpose in Article 1 of promoting transparency and carefully consider the balance between legitimate concerns regarding public availability and the public interest of transparency. States Parties should also consider that the Treaty already allows States Parties to exclude commercially sensitive or national security information from their ATT annual report (see questions 29 to 31).

In practice, upon receipt of the report, the ATT Secretariat will publish the report on the public part of the ATT website, unless the State Party indicates explicitly that the report should not ~~only~~ be made publicly available ~~to States Parties~~. In the latter case, the report will be published on the restricted part of the website and will only be available to States Parties. Making the report available to other States Parties is in itself a clear treaty obligation.

For States Parties that use the ~~ATT~~ annual reporting template for their ATT annual report, every form ~~of~~ in the template contains a tick-box that allows States Parties to indicate that their report ~~is~~ may be made publicly available ~~only to other States Parties~~. This is included in the forms on exports and imports separately, as well as the nil reporting forms in Annexes 3A and 3B. This would permit a State Party to decide, for example, to allow public availability of its report on exports, but not its report on imports, or *vice versa*.

42. *Does a State Party need the consent of the importing or exporting States before it: a) reports its exports and imports; and b) makes this information publicly available?*

No, the Treaty *obliges* States Parties to report their authorized or actual exports and imports, and does not make this conditional on the consent of the importing and exporting States.

Concerning transparency, reporting States Parties also do not have to seek consent of the importing and exporting States. They should make their own determination whether to make their reports publicly available (see question 41).

Concerning potential commercial sensitivity or national security issues, see questions 29 to 31.

43. *What should a State Party do if, after submitting information for a certain calendar year, it determines that the information was incomplete or contained a technical error?*

If a State Party determines that an annual report that it has submitted contains incomplete or incorrect information, it should contact the ATT Secretariat by email. If the original annual report was submitted by email, post, courier or by hand delivery, the State Party should indicate that the report previously submitted is no longer valid, and attach a revised, updated report. If the original report was submitted via the online reporting tool, the State Party should ask the ATT Secretariat to 'unblock' its report to enable it to amend the report online. This is necessary because once a State Party has 'submitted' a report via the online reporting tool, it can no longer access the report – to edit or amend it – and if the State attempts to re-enter the online reporting template, it will receive an on-screen message indicating that the report has already been submitted and that it must contact the ATT Secretariat to re-open or 'unblock' the report for editing.

The State Party should instruct the ATT Secretariat to upload the revised report on the ATT website, and retain the revised report in its records to replace the previously submitted report (see question 44). There is no cut-off date for such corrections, although they should be submitted as early as possible to ensure that information made available to the public and/or States Parties is as accurate and up-to-date as possible.

44. *If a State Party has a question on the annual reporting obligation and its implementation, how can it contact the ATT Secretariat?*

A State Party can contact the ATT Secretariat with questions regarding the annual reporting obligation, or any ATT-related matter, by sending an email to: info@thearmstradetreaty.org.

F. Enforcement of the annual reporting obligation

45. Does the Treaty provide for sanctions or other measures in case of non-compliance with the annual reporting obligation?

The Treaty does not provide for any specific sanctions or other measures in a case of non-compliance with the annual reporting obligation.

The Conference of States Parties is a forum to discuss compliance with the annual reporting obligation in general, as the Conference has a mandate to review the implementation of the Treaty, to consider and adopt recommendations on implementation and operation of the Treaty, and to perform any other function consistent with the Treaty which is conferred on it by States Parties.

In addition, it is in principle possible for individual States Parties to make use of the Treaty's article on dispute settlement (Article 19), which provides that States Parties shall consult and, by mutual consent, cooperate to pursue settlement of any dispute that may arise between them on the interpretation or application of the Treaty. It is, however, to be hoped that such an option represents a last resort only.

Ultimately, the Treaty relies on national implementation of its obligations.

46. Are there any consequences if incorrect information is submitted? (accidentally or knowingly)?

If incorrect information was submitted accidentally, a State Party is encouraged to follow the procedure described in the answer to question 43.

If incorrect information was submitted knowingly, see the answer to question 45.

V. ANNEX 1: UNROCA CATEGORIES A-G

December 2014 UNODA Standardized Reporting Forms for the UNROCA[2]

I. Battle tanks *(category a) in Article 2 (1) of the Treaty)*

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

II. Armoured combat vehicles *(category b) in Article 2 (1) of the Treaty)*

Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.

III. Large-calibre artillery systems *(category c) in Article 2 (1) of the Treaty)*

Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.

IV. Combat aircraft *(category d) in Article 2 (1) of the Treaty)*[3]

a) Manned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions;

b) Unmanned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction.

[2] These descriptions can be consulted in the report of the 2013 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/68/140), available at http://undocs.org/A/68/140. The current UNROCA descriptions of categories (a-g) can be consulted at https://www.unroca.org/categories.

[3] The ATT annual reporting template reflects the December 2014 UNROCA standardized reporting forms. There was at that time a lack of clarity as to the question of separate reporting of the two types of unmanned aerial vehicles (sub-categories IV.b) and V.b) in the ATT annual reporting template). This was not resolved until the 2016 Group of Governmental Experts reviewed the operation of the UNROCA. Even then, only the category unmanned fixed wing or variable-geometry wing aircraft was agreed as suitable for separate reporting. States Parties must therefore make their own determination whether to report the two types of unmanned aerial vehicles included in the template separately, or together with their manned equivalents.

The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

V. Attack helicopters *(category e) in Article 2 (1) of the Treaty)*

a) Manned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions;

b) Unmanned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons.

VI. Warships *(category f) in Article 2 (1) of the Treaty)*

Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

VII. Missiles and missile launchers[4] *(category g) in Article 2 (1) of the Treaty)*

a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles.

b) Man-Portable Air-Defence Systems (MANPADS)[5].

[4] Multiple-launch rocket systems are covered by the definition of category III.

[5] MANPADS should be reported if the MANPAD system is supplied as a complete unit, i.e. the missile and launcher/Grip Stock form an integral unit. In addition, individual launching mechanisms or grip-stocks should also be reported. Individual missiles, not supplied with a launching mechanism or grip stock need not be reported.

VI. ANNEX 2: RELEVANT SOURCES CONCERNING DEFINITIONS AND CATEGORIZATION OF CONVENTIONAL ARMS

The following non-exhaustive list of sources concerning definitions and categorization of conventional arms is taken from module 4 of the ATT-BAP Annual Report Guidance Booklet – "Conventional Arms Identification and Categorization":

- UNROCA and reports of the UN Groups of Governmental Experts (GGE) on the Continuing Operation of the UNROCA and its Further Development
- Conventional Forces in Europe Treaty (CFE Treaty)
- The Wassenaar Arrangement's Munitions List
- Wassenaar Arrangement specific information exchange on arms
- Common Military List of the European Union
- South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC) Weapons Categorization Tool

The module also refers to the comprehensive discussion of definitions and categorization of conventional arms in *The Arms Trade Treaty: A Commentary*, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.

VII. ANNEX 3: UN DESCRIPTIONS OF SALW

A. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

For the purposes of this instrument, "small arms and light weapons" will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) "Small arms" are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) "Light weapons" are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

B. United Nations Register of Conventional Arms

The UNROCA does not contain definitions of small arms and light weapons, but the following categories of small arms and light weapons are provided in the standardized reporting forms:[6]

Small arms:

1) revolvers and self-loading pistols;
2) rifles and carbines;
3) sub-machine guns;
4) assault rifles;
5) light machine guns;
6) other.

Light weapons:

1) heavy machine guns;
2) hand-held under-barrel and mounted grenade launchers;
3) portable anti-tank guns;
4) recoilless rifles;
5) portable launchers of anti-tank missile and rocket systems;
6) mortars of calibres less than 75mm;
7) other.

[6] These categories can be consulted in the report of the 2016 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/71/259), available at https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/10/A-71-259-GGE-Register.pdf and at https://www.unroca.org/about.

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