

GOVERNMENT OF SWEDEN

**UPDATED INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE
ARMS TRADE TREATY, IN ACCORDANCE WITH ITS ARTICLE 13(1)
Submitted on 14 September 2018**

<p>This updated Initial Report may be made publicly available</p> <p>Changes may be found in Sections A.3.D, B.3.I, and B.3.O.</p> <p>DISCLAIMER: the contents of this report is provided for informational purposes only and does not constitute or imply a definitive legal interpretation of the circumstances presented.</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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**SECTION A.
INFORMATION RELATED TO BINDING OBLIGATIONS IN THE TREATY**

1. NATIONAL CONTROL SYSTEM AND LIST

<p>A. Overview of legislation and ordinances governing the national control system [Article 5(2)] (please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)</p> <p>Military Equipment Act (1992:1300) and the Military Equipment Ordinance (1992:1303). Government guidelines for license assessment in Bill 1991/92:174, approved by Parliament. The licensing criteria of the EU Directive 2009/43/EC defining common rules governing the control of exports of military technology and equipment were integrated into the Swedish control framework through Bill 2010/11:112. The licensing criteria of the Arms Trade Treaty were integrated into the Swedish control framework through Bill 2013/14:190.</p>			
B. The national control system includes the following:		Yes	No
i)	competent national authorities (further specified below) [Article 5(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	a control list [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	one or more national points of contact to exchange information on ATT implementation [Article 5(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>If 'No' to any of the items above, please provide background below.</p>			
C. The national point(s) of contact has (have) been notified to the Secretariat of the Treaty [Article 5(6)] (if 'No', please clarify below)		Yes <input checked="" type="checkbox"/>	No
<p>Sweden's National Point of Contact is Mr Ulf Lindell, Minister Counsellor, Department for Disarmament and Non-Proliferation, Ministry for Foreign Affairs, Stockholm Address: Tegelbacken 2, SE-103 33 Stockholm. Phone: +46-8-405 1000; Fax: +46-8-723 1176; Email: ulf.lindell@gov.se, Website: www.government.se</p>			
D. The national control list covers the following:		Yes	No
i)	Battle tanks [Article 2(1a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Armored combat vehicles [Article 2(1b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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iii)	Large-caliber artillery systems [Article 2(1c)]	X	<input type="checkbox"/>
iv)	Combat aircraft [Article 2(1d)]	X	<input type="checkbox"/>
v)	Attack helicopters [Article 2(1e)]	X	<input type="checkbox"/>
vi)	Warships [Article 2(1f)]	X	<input type="checkbox"/>
vii)	Missiles and missile launchers [Article 2(1g)]	X	<input type="checkbox"/>
viii)	Small arms and light weapons [Article 2(1h)]	X	<input type="checkbox"/>
The national control list also includes the following, in order to enable the application of Articles 3 and 4:		Yes	No
ix)	Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]	X	<input type="checkbox"/>
x)	Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]	X	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below			
E. The national control list has been provided to the Secretariat of the Treaty [Article 5.4] (if 'No', please elaborate further below)		Yes <input type="checkbox"/>	No X
Notification mechanism not yet established. Meanwhile, the list is available online (in Swedish) via following link: https://www.isp.se/media/1251/sfs2018_73.pdf			

2. PROHIBITIONS

A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, in the circumstances specified in Articles 6(1) to 6(3) (if 'No' in any respect, please elaborate below)	Yes X	No <input type="checkbox"/>
B. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(2) (please list below)		
<ul style="list-style-type: none"> • UN Charter (UN arms embargos); • Council common position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment; • OSCE arms control instruments; • UN Firearms protocol, implemented I EU-law through regulation (EU) No 258/2012; • Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; • Convention on Cluster Munitions; • The Wassenaar Arrangement; • The Hague Code of Conduct against Ballistic Missile Proliferation; • The Missile Technology Control Regime; • Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community. 		
C. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(3) (please list below)		
<ul style="list-style-type: none"> • Rome Statute of the International Criminal Court; 		

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- First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;
- Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
- Third Geneva Convention relative to the Treatment of Prisoners of War;
- Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts;
- Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts;
- The 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, with Annex Regulations Respecting the Laws and Customs of War on Land;
- The 1907 Hague convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land;
- United Nations Convention against Torture;
- Convention on the Prevention and Punishment of the Crime of Genocide;
- Optional Protocol (to the Convention on the Rights of the Child) on the Involvement of Children in Armed Conflict
- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict including additional protocols;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Environmental Modification Convention;
- Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction;
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, including Amendment and Protocols; and
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

3. EXPORTS

A. The national control system includes the following:		Yes	No
i)	an authorization or licensing system for arms exports [Article 5(2)]	X	<input type="checkbox"/>
ii)	prohibition assessment guidelines [Article 6]	<input type="checkbox"/>	X
iii)	export assessment criteria [Article 7]	X	<input type="checkbox"/>
iv)	a risk assessment procedure [Article 7]	X	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below			
The question of whether a transfer could be affected by a prohibition as defined in Article 6 of the Treaty is assessed on a case by case basis. Such an assessment is mandatory but no particular guidelines have been formulated for the conduct of such assessments. Normally, the assessment would involve a scrutiny of the nature of the materiel in question and a careful reading of the text of the relevant prohibition to assess whether that type of materiel and/or the circumstances of the transfer are covered.			
B. National export controls apply to the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4 (if 'No', please provide further information below)		Yes X	No <input type="checkbox"/>
C. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)] (if 'No', please provide further information below)		Yes X	No <input type="checkbox"/>
D. The national risk assessment procedure includes all the criteria described in Article 7(1)(a) and (b), and Article 7(4)		Yes X	No <input type="checkbox"/>

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(if 'No' in any respect, please elaborate below)		
Updated national guidelines for export licensing assessment came into effect on 15 April 2018. The national risk assessment procedures continue to include all the criteria described in articles 6 and 7 of the Arms Trade Treaty.		
E. The competent national authority(-ies) for the control of exports [Article 5(5)] (please specify below)		
The Inspectorate of Strategic Products (ISP). Phone: +46 8 406 3100. Email: registrator@isp.se . Web site: www.isp.se		
F. The national control system allows appropriate information about an export authorization to be made available, upon request, to the importing State Party and/or to the transit or trans-shipment States Parties [Article 7(6)] (if 'No' please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Information is provided in conformity with applicable national secrecy legislation. Under this legislation, requests must be assessed on a case by case basis.		

4. IMPORTS

A. The national control system includes measures that allow the regulation, where necessary, of imports of conventional arms covered under Article 2(1). [Articles 6(1) to 6(3) and Article 8(2)] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Only civilian imports of firearms and ammunition are regulated in Swedish legislation. The lack of other import controls is explained by the presence of alternative forms of control. Importers of military equipment are either the Swedish Armed Forces, under direct government control, or the defence industry, under detailed supervision by the ISP. Other importers' trade or possession of lethal equipment is covered by the Firearms Act (1996:67), supplemented by the Firearms Ordinance (1996:70).		
Imports to Sweden for the purpose of transit or trans-shipment are treated as exports when they exit Swedish territory and thus require an export license. In this way, the national control system allows for the interdiction of shipments that pass through Swedish territory in contravention of Article 6 of the ATT and the equivalent national and EU guidelines.		
If 'Yes', please also answer the following question		
B. The competent national authority(-ies) for the regulation of imports [Article 5(5)] (please specify below)		
The Swedish Police and the Swedish Civil Contingencies Agency are responsible for regulating the import of civilian firearms and ammunition.		
C. The national control system allows for the provision, pursuant to national law and upon request, of appropriate and relevant information to assist an export assessment by a potential exporting State Party [Article 8(1)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Information in the form of end user assurances are normally provided by the importer, for instance the Swedish Armed Forces or a defense industry entity. International Import Certificates (IICs) are issued by the Swedish Chamber of Commerce. On occasion, end user assurances may be incorporated into a government-to-government agreement.		

5. TRANSIT & TRANS-SHIPMENT

A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9] (if 'Yes', please provide further information below on the nature of control measures)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)			
Transit controls apply to all items on the national control list. Transiting goods are treated as exports when they pass out of Swedish territory, i.e. license requirements apply.			
B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Trans-shipment controls apply to all items on the national control list. Goods being trans-shipped are treated as exports when they pass out of Swedish territory, i.e. license requirements apply.			
C. Control measures for the regulation of transit and/or trans-shipment cover : (If 'Yes' to (ii) or (iii), please indicate in the free text field how enforcement is conceived - systematic control or only when information is available?)		Yes	No
i)	Transit / trans-shipment through land territory (including internal waters)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Transit / trans-shipment through territorial waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Transit / trans-shipment through national air space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. The competent national authority(-ies) for the regulation of transit and trans-shipment [Article 5(5)] (please specify below)			
The Inspectorate of Strategic Products (ISP). See 3E above for contact details.			

6. BROKERING

A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 10] (if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The Military Equipment Act regulates brokering. There are requirements both for registration as a broker, and for a license for individual transactions from or outside Sweden.			
B. The definition of brokering used in national legislation [Articles 6(1) to 6(3) and Article 10] (please specify in particular if there are extraterritorial elements in the definition, for instance the activities of nationals resident abroad, or transfers that take place between two third countries)			
The definition of broker covers government authorities that are not public enterprises, private companies, and anyone domiciled in Sweden or living here on a regular basis, regardless if the brokering takes place in Sweden or abroad. The types of transactions covered are sale, lease, tender, loan, gift and intermediation.			
C. The competent national authority(-ies) for the regulation of brokering [Article 5(5)] (please specify below)			
The Inspectorate of Strategic Products (ISP). See 3E above for contact details.			

7. DIVERSION

A. Measures foreseen in the national control system to prevent the diversion of	Yes	No
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conventional arms covered by Article 2(1) [Article 11(1)]			
i)	assessing the risk of diversion of an export [Article 11(2)] (if 'No', please provide background below)	X	<input type="checkbox"/>
ii)	cooperation and information exchange, where appropriate and feasible and pursuant to national law, with other States Parties [Article 11(3)] (if 'No', please provide background below)	X	<input type="checkbox"/>
B. The national control system includes appropriate measures to be taken, pursuant to national law and in accordance with international law, when a diversion of transferred conventional arms under Article 2(1) has been detected [Article 11(4)] (if 'No', please elaborate below)		X	<input type="checkbox"/>

8. RECORD KEEPING

A. The national control system includes provisions for maintaining records regarding: [Article 12(1)] (mandatory to retain records for one of the two options below)		Yes	No
i)	issued authorizations for the export of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)]	X	<input type="checkbox"/>
ii)	actual exports of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)] (if 'No' to both (i) and (ii), please elaborate below)	X	<input type="checkbox"/>
B. Records are kept for a minimum of 10 years [Article 12(4)] (if 'No', please elaborate below)		Yes X	No <input type="checkbox"/>
<p>Swedish government authorities are required by law to save their records. Instructions for culling archives are provided individually to each authority. The ISP has no culling instruction, therefore its records are stored indefinitely. This is considered appropriate since military equipment can have a very long technical life span. Information on license limitations imposed and end use assurances received need to be retrievable as long as the equipment in question is still in usable condition. Records include licenses granted and refused, as well as all incoming- and outgoing communications and in-house assessments.</p>			

9. REPORTING

A. The national control system allows for the provision of information as required by Article 13(3) (if 'No', please elaborate below)	Yes X	No <input type="checkbox"/>
<p>The foreseen basis for reporting is the Swedish Government's annual report to Parliament, which provides the necessary information for the fulfilment of ATT annual reporting requirements.</p>		

10. ENFORCEMENT

A. Measures are in place that provide the ability to enforce of the national laws and regulations that implement the provisions of the Arms Trade Treaty [Article 14] (if 'No', please elaborate below)	Yes X	No <input type="checkbox"/>
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B. National legislation allows the provision to another State Party of jointly agreed assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty [Article 15(5)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

11. INTERNATIONAL COOPERATION

A. Cooperation is possible with other States Parties of the Treaty with a view to its effective implementation, where such cooperation is consistent with national law and security interests [Article 15(1)] (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Sweden already participates in several cooperative efforts in the area of conventional arms exports (the EU, the Wassenaar Arrangement) and looks forward to cooperation with States Parties in the ATT.		

12. INTERNATIONAL ASSISTANCE

A. National regulations and policy allow for the provision - upon request and if in a position to do so - of implementation assistance as set out in Article 16(1) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

13. DISPUTE SETTLEMENT

A. National regulations and policy allow for consultations and, by mutual consent, cooperation in the settlement of disputes regarding the interpretation or application of the Treaty by at least one of the means outlined in Article 19(1) (if 'No', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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SECTION B.
INFORMATION RELATED TO NON-BINDING PROVISIONS IN THE TREATY

States Parties are obliged according to Article 13(1) to provide information on the measures listed below, to the extent that such measures have been undertaken to implement the Treaty. On a voluntary basis, more information may also be provided

1. NATIONAL CONTROL SYSTEM AND LIST

<p>F. Arms for recreational, cultural, historical and sporting purposes are included in the national control list [Article 2(1)(h) & Preamble, 13th para]</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>If 'No', please provide further information below, for instance whether a separate set of controls are applied to these types of arms</p>		
<p>Although the import and export of civilian arms and ammunition are separately controlled, the military control list includes most such arms, in order to allow for licensing when they are exported for military purposes. Excluded from the military control list are muskets, rifles and carbines manufactured before 1938, as well as pistols, revolvers and machine guns manufactured before 1890. Reproductions of small arms manufactured before 1890 are also excluded. Finally, smoothbore weapons for hunting and sporting use are excluded, except for fully automatic models and models designed for military use.</p>		
<p>G. Additional categories not listed under Section A1.D are included in the national control list [Article 5(3)] (If 'Yes', please specify below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Sweden applies the EU Common Military List as its control list. This list contains a number of categories not listed under Section A1.D. See https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN for further details.</p>		
<p>H. Control list definitions are supplemented by more detailed definitions not in the control list itself [Article 5(3)] (If 'Yes', please provide further information below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>The more detailed definitions used in the Swedish military list are elaborated in an annex to the Military Equipment Ordinance (SFS 1992:1303). The Wassenaar Arrangement Military List is the basis for the Swedish control list and is publicly available on its website http://www.wassenaar.org/.</p> <p>The Swedish control system divides the items included on the national control list into two categories - Military Equipment for Combat (MEC) and Other Military Equipment (OME), a feature not found in the Wassenaar Military List. The MEC category includes equipment with a destructive impact including sights for such equipment and fire control equipment. The OME category includes parts and components for MEC, as well as equipment that do not have a directly destructive impact in a combat situation. Slightly different guidelines are applied to the respective categories.</p>		
<p>I. The national control list is publicly available [Article 5(4)] (if 'Yes', please provide information below as to how your control list is made publicly available - if available on the open internet please provide the hyperlink)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>The control list is annexed to the Swedish Military Equipment Ordinance (SFS 1992:1303). The Swedish control list is also publicly available (in Swedish) at the following link: https://www.isp.se/media/1251/sfs2018_73.pdf The list is based on the Common Military List of the European Union https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN, which lists equipment covered by Directive 2009/43/EC defining common rules governing the control of exports of military technology and equipment, and which in turn is based on the Wassenaar Arrangement Military list https://www.wassenaar.org/app/uploads/2018/01/WA-DOC-17-PUB-006-Public-Docs-Vol.II-2017-List-of-DU-Goods-and-Technologies-and-Munitions-List.pdf</p>		
<p>J. Additional voluntary information about non-obligatory aspects of a national control system (please elaborate below - for instance regarding inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system or parts thereof)</p>		

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The Swedish Export Control Legislation uses a prohibitive approach: all production and export of military equipment are prohibited unless an exemption is granted in the form of a licence.

The Inspectorate for Strategic Products, ISP, is the competent government agency responsible for implementing controls on arms export. This work is done in close co-operation with other authorities such as the Swedish Customs. The Swedish Police is responsible for authorisation of transfers of civilian firearms and ammunition to other European Union member states.

The licensing authority is independent of central Government. Government may provide general policy guidelines, but not influence the Authority's decision-making in individual cases. This limitation is constitutionally enshrined and applies to all Government Authorities. It is intended to ensure impartial application of the law.

The authority's decision-making is based on a case law approach, where government-formulated and parliamentarily approved criteria (as well as EU- and ATT criteria) are applied in a consistent manner. Where previous assessments do not cover a new case, the licensing authority consults an advisory body consisting of representatives of all parties in Parliament. These consultations take place before licenses are issued and have the purpose of assisting in the interpretation of the established criteria in new situations, thus contributing to an accumulation of 'case law'. According to export control legislation, the licensing authority may also transfer an individual licensing case to Government for decision where circumstances warrant it. This can only be done after first consulting the parliamentary advisory body.

2. PROHIBITIONS

D. Additional voluntary information relevant to prohibitions under Article 6 (please elaborate below)

Prohibitions contained in the Swedish guidelines, the EU Common Position and the ATT are applied in parallel.

3. EXPORTS

G. The national risk assessment procedure includes the consideration of risk mitigation measures that could be undertaken to mitigate identified risks [Article 7(2)]

(if 'Yes' please elaborate below, including an indication of types of risk mitigation measures that are most often used)

Yes

No

Risk mitigation in the Swedish export control system is almost exclusively focused on the requirement of end use/end user assurances, which is a mandatory element in the guidelines.

Sweden may on an ad hoc basis provide assistance to security sector reform etc. that could be considered relevant as mitigation measures, but such assistance is decided independently and any coincidence with export licensing cases would be purely fortuitous. Caution would in any case be exercised in taking into account the results of such measures unless the desired outcomes have already been achieved.

H. The national control system allows exports of controlled equipment without a licence or under simplified procedure under certain circumstances [for instance temporary exports or exports to trusted partners]

(if 'Yes' please provide further information below)

Yes

No

Exports to other EU Member States are allowed under simplified procedures set out in EU Directive 2009/43 on intra-EU-transfers of defence-related products. These transfers are however not license-free. Temporary exports are licensed using the same procedures as for permanent exports. Global licenses may be issued also for other transactions of a routine nature.

I. The national risk assessment procedure includes other criteria not mentioned in the articles cited in 3.D above

(if 'Yes' please specify below)

Yes

No

In addition to these criteria, the following elements are considered in the Swedish guidelines :

- Is the export necessary from a Swedish defence and security policy perspective? (individual exports should contribute to supporting the maintenance of a defence industry geared to fulfilling Swedish security needs).
- Is the export compatible with the goals and principles of Swedish foreign policy? (blanket formulation to cover relevant factors whether they are explicitly mentioned in the guidelines or not).
- Is the end user a government, a government authority or a government authorized recipient? (exports to non-authorized non-state actors are not allowed).

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- Has an acceptable end user assurance (or own production declaration) been received?
- Has the recipient state respected previous end user assurances, or rectified problems in this area? (otherwise no further exports)
- Does the export consist of spare parts, components or consumables for previously exported systems? (a positive presumption for such cases, but not in situations covered by Articles 6(1) to 6(3) of the Treaty)
- Is the recipient a Nordic Country or EU Member State? (a positive presumption for such cases, but not in situations covered by Articles 6(1) to 6(3) of the Treaty)
- Is the equipment in question lethal or non-lethal? (a slightly different approach to non-lethal equipment, but not in situations covered by Articles 6(1) to 6(3) of the Treaty)

In the new Swedish guidelines, which entered into force on April 15, 2018, two additional elements have been made explicit, that were earlier considered as part of an overall assessment, which included factors not specifically mentioned in the national guidelines. These two elements will still form part of that overall assessment:

- The level of democracy in the recipient country. The lower the democratic status, the less scope for granting a licence.
- The licensing process shall also take into account whether the export impedes equitable and sustainable development in the recipient country.

In addition to the criteria under 7.B, the following elements are considered in the EU Common Position :

- The national security of EU Member States as well as that of friendly and allied countries (positive factor, but no obligation to export)
- The behaviour of the buyer country as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.
- The risk of diversion
- Compatibility of the export with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.

J. Measures to exercise control over exports are applicable also to other categories of conventional arms than those covered in Articles 2(1), 3 and 4 [Article 5(3)]

(if 'Yes', please elaborate below)

Yes

No

Sweden applies the EU Common Military List as its control list. This list contains a number of categories not covered in Articles 2(1), 3 and 4 of the Treaty.
See [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN) for further details.

K. An export authorization can be reassessed if new relevant information becomes available [Art 7(7)]

(if 'Yes', please provide further information below. Are there also legal provisions for suspension or withdrawal of a license?)

Yes

No

According to the Swedish Military Equipment Act (SFS1992:1300), the Inspectorate for Strategic Products has the authority to revoke a granted licence permanently or for a specific period of time.

L. Information / documentation included in an application for an export authorization

(please specify below)

An application form specifying the details of the export. The materiel to be exported, including classification, quantity and value. Details of stated end use/end user including an End User Statement. An import permit/license where applicable.

M. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization [Article 5(5)]

(please specify below)

The Ministry for Foreign Affairs, the Ministry of Defence, the Parliamentary Advisory Body to the ISP.

N. The national control system allows a State of final destination to request information concerning pending or actual export authorizations pertaining to it [Article 8(3)]

(if 'No', please elaborate below)

Yes

No

Information may be provided in conformity with the requirements of the Public Access to Information and Secrecy Act (2009:400) as well as of the National Administration Act (1986:223).

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<p>O. Additional voluntary information relevant to national export controls (please specify below - for instance on the control of re-exports.)</p>		
<p>Under the Swedish Military Equipment Act (SFS1992:1300), export licences may only be granted if security and defence policy reasons support this, and provided that it does not conflict with Sweden's foreign and security policy. The national guidelines for licensing assessment were adopted in 1992. They represented Government practice at that time. Upon adoption, the guidelines were approved also by the Swedish parliament (Riksdag). Assessments of significant new cases are conducted in collaboration with a special advisory board consisting of representatives of all parties in Parliament. Under this oversight, interpretation of the guidelines has evolved over time on a case law basis. The national guidelines for export control assessment were modernised in the spring of 2018 to reflect evolving practice since 1992.</p> <p>The Swedish guidelines continue to require an overall assessment taking into account not only factors explicitly mentioned but also “all other relevant factors” – this allows for the system to cope with circumstances not foreseen when the guidelines were formulated, as well as the development over time of international norms, without the need for repeated revisions of the guidelines.</p> <p>In addition to national rules concerning the export of military equipment the EU member states have chosen to coordinate their export control policies while retaining national decision-making. The EU Code of Conduct on Arms Exports, adopted in 1998, specified common criteria for exports of military equipment, applicable in conjunction with national guidelines in the assessments of export applications. Member states are free to apply stricter national guidelines. The Code of Conduct was strengthened in 2005, and was adopted as a Common Position in 2008 (2008/944/CFSP). The first part of the Common Position contains eight criteria that must all be taken into consideration before deciding whether to approve arms exports to a given country. These criteria concern</p> <ul style="list-style-type: none"> • the situation in the recipient country, • the situation in the recipient country’s region and • the exporting country and recipient country's international undertakings. <p>With ratification of the Arms Trade Treaty in 2014, the ISP applies the criteria set out in articles 6 & 7 of the Treaty, in parallel with the national guidelines and the EU Common Position. In its bill to the Parliament, the Government has stressed that all three shall have equal weight when assessing negative consequences.</p>		

4. IMPORTS

<p>D. Imports of conventional arms subject to control are under specific circumstances permitted without regulation or under simplified procedure (if ‘Yes’ please provide further information below)</p>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>Only imports of firearms for civilian purposes are controlled, under the Firearms Act (1996:67) supplemented by the Firearms Ordinance (1996:70). The assessment criteria are different, but in terms of controlling the inflow of firearms into Sweden the controls cannot be characterized as less strict. Simplified procedures are available at the border for individuals domiciled outside Sweden, bringing in personal weapons for hunting or sporting purposes, and thereafter taking them out of Sweden again. See also Section 1.F above.</p>		
<p>E. Measures to regulate imports are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if ‘Yes’, please elaborate below)</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>Not applicable.</p>		
<p>F. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an import authorization (when such an authorization is required) [Article 5(5)] (please specify below)</p>		
<p>The Swedish Police and the Swedish Civil Contingencies Agency are responsible for regulating the import of civilian firearms and ammunition.</p>		
<p>G. Information / documentation required for an import authorization (please specify below)</p>		

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Not applicable.	
H. Additional voluntary information relevant to national import controls (please specify below)	
See Section A.4 above.	

5. TRANSIT & TRANS-SHIPMENT

E. Transit / trans-shipment of controlled equipment is permitted without regulation or under simplified procedure under certain circumstances (for instance in a free trade area) (if 'Yes' please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Transit or trans-shipment for the purpose of intra-EU trade are allowed under simplified procedures set out in EU Directive 2009/43 on intra-EU-transfers of defence-related products. Simplified procedures are applied. There are no license exceptions for controlled products.		
F. National control of transit and/or trans-shipment goes beyond the fulfillment of obligations under Article 6 of the Treaty (if 'Yes', please specify the additional scope of control and indicate whether the additional control applies to all items in the national control list)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
G. Measures to regulate transit and/or trans-shipment are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Sweden applies the EU Common Military List as its control list. This list contains a number of categories not covered in Articles 2(1), 3 and 4 of the Treaty. See https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN for further details.		
H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required) [Article 5(5)] (please specify below)		
The Ministry for Foreign Affairs, the Ministry of Defence, the Parliamentary Advisory Body to the ISP, the Swedish Transport Agency, the Swedish Armed Forces, the Swedish Civil Contingencies Agency.		
I. Information / documentation required in an application for a transit / trans-shipment authorization (please specify below)		
A copy of the export license from the exporting country as well as a copy of the import license from the importing country. Details of the defence materiel concerned including classification and quantity. A copy of the license form in English may be found using the following link: http://www.isp.se/documents/Blanketter/FM/ISP-application_DM-ATDM.pdf		
J. Additional voluntary information relevant to national transit / trans-shipment controls (please specify below)		
See Section A.5 above.		

6. BROKERING

D. National brokering controls contain exemptions (for instance for national armed forces or defence industry) [Articles 6 & 10] (if 'Yes', please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The National Armed Forces and other Government Authorities are exempted from brokering controls, as are		

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<p>companies/individuals that <u>only</u> supply Swedish Government Authorities. Other defence industry entities are not exempted from brokering controls, but are usually provided with general licenses to the extent that internal operations include the management of transfers to a subsidiary abroad or between subsidiaries in two third countries (which does not exempt such transfers from applicable third country regulations).</p>		
<p>E. National brokering controls go beyond the fulfillment of obligations under Article 6 of the Treaty (for instance regulating brokering in other situations) (if 'Yes', please specify the additional scope of control)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Brokering controls are subject to the full licensing assessment, covering not only prohibitions but all other assessment criteria as well. See also Section B.6.I below.</p>		
<p>F. Measures to regulate brokering are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Sweden applies the EU Common Military List as its control list. This list contains a number of categories not covered in Articles 2(1), 3 and 4 of the Treaty. See https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN for further details.</p>		
<p>G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering [Article 5(5)] (please specify below)</p>		
<p>The Ministry for Foreign Affairs, the Ministry of Defence, the Parliamentary Advisory Body to the ISP.</p>		
<p>H. Information / documentation required in an application related to brokering (please elaborate below)</p>		
<p>An application form specifying the details of the transaction. The materiel to be transferred, including classification, quantity and value. Details of stated end use/end user including an End User Statement. An import permit/license where applicable.</p>		
<p>I. Additional voluntary information relevant to national brokering controls (please specify below)</p>		
<p>As with exports, brokering is regulated on the basis of an outright prohibition in the Swedish Military Equipment Act (1992:1300) para 4. Exceptions require explicit permission. Brokering is subject to a licensing procedure for each transaction. Brokers are also required obtain a permit in order to be active in this area (which in practice is equivalent to maintaining a register). A restrictive approach is taken to issuing such permits, as they fall under the same basic requirement as exports: if security and defence policy needs justify it, and provided there is no conflict with Sweden's foreign policy.</p>		

7. DIVERSION

C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)] :		Yes	No
iii)	establishment of mitigation measures [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	provision, upon request, of end use / end user documentation to the exporting State [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	requirement for end use / end user assurances from an importing State (or industry) [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	examination, where appropriate, of parties involved in a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	requirement, where appropriate, for additional documentation, certificates, assurances for a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ix)	exchange of relevant information with other States Parties on effective measures to address diversion, as well as on illicit activities and actors [Articles 11(5) & 15(4)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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x)	reporting through the Secretariat to other States Parties on measures taken to address diversion of transferred conventional arms covered under Article 2(1) [Articles 11(6) & 13(2)]	X	<input type="checkbox"/>
xi)	other measures [Article 11(1)] (if 'Yes', please specify below)	X	<input type="checkbox"/>
<p><i>Bona fide</i> checks are a regular feature of the license assessment process. Denial of export or transfer license if satisfactory results are not obtained in this respect or if satisfactory end use/end user assurances are not received.</p>			
D. Measures included in the national control system, to be taken when a diversion of transferred conventional arms has been detected [Article 11(4)]		Yes	No
i)	alerting potentially affected States Parties	X	<input type="checkbox"/>
ii)	investigative and law enforcement measures at the national level	X	<input type="checkbox"/>
iii)	using international tracing mechanisms to identify points of diversion	<input type="checkbox"/>	X
iv)	other measures (if 'Yes', please specify below)	X	<input type="checkbox"/>
<p>Normally, diversion investigations are related to weapons produced in Sweden. The starting point is then to identify the original recipient through producer-assisted serial number tracing of the diverted weapons. If a check of that recipient's end user/end use undertaking establishes that it does not cover the detected re-transfer, the Government concerned is officially requested to determine the cause of diversion and to report back what measures are taken to avoid any recurrence. If satisfactory answers are not obtained, the Swedish guidelines mandates that all exports to the country should be curtailed (including follow-on deliveries of spare parts and consumables to equipment already transferred) until the situation has been resolved to the satisfaction of Sweden. This rarely comes to pass as recipient states normally cooperate in a satisfactory manner.</p> <p>Information on diversion cases is primarily exchanged plurilaterally, within EU and within the Wassenaar arrangement. Bilateral exchange between national intelligence authorities also occurs. The nature of the information provided by Sweden is decided case by case.</p>			
E. Measures taken to prevent or address diversion are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)		Yes X	No <input type="checkbox"/>
<p>Sweden applies the EU Common Military List as its control list. This list contains a number of categories not covered in Articles 2(1), 3 and 4 of the Treaty. See https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN for further details.</p>			
F. Additional voluntary information relevant to the prevention of diversion of conventional arms (please specify below - for instance regarding measures in place to avoid diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty)			
Measures in this regard are not part of the export control system but rather fall under the responsibility of the Ministry of Defence.			

8. RECORD KEEPING

C. The national control system includes provisions for maintaining records regarding :		Yes	No
i)	imports of conventional arms covered under Article 2(1) of the Treaty into national territory as final destination [Article 12(2)]	<input type="checkbox"/>	X
ii)	authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) of the Treaty [Article 12(2)]	X	<input type="checkbox"/>
iii)	authorizations related to the conduct of brokering activities included in the scope of the national control system (for instance relating to a register of brokers) [Article 10]	X	<input type="checkbox"/>

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<p>D. Records cover other categories of conventional arms than those specified in Article 2(1) (if 'Yes', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Sweden applies the EU Common Military List as its control list. This list contains a number of categories not covered in Articles 2(1), 3 and 4 of the Treaty. See https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XG0315(01)&from=EN for further details.</p>		
<p>E. Additional voluntary information relevant to national record keeping (please specify below - for instance types of information preserved in national records for exports and imports respectively)</p>		
<p>Since there is no licensing system for imports (except for civilian firearms), import records are maintained by the purchasers, i.e. the Swedish Armed Forces and defence industry. For the Swedish armed forces and police authorities, record keeping obligations (as well as other measures to prevent diversion) are codified in the Ordinance (1996:31) on firearms held by Government Authorities.</p> <p>For civilian arms, import records are maintained by Swedish customs. Records for civilian arms import are kept for at least six years.</p>		

9. REPORTING

<p>B. Additional voluntary information relevant to national reporting (please specify below, for instance if national reports are publicly available - if available on the open internet please provide the relevant hyperlink)</p>
<p>The Swedish Government's Annual Report to Parliament on exports of military equipment and dual use goods is also translated into English. Both Swedish and English versions are made available on the internet. In the Annual Report, information is provided both on licenses granted and on actual exports. Because current customs statistics do not accurately reflect the categories of the control list, holders of export licenses are obliged by law to report actual arms exports to the Inspectorate of Strategic Products annually. Since an export license can give rise to deliveries spanning over several years, the value/volume of licenses granted and of actual deliveries do not as a rule match up, but generate different time series.</p> <p>In order to guarantee an open society with access to information about the work of the Swedish Parliament, Government and government agencies, the principle of public access to official documents has been incorporated into a general law, the Freedom of the Press Act (1949:105). This openness gives the Swedish people the right to study public documents, a right which may be exercised when they so wish. This principle of public access is not limited in time. All public documents are archived and only in certain cases are authorities given the right to make exceptions from this principle. The ISP has not been given this right. However, the access to a public document is always subject to a confidentiality assessment. The Public Access to Information and Secrecy Act (2009:400) and the Freedom of the Press Act (1949:105) regulate under what conditions public access can be limited. The initial presumption is always full access. Examples of factors that can justify redacting or withholding documents are: national security; Sweden's relations with a foreign state or an international organisation; inspection, control or other supervisory activities of a public authority; public economic interest; or the protection of the personal or economic circumstances of a private individual.</p>

10. ENFORCEMENT

<p>C. National measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms covered under Article 2(1) of the Treaty becoming subject to corrupt practices [Article 15(6)] (please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Sweden is part to several multilateral agreements to prevent corruption. The Swedish Penal Code (1962:700) also clearly regulates corruption in both public and private sectors. Finally, defence industry companies maintain internal safeguards/codes of conduct against corrupt practices.</p>		
<p>D. Additional voluntary information relevant to national enforcement (please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)</p>		
<p>Infractions against the export control system are, depending on their specific nature, criminalized either directly in the Military Equipment Act (1992:1300), or in the Smuggling Act (2000:1255), or in the general Penal Code</p>		

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(1962:700).

Authorities involved in enforcement are the licensing authority (the Inspectorate for Strategic Products), Swedish Customs, Swedish Police, The Swedish Prosecution Authority and others.

11. INTERNATIONAL COOPERATION

B. Additional voluntary information relevant to participation in international cooperation

(please elaborate below - for instance in terms of the measures suggested in Article 15, or in terms of participation in international or regional cooperation in the transfer control area)

See Section A.11(A)

12. INTERNATIONAL ASSISTANCE

B. National regulations and policy allow the provision of financial resources to the voluntary trust fund established under Article 16(3) of the Treaty

(if 'No', please elaborate below)

Yes

No

C. Additional voluntary information relevant to the provision- or receipt of implementation assistance

(please specify below - for instance regarding assistance provision capacities or assistance needs,)

Assistance can be both in-kind (expertise) or funding through different budget lines, including ODA. Sweden has provided several contributions to the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) and participates in the EU Programme for ATT Implementation Assistance. Support has also been provided for Civil Society initiatives. Bilateral assistance is potentially more restricted due to resource constraints (primarily the limited number of national experts, who are normally employed in the Swedish export control system and can only be made available in very limited numbers for short periods of time).

13. DISPUTE SETTLEMENT

B. National regulations and policy allow for the settlement of disputes concerning the interpretation or application of the Treaty through recourse by mutual consent to arbitration as outlined in Article 19(2)

(if 'No', please elaborate below)

Yes

No

C. Additional voluntary information relevant to dispute settlement under the terms of the Treaty

(please specify below)

In the Swedish control system, denials are not normally linked to licensing decisions but are instead issued at an early stage of marketing and therefore rarely, if ever, give rise to queries or litigation by the prospective recipient.