

**ATTACHMENT 2****(DRAFT) BASIC GUIDE TO ESTABLISHING A NATIONAL CONTROL SYSTEM**

1. What is a national control system? .....	3
2. Why is a national control system necessary?.....	3
3. What are the elements of a national control system?.....	3
a. Legal and regulatory framework .....	4
i. Laws.....	4
ii. Regulations and administrative procedures .....	5
iii. National Control List.....	5
1. What is a national control list?.....	6
2. What are the requirements of the ATT? .....	7
3. Analysis of the national control lists of ATT States Parties .....	9
b. Institutions.....	10
i. Competent national authorities .....	10
1. What is the role of the competent national authority? .....	10
2. Which ministries and agencies should be included?.....	11
ii. National points of contact.....	12
1. Who should be the national point of contact? .....	12
2. What is the role of the national point(s) of contact?.....	12
4. What resources are available to guide the work of the national point(s) of contact? .....	13
c. Procedures.....	14
i. Authorization process .....	14
ii. Risk assessment.....	14
iii. Mitigation measures.....	14
iv. Decision-making .....	14
d. Documentation.....	14
i. Types of licences/permits.....	14
ii. End use(r) documentation.....	14
iii. Record-keeping.....	14
1. What records need to be kept?.....	14

2.	What type of information should be retained in records? .....	17
3.	How may records be stored? .....	17
4.	How long should records be stored?.....	18
5.	Who is responsible for keeping records?.....	18
6.	What is the role of record-keeping in reporting?.....	19
e.	Training and capacity building.....	20
f.	Enforcement.....	20
i.	Laws, regulations and administrative procedures .....	20
ii.	Institutions.....	20
iii.	Procedures.....	20
iv.	International assistance .....	20
	Annex. Competent national authorities for regulating international transfers of conventional arms in ATT States Parties.....	21
	Sources of information / references .....	44

[insert to cover page]

## **Aim of the *Basic Guide to Establishing a National Control System***

The *Basic Guide to Establishing a National Control System* was developed by the Sub-working Group on Article 5 (General Implementation), a sub-working group of the Working Group on Effective Treaty Implementation. The Guide is a voluntary, non-prescriptive and living document designed to help States Parties identify the elements they may wish to consider when establishing a national control system in accordance with Article 5(2) of the Arms Trade Treaty. The Guide is based on the decisions and recommendation of CSP4 as well as on information and experiences shared by States Parties during discussions and exchanges between States Parties that took place during meetings of the Sub-working Group on Article 5 [in 2018 and 2019].

## 1. What is a national control system?

### Article 5(2)

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

One of the central requirements of the ATT is that each State Party establishes a national control system to implement the Treaty, including the regulation of the international transfer of conventional arms, related ammunition/munitions, and their parts and components.

## 2. Why is a national control system necessary?

A national control system is essential for a State Party to effectively regulate transfers of conventional arms, ammunition/munitions and parts and components, including assessing requests for authorization to transfer items in accordance with Articles 6, 7 and 11 of the Treaty.

A national control system ensures a State has oversight and control of transfers taking place under its jurisdiction, minimising the risks of diversion and/or illicit transfers of arms and other items taking place.

Establishing and maintaining a national control system is a cornerstone of compliance with the ATT.

## 3. What are the elements of a national control system?

A national control system comprises the national legislation, regulations, and administrative procedures established by a government both to administer the import, export, transit, transhipment, and brokering of arms and other items and to process applications for authorizations to conduct these activities and monitor their trade.

The main components of a national control system should include a legal and regulatory basis for licensing and enforcement, a corresponding institutional framework, and administrative procedure for implementation.

The ATT does not specify a ‘one-size-fits-all’ approach for the national control system and each State Party has discretion depending on its size, resources, and legislative as well as institution/constitutional framework, although the core elements of a national control system are outlined in Article 5 as:

- A national control list;
- Competent national authorities; and
- National point of contact(s).

These constitute the minimum common requirements established by Article 5. In addition, States Parties are encouraged to take additional measures in accordance with the Preamble to the Treaty, which emphasizes that: ‘nothing in this Treaty prevents States from maintaining and adopting additional effective measures to further the object and purpose of the Treaty’ (paragraph 12 of the Preamble).

Details of the elements of a national control system are elaborated below.

a. Legal and regulatory framework

i. Laws

In practice, most States Parties that have established national control systems have done so through the adoption of legislation and Article 14 contains a provision on enforcement that requires States Parties to take ‘appropriate measures’ to enforce national laws and regulations that implement the Treaty, suggesting that a statutory regime is the appropriate means through which to establish a national control system.

**[BOX]** *States should ensure that they have an adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments and the export and import of arms in order, among other goals, to prevent illicit arms trafficking* (paragraph 23 of the Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991.)

Some States Parties to the ATT already had a national control system and relevant legislation in place before becoming States Parties to the Treaty, and accordingly did not need to adopt new legislation before joining the Treaty. Others had legislation in place, but determined that they needed to amend or adapt existing legislation before their statutory regime was fully compliant with the ATT requirements. And some States Parties did not have any or adequate legislation in place, and so have opted to enact new legislation to incorporate their ATT obligations into domestic law.

Each State that is a State Party, or that is contemplating joining the Treaty, must determine for itself whether and to what extent its existing legislation gives it a sufficient basis to implement and comply with the Treaty. This process involves conducting a ‘gap analysis’ whereby a State reviews all or any arms transfer control policies, legislation, regulations, and administrative procedures it has in place through a mapping exercise to assess the strengths, weaknesses, gaps, inconsistencies and general level of compliance or fulfilment its existing system with the Treaty obligations.

Examples of the types of relevant legislation a State may already have in place that should be reviewed and assessed during the gap analysis include<sup>1</sup> but is not limited to the following:

- Firearms legislation (e.g. Firearms Act or Arms and Ammunition Act)
- Import/export control/trade control legislation (e.g. Export and Import of Goods Act, Strategic Goods Act, Foreign Trade Act, War Weapons Act)
- Customs legislation (e.g. Customs Act, Transportation of Dangerous Goods Act)
- Armed forces legislation (e.g. Armed Forces Act or Defence Act)
- Legislation establishing relevant governmental structures e.g. National Commission on Small Arms
- Legislation to implement relevant obligations arising from membership of regional and international organisations
- Legislation that gives effect to the Geneva Conventions, the Additional Protocols and other international humanitarian law (IHL) treaties (including weapons treaties), along with any legislation giving effect to the Rome Statute of the International Criminal Court. Where they exist, these laws often contain provisions that have the effect of prohibiting or regulating certain arms transfers (e.g. the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Cluster Munitions Convention prohibit transfers of these weapons).
- Criminal code

<sup>1</sup> Reference to Saferworld publication to be inserted.

- [Other##]

Once this gap analysis or assessment is complete, a State can identify whether it requires new legislation, can amend or adapt existing legislation, and/or existing legislation is consistent with the ATT obligations.

The following Treaty obligations – and elements of the national control system – could be implemented through measures such as legislative provisions and administrative guidance:

- national control list(s) (as per Article 5(2));
- the designation of competent national authorities as part of a national control system (as per Article 5(5)), including their mandate and powers;
- the prohibition of certain transfers (as per Article 6);
- export assessments (as per Article 7 and Article 11);
- the regulation of imports of conventional arms (as per Article 8);
- the regulation of transit and trans-shipment of conventional arms (as per Article 9);
- the regulation of brokering of conventional arms (as per Article 10);
- information exchange and cooperation (Articles 5, 7, 8, 11, and 13);
- the maintenance of records (as per Article 12); and
- the enforcement of adopted laws and regulations, including appropriate penalties and sanctions for violations of legislation that implements the ATT (as per Article 14).

## ii. Regulations and administrative procedures

While, ideally, the national control system itself should have a statutory basis in primary legislation (laws), certain elements of the national control system may be better suited to secondary legislation (regulations) or administrative decisions because they may need to change over time or be updated regularly. A list of examples of the elements of a national control system that could be implemented through regulations, secondary legislation or administrative procedures follows:

- the content of the national control list;
- the criteria that a State Party applies to make decisions to grant or deny authorization of a transfer;
- the documents (include application forms) and information that must be submitted as part of an application for an authorization;
- details of the information that must be recorded with respect to transfers, including ‘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’ (as encouraged under Article 12(3)); and
- the penalties and sanctions for violations of legislation that implements the ATT.

## iii. National Control List

### **Article 5(2)-(4)**

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

**3. Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms**

*at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.*

**4. Each State Party, pursuant to its national laws, shall provide its national control list to the Secretariat, which shall make it available to other States Parties. States Parties are encouraged to make their control lists publicly available.**

#### *1. What is a national control list?*

Article 5(2) of the Arms Trade Treaty (ATT) requires States Parties to ‘establish and maintain’ a national control list as part of a national control system to implement the provisions of the ATT. A national control list provides definitions of categories of items for which the international transfer is to be controlled. It is a key element of a national control system because a national control list indicates which items are to be subject to national transfer controls – i.e. items that are prohibited from being exported or imported without the authorization of a competent national authority.

A state can have more than one national control list. The separate control lists may be differentiated by the types of arms they cover or the type of transfer involved. For example, some states have one national control list that defines items that are specifically designed for military use (i.e. conventional arms, ammunition, parts and components, and related military equipment, technologies) and another national control list that defines ‘dual-use items and technologies’ – i.e. items and technologies that are not specifically designed for military use but which can be used for military applications as well as civilian uses. Other states utilize a single national control list that contains both items designed for military use and dual-use items and technologies. Both options can be utilized to fulfil ATT obligations, as evidenced by national approaches used by ATT States Parties. States can also have one control list for arms that are imported and a separate list for arms that are exported.

It is a national responsibility to establish and maintain a national control list. The contents of a national control list can be expanded to cover new technologies and items, and definitions for categories of items already included in a national control list can be amended over time. As noted in section 3.a.ii., a national control list is not usually included in primary legislation but in secondary regulations.

Different government ministries and agencies can be involved in the process of establishing and maintaining national control lists. Technical expertise on items designed for military use is most commonly located in defence and security ministries and related agencies, but there is also a role for ministries and agencies responsible for maintaining national transfer control systems. Other entities that can play a role in national processes to establish and maintain a national control list include parliament, companies involved in the international arms trade, and NGOs/civil society.

The contents and definitions of items contained in national control lists can also be influenced by multilateral efforts to develop lists of items and technologies to be subject to transfer controls. For example, the 42 participating States of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) have developed a Munitions List that provides definitions of military equipment, including conventional arms, which are to be subject to transfer controls and regulation in these participating states.

The definitions for items contained in the twenty-two categories of the Wassenaar Arrangement’s Munitions List are subject to regular review by technical experts from the participating states of the Wassenaar Arrangement. Any changes to the Wassenaar Arrangement’s Munitions List are

announced publicly following the plenary meeting of the Wassenaar Arrangement, which takes place in December each year.

Changes to the Wassenaar Arrangement's Munitions List are also incorporated into the European Union's Common Military List, which is made available in 23 languages. The Wassenaar Arrangement's Munitions List serves as an important reference point for the national control lists of states that are not participating states of the Wassenaar Arrangement. Some States Parties have indicated that both the Wassenaar Arrangement's Munitions List and the European Union's Common Military List are utilized as the basis for their national control list.

## *2. What are the requirements of the ATT?*

It is expected that a national control list defines items contained in Articles 2(1), 3 and 4. Article 5(3) of the ATT obliges States Parties to have national definitions for the categories of conventional arms indicated in Article 2(1) (a)-(h) that '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' (i.e. 24 December 2014), and 'descriptions used in relevant UN instruments' for small arms and light weapons (SALW).

Article 5(5) obliges ATT States Parties to regulate the export of items covered under Articles 3 and 4, namely 'ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1)' and parts and components 'in a form that provides the capability to assemble the conventional arms indicated in Article 2(1)'. Article 5(3) encourages 'each State Party to apply the provisions of the ATT to the broadest range of conventional arms'. Therefore, the national control list of an ATT State Party can include items that are not covered by the ATT provisions of Articles 2(1), 3, 4, and 5(3).

At a minimum, a national control list is expected to include and define the eight categories of 'conventional arms' listed in Article 2(1) of the ATT in accordance with the descriptions provided in boxes 1 and 2, as well as ammunition and parts and components as defined by Articles 3 and 4. Article 5(4) also obliges ATT States Parties to provide their national control list to the ATT Secretariat, which shall make it available to other States Parties.

Article 5(5) also obliges States Parties to provide their national control lists to the ATT Secretariat, which keeps a database of national control lists on the ATT website. Article 5(5) also encourages States Parties to make their national control lists publicly available, this ensures that industry and the public at large can access it and know the requirements attached to the list.

[Box 1]. Descriptions for the seven categories of the UN Register of Conventional Arms at the time of entry into force of the ATT

- I.       Battle Tanks: 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: 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 mm calibre or a missile launcher.
- III.     Large-Caliber Artillery Systems: 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 mm and above.

IV. Combat Aircraft<sup>2</sup>: 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. The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped, or modified as described above.

V. Attack Helicopters: 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.

VI. Warships: 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 a similar range.

VII. Missiles and Missile Launchers: (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 subcategory 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).

End of Box 1

#### [Box 2] Descriptions for small arms and light weapons in relevant UN instruments

The 'Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers' booklet of the ATT Working Group on Transparency and Reporting indicates that relevant UN instruments for defining small arms and light weapons 'could be':

- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, ITI).
- United Nations Register of Conventional Arms' 2014 standardized reporting form for international transfers of small arms and light weapons.

The ITI definition for small arms and light weapons is:

[A]ny 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 shall be defined in accordance with domestic law. In no case, however, shall antique firearms include small arms and light weapons manufactured after 1899:

---

<sup>2</sup> As a result of a recommendation of the 2016 GGE, the category heading "combat aircraft" was changed to "combat aircraft and unmanned combat aerial vehicles" and a new description was provided for the category, including the division into two sub-categories for reporting on manned and unmanned aircraft (A/71/259, para. 81).

- ‘small arms’ are broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns’;
- 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-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems and anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres’

The United Nations Register of Conventional Arms’ standardized reporting form for international transfers of small arms and light weapons lists six sub-categories of small arms and seven sub-categories of light weapons, as follows:

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.

The ‘Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers’ booklet notes that it is for ATT States Parties to determine if their national definition of small arms and light weapons only covers ‘conventional arms that are made of modified to military specifications’, or if it also includes ‘arms that are made or modified to civilian specification’.

End of Box 2

### *3. Analysis of the national control lists of ATT States Parties*

As of 19 March 2019, 58 of the 69 ATT initial reports submitted by States Parties have been made publicly available.

Based on these 58 initial reports:

- 51 States Parties indicate that they have a national control list, of which 49 States Parties have a national control list that covers all 8 categories of conventional arms in Article 2(1), 51 cover ammunition, and 50 cover parts and components.
- Overall 47 States Parties declared that their national control list is publicly available. 39 States Parties included a website link or reference to national legislation and regulations where the control list can be found in their initial report and 22 indicated that they have provided their national control list to the ATT Secretariat.
- 26 States Parties referred to the EU Common Military List as a source for the definitions of items covered by their national control list and 16 States Parties explicitly referred to the Wassenaar Arrangement Munitions List as a source in their initial reports.

b. Institutions

i. Competent national authorities

**Article 5(5)**

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

1. *What is the role of the competent national authority?*

Article 5(5) of the Treaty requires each State Party designate competent national authorities in order to have an effective and transparent national control system to regulate transfers of conventional arms, ammunition/munitions and related parts and components and prevent their diversion. Therefore, competent national authorities are responsible for implementing articles 5 to 14 of the ATT.

States Parties exercise national discretion regarding the competent authorities' form, size, structure, and statutory basis. There is no 'one size fits all' approach to the establishment or designation of competent national authorities, and each State Party will need to determine the arrangement that best suits its needs, capacity, and circumstances. Some States Parties have established new agencies responsible for ATT-related matters, while others have adapted and expanded existing agencies to take on the role.

Effective competent national authorities have the mandate to coordinate government ministries and agencies involved in the regulation of international arms transfers, with appropriate political support to ensure the appropriate resources and capacity to undertake their roles and responsibilities as well as oversight of activities. A transparent competent national authority has its roles and responsibilities clearly defined in national legislation or regulations and makes information available on the administrative procedures for the regulation of international arms transfers.

A review of the national experience of ATT States Parties indicates that the broad roles and responsibilities of competent national authorities can include:

- the collection, verification, and analysis of information pertinent to regulation of international transfers of items covered by the ATT Articles 2(1), 3 and 4;

- assess applications for authorization to export, import, transit or tranship, or broker conventional arms;
- decide on whether to authorise or deny requests to export, import, transit or tranship, or broker conventional arms;
- ensure compliance with national legislation and regulations, including the decisions of the government on authorizations or denials for international transfers; and
- coordinate and share relevant information with other state organs as appropriate.

*2. Which ministries and agencies should be included?*

ATT States Parties determine which ministries or government agencies shall be established or designated to serve as competent national authorities for regulating the export, import, transit/trans-shipment and brokering of conventional arms. ATT States Parties utilize a variety of different national approaches for the organization of competent national authorities and the ministries and agencies are engaged as competent national authorities varies (see Annex X on the competent national authorities in ATT States Parties that have submitted an Initial Report on their ATT implementation).

The decision on whether to establish or designate one ministry or government agency to be responsible for authorizing all types of international transfers for all conventional arms, or appoint different ministries or government agencies to be responsible for different types of activities is left to national discretion. For example, Annex X shows that some ATT States Parties have designated a department in one Ministry as the competent national authority, others have a dedicated national agency responsible for transfer controls or an inter-agency or inter-ministerial committee responsible for assessing and determining whether to authorize or refuse an application for an international arms transfer.

Some ATT States Parties have designated different government ministries or agencies as the lead for different activities, for example the Ministry of Defence is responsible for regulating exports and brokering, the Ministry of Interior for imports, and the National Customs Administration for transit and transhipment. ATT States Parties in their initial reports and interventions during Conferences of States Parties have emphasized that whichever approach is taken, inter-agency cooperation and information sharing to undertake informed assessments of applications to export, import, transit or tranship, or broker conventional arms is important.

Even in cases where a department in one Ministry or a dedicated agency have been established, such entities require information and input from other parts of government to make informed and responsible decisions on international arms transfers. In addition, another Ministry or government agency could be responsible for enforcement of the national control system, with law enforcement, customs, and intelligence services involved in detection and investigations of suspected violations of national legislation and the Ministry of Justice/Judiciary involved in civil and criminal cases arising from such investigations. States Parties should ensure that the designated national competent authority has the required expertise and technical knowledge to make informed decisions. This may involve effective coordination with other relevant Government departments/agencies or the military.

Arms transfer decisions often involve various agencies and actors along the decision-making chain, including political actors. It is therefore essential for States to ensure that decision-makers at all levels of the risk assessment and decision-making process understand the requirements of ATT and faithfully apply them. This responsibility should be reflected in national laws implementing the ATT.

The national experiences of ATT States Parties clearly shows that there is no one-size-fits all, but the types of Ministries and government agencies that are frequently involved in national systems to

regulate international arms transfers, and enforce national laws and regulations in this regard, includes those that deal with: business, commerce, the economy and trade; border controls and customs; defence; development; interior or home affairs, including law enforcement; foreign affairs; intelligence and security services; justice, including the judiciary; SALW Commissions; and transportation.

ii. National points of contact

**Article 5(6)**

***Each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated.***

Under Article 5(6), each State Party is required to designate a national point (or points) of contact and to notify the ATT Secretariat of its decisions.

1. *Who should be the national point of contact?*

Each State Party is free to determine whether the national point(s) of contact should be an individual person or an institution, and in which Ministry or government agency the national point(s) of contact should be located.

Some States Parties have designated a specific individual or individuals to be their national point of contact(s) whilst others have designated a particular institution, such as a Ministry or Government agency, to be their national point of contact.

The individual or institution designated to be a State Party's national point of contact should have some direct role or engagement in (and therefore knowledge of) the ATT-related obligations and activities of the State. For example, the individual or institution may be part of the export control agency of the State (if the State has one), or the Ministry of Defence (which will be involved in the acquisition of defence-related equipment), or the Ministry of Foreign Affairs (which will be involved in representing the State at ATT meetings and related events).

Other international instruments, including the UN Programme of Action on Small Arms and the International Tracing Instrument [*insert full references*] also require States to establish or designate a national point of contact to exchange information and act as a liaison on matters relating to implementation. Some States have designated the same individual or institution as the national contact point for more than one of the conventional arms related instruments. This practice is encouraged as it acknowledges and facilitates synergies between instruments.

2. *What is the role of the national point(s) of contact?*

The role of a State Party's national point of contact is to facilitate the exchange of information on treaty implementation. The national point of contact should act as the primary liaison on all matters related to Treaty implementation and should serve as a key source of knowledge and information on implementation of the ATT in their State.

This includes being a source of information on the ATT for persons in the State itself (who may, for example, have questions regarding the ATT process and the State's participation in the ATT), as well as a source of information for the ATT Secretariat and other ATT stakeholders such as other States and civil society organisations (who may, for example, have questions regarding the status of the State's implementation of the ATT or the role of certain Government agencies in ATT-related activities).

Some of the specific activities the national point of contact could engage in with respect to the ATT include:

- exchange information on matters related to the implementation of this Treaty (Article 5(6));
- first point of call for exchange of information regarding Articles 6, 7 and 11;
- assist in the provision of relevant information to a requesting exporting State Party (Article 8(1));
- assist in the provision of cooperation and exchange of information in the prevention, detection and mitigation of diversion (Article 11);
- serve as the liaison on matters related to the State Party's **reporting** under the ATT;
- serve as the liaison on matters related to the State Party's **financial contributions** to the ATT; and
- participate in the State Party's delegation at ATT meetings;
- [Other ##].

*4. What resources are available to guide the work of the national point(s) of contact?*

*[The ATT Secretariat is in the process of developing a guide for National Points of Contact that will be referenced here. ###]*

*[The following section of the Basic Guide will be developed following discussions on these areas during the Sub-working Groups.]*

- c. Procedures
  - i. Authorization process
  - ii. Risk assessment
  - iii. Mitigation measures
  - iv. Decision-making
- d. Documentation
  - i. Types of licences/permits
  - ii. End use(r) documentation
- iii. Record-keeping

## Article 12

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

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

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

*4. Records shall be kept for a minimum of ten years.*

1. *What records need to be kept?*

Article 12 obliges States Parties to keep records of export authorizations or actual exports of the conventional arms covered under Article 2(1) (see section #) and encourages them to keep records of conventional arms covered under Article 2(1) that are imported into its territory and/or authorized to transit or trans-ship territory under its jurisdiction. The scope of Article 12 is explored in greater detail in the following sections.

### 1.1. Export records

Article 12(1) requires States Parties to maintain national records of export authorizations (licences, permits, or other written documents granted permission to export conventional arms) or actual exports of conventional arms covered by Article 2(1). States Parties can choose to maintain records of both authorizations and actual exports of conventional arms covered by Article 2(1). Based on an analysis of the **58** publicly available initial reports on measures to implement the ATT that were submitted by 28 February 2019, **52** States Parties maintain records on authorizations and **49** maintain records on actual exports.

ATT States Parties can also maintain records for items beyond the scope of Article 2(1). For example, the records could relate to items covered by Articles 3 and 4 or all items covered by the national control list. According to initial reports on measures to implement the ATT that were submitted by 28 February 2019, at least **32** ATT States Parties maintain records for items that go beyond the scope of items covered by Article 2(1). Almost all of these States Parties keep records for exports of items contained in their national control list, based on the European Union Common Military List and/or the Wassenaar Arrangement's Munitions List (**[cross-reference to section 3.a.iii.](#)**).

#### *1.1.1. Sources of information for records on export authorizations and actual exports*

Article 7(5) requires that export authorizations are 'detailed and issued prior to export'. It is to be assumed that such authorizations will be in a format that can be retained as records for the national export control system. Documentation supplied in support of an application for an authorization to export conventional arms will also include information that can be retained for use by competent authorities in the national system when considering subsequent applications for export authorizations. For example, this could include an end use or end user certificate supplied by the importing country and/or an import licence.

The ATT does not provide guidance on the documentation and sources of information to fulfil record-keeping obligations under Article 12(1) for actual exports. The ATT Working Group on Transparency and Reporting (WGTR) has noted that while national customs authorities collect data on items that enter and exit national territory, such records are classified according to the Harmonized Commodity Description and Coding Systems (HS) or the Standard International Trade Classification (SITC) codes, which do not provide for categorization in accordance with ATT categories or other formats used for national control lists. The WGTR is exploring the possibility for an amendment to the HS to reflect the ATT categories for conventional arms contained in Article 2(1).<sup>3</sup> National customs administrations could explore options for record-keeping in accordance with ATT categories for conventional arms contained in Article 2(1).

Another option is for commercial or government entities, which have received authorization to export conventional arms, to report to the competent authority on the use of export authorizations – i.e. to report on items delivered. The entity could be required to report on a regular basis (i.e. annually, quarterly, or monthly) or in a designated period after items have been delivered.

A third option is the receipt of a delivery verification certificate (DVC) or comparable document provided by the customs authorities or competent authority in the importing state, which is provided to the commercial or government entity involved in the transfer, and subsequently provided to the competent authority responsible for the export control system.

#### **1.2. Import records**

Article 12(2) encourages States Parties to maintain national records for conventional arms covered by Article 2(1) that are 'transferred to its territory as the final destination' (i.e. imported). Maintaining records of conventional imports authorized for import or imported into its territory will enable a State Party fulfil its obligation to report on imports under Article 13(3) (see below on the link to reporting).

---

<sup>3</sup> The World Customs Organisation's (WCO) Customs Cooperation Council could make a recommendation calling for sub-categories to be introduced for use under HS code 93 (Arms and ammunition; parts and accessories thereof) that utilize the categories contained in Article 2 (1) of the ATT. A precedent has been established by the WCO recommendation to amend HS code 9301 to include subcategories for small arms in light of the firearms included in the UN Firearms Protocol. ATT Secretariat. 2018. ATT Working Group on Transparency and Reporting. Co-Chairs' Draft Report to CSP4. ATT/CSP4.WGTR/2018/CHAIR/358/Conf.Rep, 20 July 2018, p. 5.

The reporting template for the initial report on measures undertaken to implement the ATT, in accordance with Article 13(1) (initial reporting template), requests ATT States Parties to indicate if their ‘national control system includes provisions for maintaining records regarding imports of conventional arms covered under Article 2(1) of the Treaty into national territory as a final destination’. According to publicly available initial reports, **51** ATT States Parties maintain records of imports of conventional arms covered under Article 2(1). Several States Parties indicated that these records include information on ‘civilian firearms’ transfers, as well as parts and components for small arms and light weapons.

#### *1.2.1. Sources of information for records on import authorizations and actual imports*

Article 12(2) does not indicate the documents to be maintained on imports of conventional arms covered under Article 2(1). Article 8(1) notes that an importing State Party may provide information on an intended transfer to an exporting State Party via end use or end user documentation. Copies of such documentation could represent a ‘record’ for an authorized import of conventional arms in a State Party that utilizes such measures as part of its import system. Annex D of the ATT Working Group on Effective Treaty Implementation (WGETI): Chair’s Draft Report to CSP4 provides a list of essential and optional information to include in end use or end user documentation.<sup>4</sup> The ‘essential information’ indicated in Annex D includes the information that States Parties are encouraged to maintain in national records (see export section), as well as more detailed instruction on the type of information to retain on exporters and end users, as well as references to contracts, purchase orders, invoices, and undertakings or assurances on end use. Copies of issued licences, permits, and other documents that grant permission for the import of conventional arms represent another format for records to be maintained on import authorizations.

Records on actual imports can be taken from the same sources as those used for maintaining records on actual imports: customs, commercial and government entities authorised to import conventional arms, and delivery verification documents. In addition, national security agencies (army, navy, air force, paramilitary forces, police, etc.) will be expected to maintain records of conventional arms imported for national security purposes.

#### **1.3. Transit and trans-shipment records**

Article 12(2) encourages record-keeping for conventional arms covered by Article 2(1) that are authorized to transit or trans-ship across territory under the State Party’s jurisdiction. The initial reporting template requests ATT States Parties to indicate if their ‘national control system includes provisions for maintaining records regarding authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) of the Treaty’. **Fifty-one** ATT States Parties have indicated in their initial reports that they maintain records on transit/trans-shipment.

#### *1.3.1. Sources of information for records on transit and trans-shipment*

Article 9 does not mention documentation to be submitted to the competent authority as part of a system to regulate transit or trans-shipment, or authorizations issued by the competent authority. Where a State requires advanced notification of or prior authorization (such as a transit permit) for arms being transited or trans-shipped through its territory, information submitted as part of the notification or authorization procedure for those States Parties that use such an approach for regulating the transit and trans-shipment of conventional arms will provide documentation and information to be retained as national records for the authorization of transit and/or trans-shipment.

---

<sup>4</sup> ATT Secretariat. 2018. ‘Annex D. Possible measures to prevent and address diversion’. ATT Working Group on Effective Treaty Implementation: Chair’s Draft Report to CSP4, ATT/CSP4.WGETI/2018?CHAIR/355/Conf.Rep, 20 July 2018, pp. 19-20.

## **1.4. Brokering records**

Article 12 neither requires nor encourages States Parties to maintain records of registered arms brokers or arms brokering activities. Article 10 requires each State Party to take measures to regulate brokering under its jurisdiction. It explicitly indicates that a State Party could require brokers to be registered and/or require a written authorization to be issued for brokering activities. Therefore, Article 10 implicitly indicates that a State Party that regulates arms brokers and brokering will record information on brokers in a national register and/or issue a written authorization, copies of which could be maintained as records.

Although Article 12 does not require or encourage States Parties to retain records of registered brokers or brokering authorizations, the initial reporting template requests ATT States Parties to indicate if their ‘national control system includes provisions for maintaining records regarding 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)’. **Forty** ATT States Parties have indicated in their initial reports that they maintain records on brokering activities.

### *1.4.1. Sources of information for records on brokering*

A national register of arms brokers will contain records of the natural and legal persons that have been registered as brokers, as well as perhaps also containing information on brokers that have had their permission revoked or applications refused. Information is likely to cover the registered entity, and might also address countries and types of conventional arms and other items on the national control list that it is permitted to broker. For records of brokering authorizations, similar information could be retained as for export authorizations.

## *2. What type of information should be retained in records?*

Article 12 does not indicate what information or what types of documents must be maintained, but does encourage States Parties to include information on ‘the quantity, value, model/type’ and authorizations of international transfers of conventional arms covered under Article 2(1), along with ‘conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users’ for conventional arms covered under Article 2(1).

## *3. How may records be stored?*

Article 12 of the ATT does not prescribe how records should be stored. Available resources and national legislation on official documentation will determine if records are to be maintained in manual or electronic filing systems, or even if both methods will be used. Whichever option is chosen, it is advisable that records are organized and maintained in such a way that the State Party can access the records for use in risk assessments and also for collating for reporting purposes, either in accordance with obligations laid out in Article 13(3) of the ATT or in national reports for domestic accountability before a national parliament and public. The UN Programme of Action (PoA) on small arms calls on States to keep ‘comprehensive and accurate records’ for as long as possible on SALW transfers and notes that ‘these records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.<sup>5</sup>

---

<sup>5</sup> UNGA, 2001, para. II.9.

According to information provided by ATT States Parties in their initial reports, different government ministries and agencies can be responsible for controlling exports and regulating other types of transfers. Therefore, a State Party will not necessarily have all records for exports, imports or other transfer activities located in a database or centralized repository in single ministry or agency. If there are multiple government ministries and/or agencies responsible for record-keeping and data collection, it is important for all of these different ministries and/or agencies to agree on definitions for covered items and activities. Good practices in record-keeping include the use of a single database for all relevant records and/or a single template for all relevant records. It is also worth considering the establishment of clear national guidelines for the division of competences in record-keeping.

To enable the creation and maintenance of a single database or template, the following issues need to be addressed. First, the different relevant government ministries and agencies need to agree on elements to standardize that can be connected to all relevant agencies and their databases. Second, agreement needs to be reached between relevant government ministries and agencies on processes for maintaining and updating a centralised database that has multiple points of entry. Therefore, State Parties should undergo a rigorous examination of all of the different options before choosing this method. Clear national guidelines for the division of labour and competences in record-keeping require certain ministries or agencies to be clear on which data they are responsible for recording and when and how to share this information.

Training to build capacity and the provision of equipment to help with record-keeping and facilitating the sharing of information between relevant ministries and agencies should be explored to address deficiencies in States that currently lack capacity and infrastructure.

#### *4. How long should records be stored?*

States Parties are obliged to keep some form of national records for 10 years on exports of conventional arms, but can choose whether to keep records for either the authorization or the actual export. In Article 12(2), States Parties are encouraged but not obliged to keep records of actual imports and transit or trans-shipment authorizations. If such records are maintained, they must be kept for a minimum of 10 years.

#### *5. Who is responsible for keeping records?*

The competent government agency and/or ministry responsible for assessing and issuing authorizations for export, import, transit/trans-shipment and brokering activities is responsible for maintaining records for authorizations, and in some cases actual transfers. As noted above in section 3.b.i., responsibilities fall on more than one agency or ministry in many States Parties – for example, the Ministry of Defence could be responsible for authorizations for exports and imports of military list items and the Ministry of the Interior for authorizations for exports and imports of civilian firearms. Customs agencies also maintain records on items that cross national boundaries, including exports and imports of conventional arms. National legislation may require the storage of records in a central archive.

National legislation may also require that commercial and government entity that have received an authorization to export or import conventional arms can be legally obliged to report on their activities. For example, a company could be obliged by national transfer control legislation to provide information to the agency or ministry that issued the authorization as soon as the company has exported or imported items covered by the authorization, or the obligation could be to provide this information on a quarterly or annual basis. This information will then be entered into the agency or ministry's records. This system requires the commercial or government entity to maintain its own records on authorizations and actual imports and exports.

## *6. What is the role of record-keeping in reporting?*

Article 13(3) requires each State Party to report annually on its authorized or actual export and imports of conventional arms for the preceding year. Detailed and accessible records are essential for enabling States Parties to compile and submit accurate ATT annual reports to the ATT Secretariat. In order to comply with the mandatory obligation in Article 13(3) to submit annual reports on authorized or actual exports and imports of conventional arms covered under Article 2(1), each State Party will need to have a record of authorized or actual exports and imports of conventional arms.

It is also important to bear in mind that the Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers' booklet states that: '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'. Therefore, the ATT annual report on exports and imports will utilize only some of the information contained in national records and it will also require a degree of aggregation. The 'Working paper on national-level measures to facilitate compliance with international reporting obligations', submitted by Sweden at CSP2 recommends the creation of a 'national procedures document' for reporting purposes, which can help to indicate which information is to be extracted from the records for reporting purposes, and also national processes for compiling the ATT annual report using information contained in national records. It also recommends the 'Creation and maintenance of a repository, electronic or otherwise, for all reporting data'.<sup>6</sup>

As noted above, it is likely that relevant records for reporting purposes will be maintained by different government ministries and agencies. Therefore, a division of competences and inter-ministry and/or inter-agency cooperation is necessary to gather all relevant data from national records in order to compile annual reports on authorised or actual arms exports and imports. With regards to inter-agency cooperation to fulfil reporting requirements under the ATT, the central collection point for the relevant data should also be responsible for the preparation of the annual report. Preparing reports requires adjusting data to correct errors or including additional information that has been subsequently received from license applicants. Providing feedback to all the agencies involved in the data collection will allow for the continuous improvement in record-keeping processes.

**[The following section of the Basic Guide will be developed following discussions on these areas during the Sub-working Groups.]**

---

<sup>6</sup> ATT Secretariat. 2016. Working paper on national-level measures to facilitate compliance with international reporting obligations. Submitted by Sweden. ATT/CSP2/206/OP.3, 13 August 2016

- e. Training and capacity building
- f. Enforcement
- i. Laws, regulations and administrative procedures
- ii. Institutions
- iii. Procedures
- iv. International assistance

Annex. Competent national authorities for regulating international transfers of conventional arms in ATT States Parties<sup>7</sup>

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
1.	Albania	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military) General Directorate Customs	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military)	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military)	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military)
2.	Argentina	CONCESYMB (Comisión Nacional de Control de Exportaciones Sensibles y Material Bélico) y RENAR (Registro Nacional de Armas)	Registro Nacional de Armas (RENAR) dependiente del Ministerio de Justicia y Derechos Humanos; Ministerio de Seguridad (for SALW)	Para armas pequeñas y ligeras (artículo 2.1 H): Registro Nacional de Armas (RENAR) dependiente del Ministerio de Justicia y Derechos Humanos	El Estado a través del RENAR controla todas las operaciones de comercio. Al no encontrarse permitida la intermediación, la misma es vista como una falta
3.	Australia	Defence Export Control Office (DECO), which sits within the Department of Defence	Attorney-General's Department, Australian Department of Immigration and Border Protection	Attorney-General's Department, Australian Department of Immigration and Border Protection, Department of Defence	Department of Defence
4.	Austria	Ministry of the Economy for defence goods Ministry of the Interior	Ministry of the Economy for defence goods Ministry of the Interior	Ministry of the Economy for defence goods Ministry of the Interior	Ministry of the Economy for defence goods Ministry of the Interior

<sup>7</sup> Information included in the following table is taken from Initial Reports that are *publicly* available only.

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokerling control ministry/agency</b>	
		for war material	for war material	for war material	for war material	
5.	Belgium	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Justice	
6.	Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of BIH The Ministry of Foreign Affairs of Bosnia and Herzegovina The Ministry of Security of Bosnia and Herzegovina The Ministry of Defence of Bosnia and Herzegovina The Ministry of Civil Affairs of Bosnia and Herzegovina The State Regulatory Agency for Radiation and Nuclear Security of Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of BIH The Ministry of Foreign Affairs of Bosnia and Herzegovina The Ministry of Security of Bosnia and Herzegovina The Ministry of Defence of Bosnia and Herzegovina The Ministry of Civil Affairs of Bosnia and Herzegovina The State Regulatory Agency for Radiation and Nuclear Security of Bosnia and Herzegovina	The Ministry of Security of Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina	

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
7.	Bulgaria	The national control of exports is organised at 2 levels with the following authorities:  1 Interdepartmental Council on Defence Industry and Security (hereafter Interdepartmental Council) -  2. Interministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction (WMD)	Interdepartmental Council  Interministerial Commission  Ministry of Economy – in case of import from EU member state	Interministerial Commission with the Minister of Economy  Ministry of Interior (for the territory of the Republic of Bulgaria)	Interdepartmental Council with the Council of Ministers  Interministerial Commission with the Minister of Economy
8.	Costa Rica	La Direccion General de Armamento del Ministerio de Suguridad Publica	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos
9.	Côte D'Ivoire	Not Specified	Ministère en charge de l'Intérieur et de la Sécurité	Ministère en charge de l'Intérieur et de la Sécurité et le Ministère en charge d	Ministère en charge de l'Intérieur et de la Sécurité

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
			Le Ministère en charge de la Défense  Le Conseil National de Sécurité(CNS).	e la Défense	
10.	Croatia	Ministry of Economy	Ministry of Economy	Ministry of Economy	Ministry of Economy
11.	Czech Republic	The system of arms export control involves several national subjects:  Foreign trade with military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.	The system of arms import control involves several national subjects:  Foreign trade with military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.	The transit/transshipment of defense related products falls under the responsibility of Ministry of Interior Police as well as Ministry of Defence	The system of arms brokering control involves several national subjects:  Foreign trade including brokering of military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.
12.	Denmark	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice.
13.	Dominican Republic	NOT APPLICABLE – The Dominican Republic does not	Ministry of Interior and Police, with the support of the Ministry of Defense, Ministry of Foreign Affairs and the	Ministry of Interior and Police, with support from the Ministry of Defense, Ministry of Foreign	When the new law takes effect, national authority will

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokerling control ministry/agency</b>
		manufacture nor export firearms, parts or amunicions.	General Directorate of Customs.	Affairs and the General Directorate of Customs.	be the Ministry of Interior and Police.
14.	El Salvador	Ministerio de la Defensa Nacional a traves de la Direccion de Logistica, unicaments de las armas pequenas y ligeras	Ministerio de la Defensa, unicaments de las armas pequenas y ligeras	Not specified	Not specified
15.	Estonia	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs with the exception of civilian arms. Police and Border Guard Board issues import licenses for civilian arms.	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs
16.	Finland	Ministry of Defense is the licencin g authority for defence material as defined by the Act on Export of Defence Material  The government Plenary Session shall make decision in certain exports that are of considerable value or the foreign and security policy significance so require.  National Police Board is the licencing authority forarms for civil use as defined in the Firearm Act.	National Police Board (licensing) and The Finnish Customs (enforcement)	Ministry for Defence National Police Board The Finnish Customs	Ministry for Defence

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokerling control ministry/agency</b>
		<p>If necessary, the Ministry for Defence and National Police Board establish with the Ministry for Foreign Affairs that there is no foreign and security policy obstacle to granting a licence.</p> <p>This assessment is based on EU criteria defined in the Council Common Position 2008/944/CFSP of 8 December 2008 and meets the requirements of the ATT.</p> <p>To deal with matters concerning the exports of defence material, the Ministry of Defence has set up a Working Group for Exports of Defence Material. This includes all relevant authorities. The WG is tasked to submit a statement to the Ministry for Defence on licence applications.</p>			
17.	France	<p>Exportation (hors UE) de matériels de guerre et matériels assimilés</p> <p>Transfert intracommunautaire de produits liés à la défense</p>	<i>Autorité délivrant les autorisations:</i> Ministre chargé des douanes	<i>Autorité délivrant les autorisations:</i> Ministre chargé des douanes	Avant d'exercer leurs activités, les intermédiaires doivent faire une déclaration auprès du préfet et obtenir une

State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
	<p><i>Autorité délivrant les autorisations:</i></p> <p>Premier Ministre après avis de la Commission interministérielle pour l'étude des exportations de matériels de guerre. Rem.: Notification par le ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i></p> <ul style="list-style-type: none"> <li>-Secrétariat Général de la Défense et de la Sécurité Nationale</li> <li>-Ministère des Affaires étrangères et du Développement international</li> <li>-Ministère de la Défense</li> <li>-Ministère des Finances et des comptes publics</li> <li>-Ministère de l'Economie, de l'industrie et du numérique</li> </ul>	<p><i>Ministères / Services consultés pour avis :</i></p> <ul style="list-style-type: none"> <li>- Ministère de la Défense</li> <li>-Ministère de l'Intérieur</li> <li>-Ministère des Affaires étrangères et du Développement international</li> </ul>	<p><i>Ministères / Services consultés pour avis :</i></p> <ul style="list-style-type: none"> <li>-Secrétariat Général de la Défense et de la Sécurité Nationale</li> <li>-Ministère de l'Economie, de l'industrie et du numérique</li> <li>-Ministère des Affaires étrangères et du Développement international</li> <li>-Ministère de la Défense</li> <li>-Ministère de l'Intérieur</li> </ul>	<p>autorisation du ministre de la défense.</p>

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokeraging control ministry/agency</b>
		<p>Exportation (hors UE) d'armes à feu dites «civiles», munitions et leurs éléments</p> <p><i>Autorité délivrant les autorisations:</i></p> <p>Ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i></p> <ul style="list-style-type: none"> <li>- Ministère de la Défense</li> <li>- Ministère de l'Intérieur</li> <li>- Ministère des Affaires étrangères et du Développement international</li> </ul>			
18.	Georgia	Ministry of Defense – Licensing authority; Interagency coordination for decision-making: Ministry of Foreign Affairs, Ministry of Finance (Customs Department), State Security Service, Ministry of Justice, Ministry of Environment and Natural Resources Protection, Ministry of Economy and Sustainable Development	Ministry of Defence	Ministry of Defence as a licensing body and Ministry of Finance (Customs) as an enforcement.	Ministry of Defence.

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
19.	Germany	Federal Ministry for Economic Affairs and Energy Federal Office for Economic Affairs and Export Control	Federal Ministry for Economic Affairs and Energy and Federal Ministry of Defence Federal Ministry of the Interior Federal Ministry of Finance (Customs / Border Goods Controls)	Federal Ministry for Economic Affairs and Energy Federal Ministry of Finance (Customs / Border Goods Control)	Federal Ministry for Economic Affairs and Energy, Federal Office for Economic Affairs and Export Control)
20.	Hungary	Hungarian Trade Licensing Office	Hungarian Trade Licensing Office	The competent national authority for Transit / transhipment through land territory (including internal waters) and Transit / transhipment through territorial waters and is the Hungarian Trade Licensing Office.  The competent national authority for Transit / transhipment through national air space is the Aviation Authority of the National Transport Authority.	
21.	Iceland	The Ministry for Foreign Affairs of Iceland, Directorate for Legal and Executive Affairs  The Ministry of the Interior	The Ministry of the Interior	The Ministry of the Interior and the Ministry for Foreign Affairs	The Ministry for Foreign Affairs  The Ministry of the Interior
22.	Ireland	Department of Jobs, Enterprise and Innovation/ Department of Justice;	An Gardai Siochana;  Department of Jobs, Enterprise and Innovation;	Revenue, Irish Tax & Customs	The Department of Jobs, Enterprise and Innovation is responsible for the regulation of brokering of controlled

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
		Revenue, Irish Tax & Customs	Revenue, Irish Tax & Customs		goods from—(a) one third country to another third country,(b) from the State to a third country, or(c) From another Member State to a third country.
23.	Italy	The National Authority for the Armament Licensing and Controls (acting under the auspices of the Ministry of Foreign Affairs and International Cooperation) is competent for the export of defence products and armaments. The National Authority gathers input coming from all the agencies and ministries involved in the authorization process (Ministry of Defense, Ministry of Interior, Ministry of Economic Development, Ministry of Environment, Custom Agency and Intelligence Services).The National Authority dealing with arms for hunting and sporting purposes (i.e. "arms for civil use") is the Ministry of Interior.	The National Authority for the Armament Licensing and Controls deals with the import of spare parts and components needed by the Italian defense enterprises and industrial groups in order to complete their production processes. The National Authority for the Armament Licensing and Controls covers also the temporary re-import for reparation of Italian-made items. It does not cover the procurement of the Italian armed forces which is directly handled by the Ministry of Defense. It does not cover the import of arms for hunting and sporting purposes which is tackled by the Ministry of Interior.	The competent Authorities for transit and trans-shipment in the Italian control system are the prefects (i.e. the State's representatives in a province). Prefects belong to the Ministry of Interior. National Police Boards and Italian Customs Agency could be involved in the process too (as well as the Judicial Authority in case of illicit transits)	The National Authority for the Armament Licensing and Controls is competent for the regulation of legal brokering activities. The competence for countering illicit brokering and conducting the related investigations belongs to the judicial authority in coordination with enforcement and public order entities.

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
24.	Jamaica	Ministry of National Security (MNS) Firearm Licensing Authority (FLA) Trade Board Limited(TBL) Jamaica Customs Agency(JCA)	Ministry of National Security (MNS) Firearm Licensing Authority (FLA) Trade Board Limited (TBL) Jamaica Customs Agency (JCA)	The current legislation does not explicitly address the transit of these items. However, Section 38 of the Firearms Act 1967 empowers the National Security Minister to grant, amend or revoke any Trans-Shipment Permit for SALWs. The Commissioner of Customs is also responsible to regulate the movements of such items at our ports as well as through our borders	The Firearms Act does not explicitly provide for Brokers or brokering activities. However, some of the activities performed by Firearm Dealers constitute brokering-type activities, and are governed by the existing regulatory framework. The Firearms Act provides for the Firearm Licensing Authority (FLA)to regulate the activities of Firearm Dealers as well as ensure the general enforcement of the Act.
25.	Japan	Ministry of Economy, Trade and Industry(METI)	Ministry of Economy, Trade and Industry(METI)	Ministry of Economy, Trade and Industry(METI) Japan Customs	Ministry of Economy, Trade and Industry(METI)
26.	Latvia	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs
27.	Liberia	Liberia is developing a national control system for export and the competent national	The Ministry of Justice, Ministry of Defense and the	The competent national authority (ies) will be identified in collaboration with	The Liberia National Police and the Liberia National Commission on Small Arms but

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
		authority (ies) will be identified.	Liberia National Commission on Small Arms	the Liberia National Commission on Small Arms(LiNCSA).	only for regulating national brokering activities. National authority (ies) for the regulation of international trade will be identified
28.	Lichtenstein	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The State Secretariat for Economic Affairs (SECO) controls the import of War Material within the scope of the War Material Act; The Federal Office of Police (fedpol) controls the import of explosives, pyrotechnic devices, propellant powder and firearms as well as their accessories, ammunitions, parts and components within the scope of the Weapons Act.	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).  The Federal Office of Civil Aviation (FOCA) and the Federal Department of Defense Civil Protection and Sport are the licensing authorities for transit through Swiss airspace with governmental vessels. Decisions are taken in consultation with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The Lichtenstein Government is the licensing authority
29.	Lithuania	Ministry of Economy and Police Department under the Ministry of Interior are licensing authorities	Ministry of Economy, Ministry of National Defense, Police Department, depending on the goods in question and the end-	Ministry of Economy, Ministry of National Defense, Police Department, depending on the goods in question and the end-	Ministry of Economy and Police Department, depending on the goods in question, are the leading authorities; other

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
		depending on the goods in question and the end-user. Other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, Ministry of Defense, State Security Department, Customs Department under the Ministry of Finance, Police Department (in case licensing authority is the Ministry of Economy) and other.	user, other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Customs Department under the Ministry of Finance.	user, other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Customs Department under the Ministry of Finance	competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Ministry of National Defense, etc.
30.	Luxembourg	Office des Licences	Office des Licences	Office des Licences	Office des Licences
31.	Mexico	La Secretaria de la Defensa Nacional	La Secretaria de la Defensa Nacional	La Secretaria de la Defensa Nacional La Secretaria de Hacienda y Crédito Publico	La Secretaria de la Defensa Nacional
32.	Monaco	Ministère d'Etat	Ministère d'Etat	Not specified	Ministère d'Etat
33.	Montenegro	Ministry of Economy, Ministry of Foreign Affairs and European Integration, Ministry of Defense Ministry of Interior	Ministry of Economy, Ministry of Foreign Affairs and European Integration, Ministry of Defense Ministry of Interior	Ministry of Interior	Ministry of Economy

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
34.	The Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands	Ministry of Security and Justice of the Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands
35.	New Zealand	New Zealand Ministry of Foreign Affairs and Trade	New Zealand Police	New Zealand Ministry of Foreign Affairs and Trade and the New Zealand Police	New Zealand Ministry of Foreign Affairs and Trade
36.	Norway	Ministry of Foreign Affairs/ Section for Export Control	Ministry of Justice	The Ministry of Justice and the Ministry of Foreign Affairs	National Police Directorate
37.	Panama	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP)
38.	Paraguay	Registro Nacional de Armas (RENAR) Direccion de Material Bélico (DIMBEL), Fuerzas Armadas del Paraguay	Direccion de Material Bélico (DIMBEL), Fuerzas Armadas del Paraguay Direccion Nacional de Aduanas	Direccion de Material Bélico Direccion Nacional de Aduanas	Direccion de Material Bélico Direccion Nacional de Aduanas

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
39.	Peru	<p>El Ministerio de Defensa, a través de sus institutiones armadas (Ejército del Perú, Marina de Guerra del Perú y Fuerza Aérea del Perú (Armamento militar o de « guerra »)</p> <p>La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosives de Uso Civil (SUCAMEC) (Armas de fuego de uso civil)</p> <p>Superintendencia Nacional de Aduanas y de Administración Tributaria (SUNAT, a través de la Intendencia Nacional de Desarrollo Estratégico Aduanero (en materia de transferencias)</p>	<p>Armamento militar o de « guerra » :</p> <p>El Ministerio de Defensa, a través de sus institutiones armadas (Ejército del Perú, Marina de Guerra del Perú y Fuerza Aérea del Perú</p> <p>El Ministerio del Interior se encarga del control del armamento que importa para el uso en cumplimiento de sus funciones de la Policía Nacional del Perú</p> <p>Armas de fuego para uso civil :</p> <p>La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosives de Uso Civil (SUCAMEC)</p> <p>En materia de transferencias :</p> <p>Superintendencia Nacional de Aduanas y de Administración Tributaria (SUNAT, a través de la Intendencia Nacional de Desarrollo Estratégico Aduanero</p>	<p>En materia del control de armas de uso civil :</p> <p>La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosives de Uso Civil (SUCAMEC)</p> <p>En materia de transferencias :</p> <p>Superintendencia Nacional de Aduanas y de Administración Tributaria (SUNAT, a través de la Intendencia Nacional de Desarrollo Estratégico Aduanero</p>	<p>Armas de fuego para uso civil :</p> <p>La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosives de Uso Civil (SUCAMEC)</p>

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
40.	Poland	Ministry of Development (before November 2015 – Ministry of Economy) – as the licensing body, and advisory authorities – minister responsible for foreign affairs, Minister of Interior, minister responsible for public finance, Head of Military Counterintelligence Service, Head of Military Intelligence Service, Head of Internal Security Agency, Head of Intelligence Agency.	Ministry of Development – for legal persons and Ministry of Interior – for natural persons.	Ministry of Development as a licensing body and Ministry of Finance (Customs) as an enforcement	Ministry of Development
41.	Portugal	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures regarding dual-use items	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures regarding dual-use items

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
42.	Republic of Korea	Ministry of Foreign Affairs Defense Acquisition Program Administration (DAPA) Ministry of Trade, Industry and Energy (MOTIE)	Ministry of Foreign Affairs Ministry of National Defense National Intelligence Service	Ministry of Trade, Industry and Energy (MOTIE) (Licensing Authority) · Defense Acquisition Program Administration (DAPA) (Licensing authority)	Ministry of Trade, Industry and Energy (MOTIE) Defense Acquisition Program Administration (DAPA)
43.	Republic of Moldova	Ministry of Economy of the Republic of Moldova	Ministry of Defence, Customs Service/Ministry of Finance Ministry of Foreign Affairs and European Integration Ministry of Internal Affairs, Information and Security Service Licensing Chamber	Ministry of Defence, Customs Service/Ministry of Finance Ministry of Foreign Affairs and European Integration Ministry of Internal Affairs, Information and Security Service Licensing Chamber	Moldovan legislation doesn't define such a term as brokering of strategic goods. At the moment, the national procedure has started for the introduction of license for brokering services related to strategic goods. By the end of 2017 all necessary amendments to legislation are expected to be finalised
44.	Romania	Ministry of Foreign Affairs through its Department for Export Controls(ANCEX)is the national authority for the export controls of military goods  Ministry of Interior through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for the	Ministry of Foreign Affairs through its Department for Export Controls is the national authority for import controls of military goods.  Ministry of Interior through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for import controls of firearms, their	Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Authorities Ministry of Transportation	Ministry of Foreign Affairs through its Department for Export Controls

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
		export controls of firearms, their parts and essential components and ammunition for civilian use.	parts and essential components and ammunition for civilian use		
45.	Samoa	The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:  - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet	The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:  - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet	The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:  - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet	N/A
46.	Serbia	Ministry of Foreign Affairs  Ministry of Defense  Ministry of Internal Affairs  Security Information Agency  Ministry of Trade, Tourism and Telecommunications	Ministry of Foreign Affairs  Ministry of Defense  Ministry of Internal Affairs  Security Information Agency  Ministry of Trade, Tourism and Telecommunications	Ministry of Foreign Affairs  Ministry of Defense  Ministry of Internal Affairs  Civil Aviation Directorate	Ministry of Foreign Affairs  Ministry of Defense  Ministry of Internal Affairs  Security Information Agency  Ministry of Trade, Tourism and Telecommunications

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
47.	Sierra Leone	Sierra Leone is not an exporting country for conventional arms	ECOWAS Secretariat and Sierra Leone National Commission on Small Arms (SLeNSA)	None	None
48.	Slovakia	The Ministry of Economy	The Ministry of Economy	The Ministry of Interior of the Slovak Republic, Customs Office	The Ministry of Economy
49.	Slovenia	The Ministry of Defence is a competent national authority for the control of exports of military conventional weapons.  The Ministry of Interior is a competent national authority for the control of exports of non-military weapons (responsible for control of exports of firearms, sports and hunting weapons).	The Ministry of Defence is the competent authority for control of imports of military weapons and the Ministry of Interior is responsible for the control of imports of non-military weapons, mainly firearm, sports and hunting weapons	Ministry of Defence (military weapons)  Ministry of Interior (non-military weapons).	Ministry of Defence (military weapons)  Ministry of Interior (non-military weapons).
50.	South Africa	The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent	The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent	The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent	The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
		<p>and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.</p> <p>The SC provides their recommendations to the NCACC, for consideration and approval.</p>	<p>and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.</p> <p>The SC provides their recommendations to the NCACC, for consideration and approval.</p>	<p>and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.</p> <p>The SC provides their recommendations to the NCACC, for consideration and approval.</p>	<p>and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.</p>
51.	Spain	<p>El titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble uso (JIMDDU)</p>	<p>El titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble uso (JIMDDU) Para armas de fuego</p>	<p>Ministerio de Asuntos Exteriores y Cooperación</p>	<p>Igual que la autoridad competente para regular las exportaciones: el titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio</p>

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
			de uso civil, además es necesario el informe favorable de la Comisión Interministerial Permanente de Armas y Explosivos(CIPAE)		Exterior de Material de Defensa y de Doble uso (JIMDDU)
52.	Sweden	The Inspectorate of Strategic Products (ISP)	The Swedish Police and the Swedish Civil Contingencies Agency are responsible for regulating the import of civilian firearms and ammunition	The Inspectorate of Strategic Products (ISP)	The Inspectorate of Strategic Products (ISP)
53.	Switzerland	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The State Secretariat for Economic Affairs (SECO) controls the import of War Material within the scope of the War Material Act  The Federal Office of Police (fedpol) controls the import of explosives, pyrotechnic devices, propellant powder and firearms as well as their accessories, ammunitions, parts and components within the scope of the Weapons Act	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).  The Federal Office of Civil Aviation (FOCA) and the Federal Department of Defense Civil Protection and Sport are the licensing authorities for transit through Swiss airspace with governmental vessels. Decisions are taken in consultation with the relevant offices of the Federal	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA)

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokering control ministry/agency</b>
				Department of Foreign Affairs (FDFA)	
54.	The former Yugoslav Republic of Macedonia	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration
55.	Togo	Ministères en charge de la défense et de la sécurité	Ministère de la défense nationale	Ministères en charge de la défense et service des douanes	Ministères de la défense, de la sécurité, du commerce et douanes
56.	Trinidad and Tobago	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	In accordance with the current firearms legislation, the Commissioner of Police is the competent national authority for the regulation of activities of firearms dealers as defined under the Firearms Act
57.	United Kingdom	The Export Control Organisation (ECO) within the Department for Business Innovation and Skills (BIS) Ministry of Defence, Foreign & Commonwealth Office, Department for International Development	Licensing of the import controls set out in 1a is the responsibility of the Import Licensing Branch of the Department for Business, Innovation and Skills (BIS).	The Export Control Organisation (ECO) within the Department for Business	The Export Control Organisation (ECO) within the Department for Business

	<b>State</b>	<b>Export control ministry/agency</b>	<b>Import control ministry/agency</b>	<b>Transit control ministry/agency</b>	<b>Brokerling control ministry/agency</b>	
		HM Revenue & Customs.				
58.	Uruguay	Servicio de Material y Armamento – Ministerio de Defensa Nacional	N/A	Servicio de Material y Armamento – Ministerio de Defensa Nacional	Servicio de Material y Armamento – Ministerio de Defensa Nacional	

## Sources of information / references

### LIST OF POSSIBLE REFERENCE DOCUMENTS TO BE CONSIDERED BY STATES PARTIES IN ARTICLE 5 IMPLEMENTATION<sup>8</sup>

*The following public documents with associated links are referenced as optional sources that States Parties may choose to draw from, when relevant and useful in implementing Article 5. Use of these documents is not as mandatory. A State Party may also draw from other sources of information to assist in implementing its obligations under this article.*

*The list is not exhaustive and the fact that an organization is referenced on the list does not in itself imply that States Parties endorse its findings.*

#### A. General references pertinent for Article 5

##### ATT

- ATT Secretariat. 2016. Exchange of views on the treaty implementation: Guidance for Discussion. ATT – Second Conference of States Parties. Submitted by Costa Rica and Finland, ATT/CSP2/2016/WP/2, 16 June 2016,  
[http://thearmstradetreaty.org/images/Discussion\\_Guiding\\_Paper-Treaty\\_Implementation-16\\_June\\_2016.pdf](http://thearmstradetreaty.org/images/Discussion_Guiding_Paper-Treaty_Implementation-16_June_2016.pdf)

##### UN agencies

- UNODA (United Nations Office for Disarmament Affairs). n.d. ATT Implementation Toolkit. Access via: <https://www.un.org/disarmament/convarms/att/>
- UN CASA (United Nations Coordinating Actions on Small Arms). 2014. National Controls over the International Transfer of Small Arms and Light Weapons. International Small Arms Control Standard (ISACS) 03.20 (Version 1.0), 17 June 2014,  
<http://www.smallarmsstandards.org/isacs/0320-en.pdf>
- UNLIREC (United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean). n.d. Arms Trade Treaty Implementation Course (ATT-IC). (Available from UNLIREC)

##### Non-governmental

- Casey-Maslen, Stuart, Andrew Clapham, Gilles Giacca, and Sarah Parker. 2016. The Arms Trade Treaty: A Commentary. Oxford: Oxford University Press.
- Da Silva, Clare and Brian Wood (eds.). 2015. Weapons and International Law: The Arms Trade Treaty. Brussels: Larcier.

---

<sup>8</sup> Annex A to the Draft Report to the Fourth Conference of States Parties (CSP4) (<ATT/CSP4.WGETI/2018/CHAIR/355/Conf.Rep>) presented by the Chair of the Working Group on Effective Treaty Implementation (WGETI).

- GCSP (Geneva Centre for Security Policy). 2017. The ‘Treaty Implementation Matrix’: A Tool for Effective ATT Implementation. Working Paper by Geneva Centre for Security Policy (GCSP), 3 February 2017.  
[http://thearmstradetreaty.org/images/CSP3\\_Documents/GCSP\\_Working\\_Paper\\_Implementation\\_Matrix.pdf](http://thearmstradetreaty.org/images/CSP3_Documents/GCSP_Working_Paper_Implementation_Matrix.pdf)
- Parker, Sarah (ed.). 2016. The Arms Trade Treaty: A Practical Guide to National Implementation. Geneva: Small Arms Survey, August 2016. <http://www.smallarmssurvey.org/publications/by-type/handbooks/att-handbook.html>
- Saferworld. 2016. Ensuring effective implementation of the Arms Trade Treaty: a National Assessment Methodology. London: Saferworld, August 2016.  
<https://www.saferworld.org.uk/resources/publications/1085-ensuring-effective-implementation-of-the-arms-trade-treaty-a-national-assessment-methodology>
- Saferworld. 2016. Implementing the ATT: Essential elements of an effective arms transfer control system. Expert Group on ATT Implementation Briefing No. 5. London: Saferworld, July 2016.  
<https://www.saferworld.org.uk/resources/publications/1081-implementing-the-att-essential-elements-of-an-effective-arms-transfer-control-system>
- Spano, Laura and Philip Alpers. 2017. Implementing the Arms Trade Treaty and the UNPoA. A Guide to Coordinating an Effective Arms Control System. Sydney, Australia: The Centre for Armed Violence Reduction, October 2017. <http://www.armedviolencereduction.org/wp-content/uploads/2017/10/Implementing-the-Arms-Trade-Treaty-and-the-UNPoA-A-Guide.pdf>
- IPIS (International Peace Information Service). n.d. Arms Trade Treaty E-Learning Modules. Access via: <http://ipisresearch.be/e-learning/>

## B. National control lists

See relevant sections in materials listed in general references.

### Government

- New Zealand Government, Modes control list of *List of Goods controlled under the ATT*  
ATT
- ATT website – link to national control lists provided by States Parties [forthcoming]

### UN agencies

- UNODA (United Nations Office for Disarmament Affairs). n.d. United Nations Register of Conventional Arms: Categories. <https://www.unroca.org/categories>
- UNGA (United Nations General Assembly). 2005. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Report of the Open-ended Working Group to Negotiate an International instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. UN Document A/60/88, 27 June 2005, Article 4.  
[http://www.un.org/events/smallarms2006/pdf/A.60.88%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/A.60.88%20(E).pdf)

### Regional and other multilateral organizations/mechanism

- EU (European Union). 2018. Common Military List of the European Union adopted by the Council on 26 February 2018 (equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment). Official journal of the European Union, C 098, 15 March 2018. [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521098021619&uri=OJ:JOC\\_2018\\_098\\_R\\_0001](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521098021619&uri=OJ:JOC_2018_098_R_0001)
- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. 2017. Munitions List. [http://www.wassenaar.org/wp-content/uploads/2017/12/2017\\_List\\_of\\_DU\\_Goods\\_and\\_Technologies\\_and\\_Munitions\\_List-1.pdf](http://www.wassenaar.org/wp-content/uploads/2017/12/2017_List_of_DU_Goods_and_Technologies_and_Munitions_List-1.pdf)

### **C. References regarding national authorities**

See relevant sections in materials listed in general references.

#### UN agencies

- UNLIREC (United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean). n.d. Conformation of National Control Authority Guidelines. (Available in Spanish from UNLIREC)

### **D. References regarding national legislation**

See relevant sections in materials listed in general references.

#### Non-governmental

New Zealand and the Small Arms Survey. 2014. Arms Trade Treaty: Model Law for Pacific States. <http://www.smallarmssurvey.org/fileadmin/docs/E-Co-Publications/SAS-NZ-Gov-Arms-Trade-Treaty-Model-Law.pdf>