

(Acts adopted pursuant to Title V of the Treaty on European Union)

FOURTH ANNUAL REPORT

on the implementation of the EU Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP)

(2005/C 109/01)

INTRODUCTION

1. On 26 June 1997 the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms was adopted by the General Affairs Council of the European Union, and on 12 July 2002 the European Council adopted a Joint Action on the European Union's contribution to combating the destabilising accumulation and uncontrolled spread of small arms and light weapons repealing Joint Action 1999/34/CFSP.
2. The candidate countries of Bulgaria, Romania and Turkey, as well as the EFTA countries that are members of the EEA (Iceland, Liechtenstein and Norway), have aligned themselves with this Programme and the Joint Action.
3. In pursuing the objectives of the Joint Action, the EU played an active role at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, 9 to 20 July 2001), ending with the adoption of a UN Programme of Action, as well as at the first biennial meeting held in New York from 7 to 11 July 2003. The EU also has actively participated in the negotiations of the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the United Nations Convention Against Transnational Organised Crime, adopted by the UN General Assembly on 31 May 2001. The EU has also fully participated in the meeting of the Open-ended working group on tracing of small arms and light weapons held in New York from 14 to 25 June 2004.
4. The European Union adopted Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering, which requires Member States to introduce ad hoc legislation in order to effectively control the activities of brokers.
5. This report is structured in three parts. Part I covers Member States' efforts to address the problems related to small arms and light weapons, such as inter-agency cooperation, newly enacted legislation and support for relevant research. Part II deals with international measures, such as assistance to projects conducted by international, regional organisations, or non-governmental organisations, assistance to affected States, and organising international conferences. EU cooperation with other States is also included in Part II. Finally, in Part III the priorities for a more systematic approach to EU assistance in the field of small arms and light weapons (SALW) are discussed, as well as the lessons learnt from the experience already accumulated by the EU and its Member States in this field.
6. The report covers the Joint Action as well as the EU programme for preventing and combating illicit trafficking in conventional arms. Its scope is, in principle, limited to the year 2003. Information on prior activities of the EU in the application of the Joint Action and the EU programme can be found in the First, Second and Third Annual Reports, as well as in the European Commission's publication, 'Small arms and light weapons: the response of the European Union'.
7. SALW-related projects under the Council Joint Action are financed through the CFSP budget under a specific article 'non-proliferation and disarmament'. The implementation of CFSP projects is carried out by the European Commission. Potential applicants should address the European Commission for guidance or other information on procedures for SALW-related projects through the CFSP budget or, alternatively, address the national contact points. Attention is drawn to the attached annex in which SALW national contact points within the EU are contained.

I. NATIONAL IMPLEMENTATION EFFORTS DURING 2003

I.A. *Cooperation, coordination and exchange of information between administrative and law enforcement agencies*

8. In 2003, Italy's ad hoc working group on small arms and light weapons, established in June 2000 under the coordination of the Ministry of Foreign Affairs, and which includes representatives of relevant ministries, law enforcement administrations and interested national industrial associations, met three times.

Discussions mainly focused on preparation for the 2003 Biennial Meeting of States Parties to the 2001 UN Programme of Action against the illicit trafficking of small arms and light weapons. Due consideration was also given to the debate in other relevant multilateral forums (OSCE, Wassenaar Arrangement, G8) as well as to the issue of brokering activities, especially given the adoption of the EU common position on the matter.

I.B. *Newly enacted legislation, reviews of the practical functioning of existing legislation*

9. A number of Member States introduced newly enacted legislation in 2003 or are in the process of reviewing existing legislation. Details of these are as follows:

AUSTRIA

10. The process of amending and adapting Austria's Foreign Trade Act (the legal basis for exports other than war material) was initiated in 2003 and is ongoing.

11. Even before adoption of the Council Common Position on arms brokering of 23 June 2003, brokering required a licence under Austrian law. According to an amendment to the War Materials Act of 2001 (Federal Law Gazette No 57/2001), arms brokerage requires a proper authorisation. Section 1, paragraph 4 WMA as amended defines the brokerage of war material as a transaction where a person resident or headquartered in Austria allows or arranges the transfer of articles which are outside the customs territory of the European Union to another country outside the customs territory of the European Union. The licence is issued under the same conditions as for export applications.

12. According to section 6 of the Austrian Foreign Trade Act any brokerage of goods other than war material listed in its Annex 1 (Common control list) which is outside the customs territory of the European Union to another country outside the customs territory of the European Union is subject to a licence requirement. The licence is issued under the same conditions as for export applications.

BELGIUM

13. With its Law of 26 March 2003 (published on 7 July 2003) on the strengthening of the rules regarding the granting of export or transit licences, Belgium has incorporated into its national legislation the rules and operational provisions of the European Code of Conduct on Arms Exports.

From that point onwards, any application for an export or transit licence will be rejected having regard to the country of destination if it turns out in particular that:

- exportation or transit will contribute to flagrant violation of human rights,

- there is a clear risk that the outcome of the exportation will assist internal repression or if it is established that child soldiers are aligned with the regular armed forces,
- the country is supporting or encouraging international organised crime and terrorism,
- there is a serious risk of misuse of the equipment within the country of destination or a country has shown that it is not complying with the non-re-exportation clause.

14. In addition, account must be taken of the technical and economic capacity of the country of destination, the legitimate needs of States with regard to security and defence and the fact that it is desirable that States respond to these requirements by devoting a minimum of human and economic resources to armaments.

15. In order to deal with the gaps and the legal void relating to the profession of brokers/intermediaries in the area of legal trading in light arms, Belgium has adopted legislative measures. This involves the Law of 25 March 2003, which came into force on 17 July 2003. In effect, Article 10 of this Law amending the Law of 5 August on the importation, exportation and transit of arms, munitions and material specifically intended for military use and related technology, it lays down that:

- no Belgian citizen or foreigner residing or trading in Belgium may negotiate, export or supply abroad or hold for that purpose, arms, munitions or equipment specifically intended for military use or related technology, or act as intermediary in such transactions without having for this purpose a licence issued by the Minister for Justice,
- an intermediary shall be considered to be any person who, for payment or free of charge, sets up conditions with a view to the conclusion of a contract for the purpose of negotiating, exporting or supplying abroad, or holding for that purpose, weapons, munitions or material specifically intended for military use or related technology, whatever the origin or destination of the goods and irrespective of whether or not they enter Belgian territory, or any person who concludes such a contract where the transport is carried out by a third party.

CZECH REPUBLIC

16. The Czech Republic introduced a Firearms and Ammunition Act No 119/2002, which took effect on 1 January 2003. Its purpose is to fully align Czech legislation with the EU *acquis* concerning the manufacture, acquisition and possession of arms and ammunition. The Firearms Act is based on previous legislation and takes over the basic elements of Act No 288/1995 to regulate firearms and ammunition as amended (including the licensing of the possession of arms, weapons registration and weapon waybills).

17. When drafting the Firearms Act the Czech Republic took into account principal EC regulations concerning arms and ammunition, including Council Directive 91/477/EEC on the control of the acquisition and possession of weapons, Council Directive 93/15/EEC on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses, Commission Recommendation 93/216/EEC on the European firearms pass as supplemented by Recommendation 96/129/EC and the European Convention on the control of the acquisition and possession of firearms by individuals.

18. The Firearms Act divides weapons into four categories according to lethality and liability to be misused. Category A covers prohibited weapons, including military weapons and military small arms and light weapons. Category B covers weapons subject to registration, category C covers weapons the possession of which must be reported and category D includes all other weapons. The transfers and storage of arms and ammunition designed for non-military use are supervised by the Ministry of the Interior and the Czech Police.

19. The Firearms Act redefines the competencies of the Czech Arms and Ammunition Proofing Authority in respect of problems related to the categorisation of weapons. It also introduces 10 groups of arms licences, which replaced weapon permits. An arms licence is an official document authorising a natural or legal person engaged in business or similar activities to acquire and possess arms and ammunition within the scope of the authorisation defined for a particular arms licence group. Another document authorising the acquisition and possession of arms is the arms pass. According to the Firearms and Ammunition Act, six types of arms pass can be issued. Obtaining an arms licence or an arms pass is one of the basic conditions for an entity to be allowed to handle the arms in categories A to C.

20. The Firearms Act also regulates the information systems on arms, ammunition and firing ranges, including the release of such information.

21. In addition, the Czech Republic introduced Act No 227/2003 amending Act No 156/2000 to regulate the proofs of firearms, ammunition and pyrotechnic devices; this took effect on 1 October 2003. The Act implements the provisions of the OSCE document on small arms and light weapons as regards the marking of newly manufactured military small arms which are not intended for the use of the Czech Army. According to the new Act, the Czech Arms and Ammunition Proofing Authority is competent to apply the appropriate proofmark to manufactured and exported weapons that are not in service with the Czech armed forces, other security structures, armed personnel of the Customs Service and of the intelligence services.

DENMARK

22. In Denmark an inter-ministerial committee was set up under the auspices of the Ministry of Justice in May 2001. The committee was tasked with the examination of the existing

weapons and explosives legislation, especially with regard to arms exports. In 2003, the committee concluded a report regarding transportation of arms between third countries. On this basis the Danish Parliament adopted on 6 May 2004 an act introducing rules on transportation of weapons between third countries. The rules ban transportation of weapons to countries covered by a UN, EU or OSCE arms embargo. Furthermore, transportation between third countries that have not issued the necessary export and import licences is banned. The committee is at present considering new legislation on, among other things, arms brokering.

ESTONIA

23. In the case of Estonia its Strategic Goods Act took effect on 5 February 2004. The Act regulates the export of strategic goods and transit thereof through Estonia, the import of military goods, the export of services related to military goods and ensuring control over the import and end-use of strategic goods. The Act prohibits the export and transit of military goods to countries subject to relevant sanctions binding on Estonia which are established by an institution specified in the International Sanctions Act, regardless of special authorisation. The diversion from their intended destination of goods subject to State supervisory control over the import and end-use of strategic goods without the written permission of the Strategic Goods Commission and re-export of such goods without special authorisation; the export and transit of weapons of mass destruction, any materials, hardware, software and technology used for the manufacture of weapons of mass destruction, and the export and transit of anti-personnel mines, and services related thereto regardless of their country of destination; the import, export and transit of goods used to commit human rights violations and the provision of services related thereto regardless of their country of destination, unless such goods are displayed as objects of historical value in a museum; the export and transit of other strategic goods, the import of other military goods, and services prohibited by international agreements binding on Estonia.

FINLAND

24. Legislation on a firearms amnesty was approved by the Parliament of Finland at the end of 2003 and came into force on 1 January 2004. The purpose of the legislation is to decrease the number of illegal and unregistered weapons in Finland. Since the legislation has entered into force, it is possible to surrender illegal small arms, ammunition and explosives to the police without any legal consequences if they have not been used in a criminal act. Owners of an illegal firearm can apply for a licence to keep the gun or to convey it to another licence holder through the police. In those cases where owner may wish not to keep arms or convey these to another licence holder, the arms in question will be deactivated or rendered to the State. They then can be sold by the police in an official public auction to collectors and other licensed arms holders.

25. The implementation of the UN Firearms Protocol, including arms brokering concerning civil firearms and ammunitions, has been under preparation in 2003 by the Ministry of Interior in Finland. It is estimated that the proposals shall be submitted to the Parliament during the second half of 2004.

FRANCE

26. France introduced Law No 2003-239 of 18 March 2003 on internal security which contains Title II 'Provisions concerning weapons and munitions', which amends the provisions of Statutory Order of 18 April 1939 determining the regime for combat equipment, arms and munitions and strengthens further the conditions under which private individuals can be authorised to acquire and hold arms for defence purposes, sporting activity and hunting. In addition, Article 84 of this Law, amending the penal provisions provided by Statutory Order of 18 April 1939 provides that, for a period of one year after the publication of the order, persons who hand over weapons in their possession in contravention of the regulations relating to the acquisition and possession of weapons may not be the subject of criminal prosecution. This measure is aimed at allowing citizens illegally holding arms to come within the law and for the authorities to recover, without compensation, weapons sometimes held over a long period and which are difficult to trace because of this fact.

27. Following the publication of Decree No 2002-23, of 3 January 2003, which extended to intermediaries involved in the weapons trade, the administrative control regime applicable to manufacturers and arms traders, the control system was progressively implemented: issue (or refusal) of licences to persons wishing to operate as intermediaries, keeping of a special register by authorised persons, initial checks carried out by the General control authorities of the armed forces (SIA/MD) on holders of intermediary licences.

GREECE

28. Existing legislation in Greece concerning the possession of shotguns was amended by Law 3169/2003, with the result that every person wishing to import, traffic or possess a shotgun is obliged to obtain a prior police permit. Before the issuing of such a permit, the criminal record of the applicant is checked.

HUNGARY

29. In the case of Hungary, new controls have been introduced on the acquisition and possession of weapons by civilians. The Firearms and Ammunition Act No 24/2004, which took effect on 1 May 2004 is based on and fully in line with the principles and provisions laid out in Council Directives

91/477/EEC and 93/15/EEC, and Commission Recommendations 93/216/EEC and 96/129/EC.

30. A new Governmental Decree No 16/2004 on arms export controls also entered into force in Hungary on 1 May 2004. The Decree applies to all items on the EU Common Military List and activities that facilitate the supply or delivery of goods (e.g. brokering, transit) and technical assistance. The new legislation establishes the EU Code of Conduct on arms exports as part of the national legislation thereby making it legally binding instrument. All licence applications are assessed against the Code.

IRELAND

31. Under Ireland's current Irish legislation, the import and export of small arms to and from EU countries must be licensed in accordance with the Firearms Acts, 1925 and 1964 and the EC (Acquisition and Possession of) Weapons and Ammunition Regulations, 1993. Exports of firearms to all countries are also subject to the Control of Exports Act, 1983 and Orders made thereunder, and to the international obligations and responsibilities derived from membership of the UN, EU, OSCE and other entities which involve regulation of exports, such as the Wassenaar Arrangement.

In line with the increasing international focus on the importance of strengthening strategic export control rules, Ireland is taking steps to ensure that its export controls conform to the highest international standards. In this context, the Department of Enterprise, Trade and Employment has commissioned a review of Ireland's strategic controls systems with a view to recommending how best these could be modernised and strengthened, to address identified gaps and ensure full compliance with Ireland's international obligations. Phase I of the review, which sought to examine the broad issues involved and identify how best to proceed with the review, was completed in June 2003 and Phase 2, which constitutes a more detailed review, is almost complete.

32. Ireland hopes to be in a position to accede this year to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime Protocol.

ITALY

33. Concerning the export of arms for military use, in 2003 Italy's relevant provisions of Law No 185/1990 have been modified by Law No 148 (adopted on 17 June 2003) as follows:

- the required export authorisation (Articles 11 to 15 of Law No 185/1990) can be replaced by a 'global licence of project', issued for a single operator. Such a licence must be related to the transfer of military items in the framework of joint intergovernmental or industrial programmes of research, development or production carried out with companies of EU or NATO Member States. Those joint programmes must be regulated by specific agreements ensuring that export of military items take place in accordance with the principles of Italian Law No 185/1990. Those agreements must also have provisions similar to those set forth in the Framework Agreement between France, Germany, Italy, Spain, Sweden and the United Kingdom concerning measures to facilitate the restructuring and activities of the European defence industry, which took place at Farnborough on 27 July 2000,
- with the same global licence of project, it may be authorised the supply of military items, developed or produced in the framework of joint programmes, to the abovementioned countries for national military use,
- the global licence of project has a maximum validity of three years and can be extended,
- the request for a global licence of project should include:
 - (a) a description of the joint programme indicating the military item to be produced;
 - (b) the indication of companies, where already identified, in the exporting or importing country. If those companies are not yet identified, their eventual identification must be made known to the Ministry of Foreign Affairs within 90 days from the identification;
 - (c) the identification of end-users (governmental authorities, authorised public or private companies) in the framework of the joint programme,
- those who receive a global licence of project must provide to the Ministry of Foreign Affairs, on a yearly basis, a detailed report on activities carried out according to the issued licence, including data on all operations carried out,
- for deliveries related to the global licence of project, the company must keep, for five years, records of the documentation related to supplied items which may demonstrate the arrival at destination of the above items. All other relevant provisions of Law No 185/1990 still apply.

LATVIA

34. In order to regulate arms matters in the Republic of Latvia in accordance with international requirements and to harmonise national legislation in this regard, determining the rights and obligations of physical and legal persons with

respect to circulation of arms and weapons, their parts, ammunition, explosives, explosives equipment, special devices and pyrotechnic products in the Republic of Latvia and determining classification of these items for the purpose of guaranteeing individual and public safety, the Law on Arms Circulation was passed on 6 June 2002, taking effect on 1 January, 2003.

35. In addition, in 2003 and in 2004 a number of normative acts were passed pursuant to this Law, strictly regulating the circulation of arms in Latvia, namely, Cabinet of Ministers Regulations No 167 of 15 April 2004, 'Procedure for a common register of firearms and heavy pneumatic weapons', which provides the procedure for maintaining a common register of firearms and heavy pneumatic weapons of physical and legal persons in the Republic of Latvia (It should be noted that these Regulations do not apply to weapons of the national armed forces) and Cabinet of Ministers Regulations No 538 of 23 September 2003, 'Regulations for Classification and use of weapons, ammunition, special devices, explosives, explosives equipment and pyrotechnic products'. Cabinet of Ministers Regulations No 647 of 11 November 2003, 'Regulations for the purchase, registration, recording, storage, transport, shipment, carrying, sale and collection of arms, ammunition and gas pistols (revolvers), as well as Regulations for Presentations' are also important elements of Latvia's export controls legislation.

36. On 1 May 2004, a Law on the Circulation of strategic goods came into effect, designed to ensure control over the circulation of strategic goods in accordance with national and international interests and international requirements for monitoring their export, import and transit.

LITHUANIA

37. A new Law on the Control of arms and ammunition which was prepared in Lithuania in compliance with the Directive 91/477/EEC on the control of arms and ammunition, entered into force on 1 July 2003. The Law laid down provision for the classification of arms and ammunition into categories, consolidated the legal basis of the circulation and control of the arms and ammunition as well as the provisions for arms brokering. It sets forth common requirements on information exchange and regulates import, export and transit of weapons (possession of which is not restricted by license, e.g. guns for hunting, sport, etc.) used in the civil circulation.

38. In addition, a law on amending the Law on the Control on export, import and transit of strategic goods and technologies to regulate export and import of arms and ammunition (SALW included) in the Republic of Lithuania was passed in 2003.

39. More recently a new Law on the Control of strategic goods (in 2004) entered into force in the Republic of Lithuania. This law regulates, *inter alia*, brokering activities.

40. In 2003 Lithuania's Weaponry Fund introduced a more stringent registration system of end-user certificates and work commenced on the State Arms Register (expanding a centralised database with information required, according to the provisions of the UN Firearms Protocol).

41. Lithuania's governmental regulation on the State Arms Register (which was approved on 21 August 2003) defined data requirements and the way in which information should be supplied, stored and maintained. Information will be collected in the database from the very moment of appearance of arms (manufacture or import) in the State. The Register prevents the easy occurrence of illegal weapons and is a very important tool for tracing weapons.

42. Also, the Criminal Code that entered into force in Lithuania on 1 May 2003 has broadened the scope of existing legislation and introduced a separate chapter relating to criminal offences on illegal manufacture, illegal possession, illegal stockpiling and illegal trade of arms.

LUXEMBOURG

43. While no new legislation was introduced during 2003 in Luxembourg, a review of existing legislation is underway. Currently, the 'Law of 15 March 1983 on arms and munitions', as well as the Regulation of the Grand Duchy of 31 October 1995 relating to importation, exportation and transit of arms, munitions and equipment specifically intended for military use and related technology, constitutes the relevant legal basis in this area. These are published in the *Memorial*, the official journal of Luxembourg.

MALTA

44. Malta has taken measures to ensure that its export controls conform with international export control regimes and to international obligations and responsibilities derived from membership of the United Nations, EU, and OSCE. In that context, under current Maltese legislation, the import, export, transit and transshipment of small arms and weapons are subject to import and export licences in accordance with the Importation Control Regulations (Legal Notice 242 of 2004) and the Military Equipment (Export Control) Regulations (Legal Notice 269 of 2001). In addition, brokering activities related to the transfer of arms and weapons between Malta and any other country are controlled by the Military Equipment (Export Control) (Amendment) Regulations (Legal Notice 376 of 2003). On 1 January 2002 Malta aligned itself with the EU Code of Conduct on arms exports. The Common Criteria of the Code of Conduct for the issue of export licences serve as a guideline for the Maltese competent authorities dealing with export control.

These criteria are taken into consideration in the issue of export authorisations of arms and other military equipment.

45. In addition, the transfer of arms and ammunition between Member States of the European Union is controlled in Malta by the Firearms and Ammunition (Movement in Member States and other Matters) Regulations (Legal Notice 56 of 2004). These regulations entered into force on 1 May 2004.

POLAND

46. In 2003, Poland conducted a number of legislative initiatives connected with its prospective membership of the European Union and some of these continued into 2004. These measures were aimed at ensuring full implementation of the relevant *acquis* by 1 May 2004, the date of Accession to the EU. In the sphere of arms, particular attention was devoted to Council Directive 91/477/EEC on control of the acquisition and possession of arms and implementation of the principles contained in the Code of Conduct for arms export, thus fulfilling conditions contained in Council Decision 1999/34/CFSP.

47. On 14 February 2003, the Law of 21 May 1999 on firearms and ammunition (Journal of Laws No 53, item 549 with subsequent amendments) was amended by the Law on changes in the law on firearms and ammunition and by the law on the Bureau for the Protection of the Government (unified text — Journal of Laws No 52, item 451) harmonising existing provisions of Polish law with the *acquis communautaire*. It changed a number of issues, including procedures concerning non-commercial transportation of weapons across the territory of the Republic of Poland, their import and export for private purposes, firearms deactivation procedures, rules on the possession of arms by aliens. It also contains provisions obliging the Chief Commander of the Police to inform the authorities of other EU Member States about the types of firearms, possession of which is permitted or prohibited on Polish territory.

48. The abovementioned law is the basis for the following executive acts:

- the ordinance of the Minister of Economy, Labour and Social Policy of 7 March 2003 on types of ammunition, the movement of which on the territory of Poland may be performed on the basis of permission of the minister competent in matters of the economy (Journal of Laws No 52, item 456) which entered into force on the day of Poland's accession to the EU,
- the ordinance of the Minister of Infrastructure of 6 November 2003 on detailed rules and conditions of despatching weapons by the entities involved in the transportation and delivery of mail (Journal of Laws No 198, item 1926), describes the principles of transfers of arms from authorised foreign entrepreneurs, to physical persons holding permits for specific types of weapons,

— the ordinance of the Minister of Internal Affairs and Administration of 22 December 2003 on specimens of weapon owner identity cards, weapons purchase permits, identity cards for persons permitted to possess the weapons and weapons registry cards (Journal of Laws No 225, item 2233) introduces to the Polish legal system the institution of the European Firearms Pass, principles of registration of pneumatic weapons, etc.

SLOVAKIA

49. On 23 April 2003 a new Act No 190/2003 on Firearms and Ammunition was approved by the Slovak Parliament. It took effect on 1 January 2004, with the exception of some paragraphs that came into force on 1 May 2004. The Firearms Act sets the categories of the firearms and the ammunition, the conditions for their acquirement, holding, carrying and usage, rights and obligations of their holders, export, import and conveyance conditions. It also sets the conditions for the establishment and operating of the rifle ranges, exhibition of firearms and ammunition, operating of information systems in this field and sanctions for violation of the obligations laid in this act.

50. Two Decrees of the Ministry of Interior have followed the abovementioned Act:

— Decree No 555/2003 took effect on 1 January 2004. It specifies the conditions for the scope and the ways of carrying out examination of an applicant's competence to hold a firearms pass, administration of record keeping, conditions for holding and storage of firearms and ammunition and conditions for securing firearms and ammunition against their loss, misuse or theft,

— Decree No 208/2004 took effect on 1 May 2004. It introduces the specimen of the European Firearms Pass and its required elements.

51. Act No 190/2003 on Firearms and Ammunition together with two Decrees of the Ministry of Interior No 555/2003 and No 208/2004 are based on and fully in line with the principles and provisions set in Council Directives 91/477 EEC and 93/15/EEC, and Commission Recommendations 93/216/EEC and 96/129/EC.

SPAIN

52. In the case of Spain, no new legislation has entered into force during the year 2003. The regulation in force makes it necessary to obtain a Certificate of end-user for all exports of small arms and light weapons to a sensitive addressee or in transit, with the exception of firearms for the purpose of sports or hunting, to assure the Spanish authorities that the end-user is an element of the armed or security forces or other security related governmental entities; in those countries where private entities do not exist the final user must be one of the above-

mentioned entities. New national arms control legislation is, however, to enter into force soon, with the view to the latest EU policies in this field.

53. The new draft Royal Decree on the Regulation for the Control of the external trade of defence material, other material and dual use products and technologies will include brokerage and technical assistance related to arms, including small arms and light weapons.

SWEDEN

54. In Sweden, a review of the Weapons Act with regard to certain specific issues, including procedures for marking of SALW, was initiated in 2003 and is ongoing. Also in 2003, a review of Swedish legislation on military equipment began. The review will examine the instruments that are used for the purposes of export controls and propose any changes that may be needed. The review is still ongoing.

UNITED KINGDOM

55. In order to help implementation of the Export Control Act 2002 the Government laid two Orders under the Act before Parliament on 31 October 2003. These Orders introduce new controls which came into force on 1 May 2004.

56. The Trade in Goods (Control) Order 2003 extends controls beyond simple exports from the United Kingdom to cover trade (trafficking and brokering) of military equipment directly between overseas countries. These controls will apply to trade in any military equipment between overseas countries where any part of the trading activity takes place in the United Kingdom. This applies to any activity taking place in the United Kingdom, whether by a United Kingdom person (individual or company) or a foreign visitor. The Trade in Controlled Goods (Embargoed Destinations) Order 2004 was laid before Parliament on 11 February 2004 and came into force on 3 March 2004. This Order introduces extra-territorial controls on trade in military goods to the nine destinations currently under full arms embargoes imposed either by the United Kingdom, the EU, or OSCE. Such controls already existed for destinations subject to UN arms embargoes.

I.C. Training of administration, law enforcement agencies, judicial organs

SPAIN

57. Spanish law enforcement agencies continued to organise, as in previous years, courses on the criminal treatment of firearms and explosives and on the application of computer technology to the control of weapons and explosives. These are regular seminars organised with the goal of recycling and updating officers of the relevant agencies on the subjects.

I.D. Other initiatives or activities

DENMARK

58. In 2003, Denmark contributed to a study of the implementation of Council Directive 91/477/EEC of 18 June 1991 on the acquisition and possession of weapons. An objective of the study was to enhance the information exchange system under Directive 91/477/EEC.

59. In 2003, the Danish police started to use a national computerised weapon register which contains a record of all weapon permits issued by the police as well as information on weapon owners and that of lost weapons. All relevant information regarding the specific weapon such as the weapons character, type, make, model, serial number, calibre, personal mark and distinctive marks can be recorded in the register.

60. It is planned however but not yet accomplished, that all dealers, importers and producers shall update the weapon register with information of weapons in their weapon books or register. Likewise it is planned to merge the rifle clubs register with the new central register of the police.

FRANCE

61. In 2003, France published the report of the Minister for Defence to Parliament on French exports in 2001.

62. Within the context of national procedures for the control of exports of combat material and similar equipment, France is making efforts to avoid the spread of small arms and light weapons, in particular to areas of conflict. It is carefully applying the restrictive provisions provided in the European Code of Conduct in this regard by strictly monitoring the end destination of the equipment and the risks of use contrary to the principles and objectives of the international community and the foreign and security policy of the European Union in particular.

GERMANY

63. The German Federal Armed Forces destroyed more than 150 000 small arms and light weapons in 2003.

GREECE

64. Greece has established an electronic database in which all legally imported and possessed SALW are registered. This database is constantly updated with new entries and deletions. Apart from the ability to have readily available at any moment information concerning possessors of weapons legally held in the country, there is also the possibility to track down every weapon from its entry into the country to its current possessor. All seized and confiscated weapons, as well as ones lost and found, are registered in this database.

65. Greece strictly implements the provisions of Law 2168/93 and the ensuing ministerial decisions so that legally possessed firearms are not diverted to the illegal market. A minimum of controls per month on every enterprise or dealer of weapons has been imposed. Orders were issued to police directorates to proceed with a full inventory of all types of weapons and their ammunitions found in arms-trading enterprises. Data deriving from these controls are cross-checked with those of the central database in order to avoid any illegal transaction.

66. There is close cooperation between the Greek police and other competent authorities, namely the coastguard, customs, etc. There is also an exchange of information between the Greek police and the competent authorities of the countries of origin of the SALW.

LITHUANIA

67. Through its Weaponry Fund, Lithuania destroyed 767 small arms and light weapons in 2003.

LUXEMBOURG

68. With regard to the destruction of arms, the method used by Luxembourg (Luxembourg armed forces, Grand Duchy police and customs administration) is destruction by the cutting of these weapons into pieces. This destruction is dealt with by the armouries of the respective services. The cut metal is kept in a container and is transported by the authorities of the armouries to a steel manufacturing company where, in the presence of witnesses, these metals are melted down in electronic smelting furnaces. Afterwards a report is drawn up.

THE NETHERLANDS

69. The Netherlands supported the 'Biting the Bullet' project carried out by Saferworld, International Alert and Basic (London), the Institute for Security Studies (ISS) in Pretoria and Small Arms Survey (Geneva).

POLAND

70. In 2003, 45 weapons and 3 034 rounds of ammunition were confiscated by the Polish Border Guard, while the Police confiscated 2 750 weapons and 157 143 rounds of ammunition.

SLOVAKIA

71. Slovak-Dutch bilateral expert talks were held in The Hague from 17 to 21 March 2003. The agenda of the meeting was focused on the mutual exchange of the information in the field of exports control of conventional arms. A follow-up of the meeting to be held in Bratislava is being prepared.

SPAIN

72. A new operational policy has been put into force in Spain, with a view to reinforcing inspection activities and to implement common criteria during the inspection operations, and with the goal of carrying out a more efficient control on the plants and facilities connected or in relation with firearms and explosives. Consequently, instructions have been passed ordering that these plants and facilities should be inspected at least three times a year.

73. The Spanish authorities have a total of 231 880 firearms of different kinds and types stockpiled (bonded, seized and confiscated). Some 17 768 firearms will be auctioned and 27 141 others destroyed. The Spanish relevant authorities, coordinated by the Central Inspection for Arms and Explosives of the Guardia Civil, seized a further 215 illegal firearms in 2003.

74. During 2003, the Spanish authorities carried out 17 841 inspections to facilities where firearms and/or explosives are produced or stored (including factories, commercial outfits, sports shooting facilities, private security companies, etc.); of those, 10 099 inspections were carried out at facilities related to firearms and 7 742 inspections at facilities where explosives are produced or stored. Additionally, Spanish customs and tax officials paid several visits to ports and airports as part of their programme of fight against gun-running.

SWEDEN

75. The Swedish National Defence College conducts a broad programme on disarmament, demobilisation and reintegration (DD & R), which includes both national and international training.

UNITED KINGDOM

76. The United Kingdom Ministry of Defence destroyed more than 24 000 small arms and light weapons in 2003. The United Kingdom laid the foundations in 2003 for an important international initiative to control the supply of, and reduce the demand for SALW. The demand for SALW stems partly from economic and physical insecurity. The United Kingdom believes that by reducing poverty and encouraging sustainable development, we can counter people's perceived needs for small arms. Through the Armed Violence and Poverty Initiative, the United Kingdom will address the demand for small arms by integrating our work to reduce small arms and armed violence into wider

development assistance programmes. During consultations in 2002/2003 it became clear that we need more evidence of the impact of arms and armed violence on poverty if we are to engage the development community successfully. DFID has commissioned research on this issue and is working with a group of donors on using the findings as the basis for developing OECD Guidelines on arms and poverty in 2005.

II. INTERNATIONAL IMPLEMENTATION EFFORTS DURING 2003

II.A. *Measures to combat the accumulation and spread of small arms and light weapons, and to prevent illicit trafficking in conventional arms*II.A.1. **Financial, technical and other assistance given to relevant programmes and projects conducted by the UN, ICRC and other international or regional organisations and NGOs**II.A.1.1. *Actions and projects supported by the European Union*

77. Four projects for a total amount of EUR 3 256 953 were co-financed by the EU through the Common Foreign and Security Policy (CFSP) budget in 2003. These projects were as follows:

— Cambodia: Council Decision 2003/806/CFSP of 17 November 2003: this project began in 1999 and was adapted and extended four times. Funding for 2003 was EUR 1 436 953. This is an integrated programme involving legal assistance in drafting an arms law, weapons collection and destruction, building of safe storage facilities and weapons-for-development schemes. It is the only SALW project implemented and managed by the EU and is firmly supported by the Cambodian government. The project was evaluated and audited in 2001,

— Albania: Council Decision 2003/276/CFSP of 14 April 2003 on SALW ammunition destruction: since the Agreement was signed, the funding profile for the project has changed considerably. The project is now receiving an EU contribution of EUR 820 000, a second contribution of USD 500 000 by the United States of America and a contribution of GBP 400 000 by the United Kingdom. These contributions were all for the first two years of the project. The NATO Maintenance and Supply Agency (NAMSA) is returning now to the original plan of installing a high capacity explosive waste incinerator (EWI) of the 'armoured rotary kiln' type,

- Lima, Latin America and the Caribbean, DDA/UN-LIREC: Council Decision 2003/543/CFSP of 21 July 2003 concerning a further European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Latin America: the EU contributed EUR 700 000 to this project in 2003,
- Belgrade (UNDP-SEESAC): Council Decision 2003/807/CFSP of 17 November 2003 concerning a further contribution to the running costs of the Stability Pact/UNDP Regional Clearinghouse on Small Arms and Light Weapons: the EU contributed EUR 300 000 to this project in 2003.

78. A further four projects totalling EUR 48 760 000 for the collection of small arms and light weapons as well as disarmament, demobilisation and rehabilitation (DDR) operations were carried out in the African, Caribbean and Pacific (ACP) countries, through bilateral agreements concluded with the European Commission through the European Development Fund (EDF) and EC budget:

- Tanzania: support to the Tanzanian action plan for arms management and disarmament, through the EDF budget for an amount of EUR 2 000 000 over a three-year period, was given,
- Ivory Coast: the EU gave specific support of EUR 5 000 000 through the EDF budget for DDR in the Ivory Coast within the framework of a larger post conflict rehabilitation programme,
- Liberia: EUR 40 000 000 under the EDF budget in support of DDR in Liberia within a wider post conflict rehabilitation programme was given by the EU,
- Sierra Leone: the EUR 1 760 000 support provided by the EU under its EC budget to the Truth and Reconciliation Commission and the Special Court for Sierra Leone also includes DDR and legal assistance on arms law.

II.A.1.2. *EU cooperation with other States*

The EU-US Troika meeting on 7 July 2003, New York

79. The meeting was largely devoted to questions connected with the First Biennial Meeting of States. Large convergence of

views on most issues such as marking and tracing of SALW and on brokering legislation. On SALW the United States of America (USA) stressed that the accent should be on national implementation and export control. The USA shared the views of the EU that an instrument on tracing and marking should be negotiated. The Presidency underlined that the EU and the USA were on the forefront on the issue of brokering. The USA is actively involved on the issue for control of excess Man PADS in third countries.

The EU-Canada Troika meeting on 7 November 2003

80. The Presidency recalled the EU-Canada Joint Statement which reaffirmed the EU-Canada common commitment to fight the spread of SALW. With the EU, Canada supports a legally binding instrument in tracing, marking and brokering. The Canadian delegation welcomed the Action Plan and made it clear that Canada had the same priorities as the EU in the field of SALW. Canadian priorities were human security, implementation matter, as well as collection and destruction. It had a people-centred approach on this matter (children in armed conflicts, security reform at community level, notably in Africa). Canada was in favour of a much closer cooperation with the EU in this area.

II.A.2. **Financial, technical and other assistance by EU Member States given to SALW projects**

81. As well as projects funded by the European Commission, a number of Member States have given financial assistance to a wide range of SALW projects. Instances of such funding include the following:

BELGIUM

82. In order to support projects on the conversion and reintegration of ex-combatants and the collection of illicit SALW Belgium contributed for an amount of EUR 3 000 000 to the UNDP project 'Community Recovery, Reintegration of Ex-Combatants and Small Arms Collection, Storage and Destruction Programme' in the Democratic Republic of Congo.

ESTONIA

83. In 2002 to 2003 Estonia contributed financially to the PFP Trust Fund project, Albania II: Destruction of Ammunition for SALW in Albania.

FINLAND

84. Finland has given a financial contribution to the Small Arms Transparency and Control Regime (SATCRA) Programme in Africa. The project aims at strengthening State capacity in the prevention of proliferation of small arms by developing methods for tracing and marking, making efforts to harmonise legislation concerning small arms, improving stockpile management and by developing monitoring and verification in order to ensure compliance. The project is administered by the UN Centre for Peace and Disarmament in Africa.

85. Finland also offers financial support to the UNDP Arms Control Programme in Albania and has seconded a small arms expert as International Technical Expert for the Programme for 2002 to 2003. The scope of the Programme has included public awareness and information, development projects, logistic support to weapons collection teams and a pilot database project for weapons control.

86. Finland is supporting the Small Arms Control Project in Guatemala implemented by IEPADES — Instituto de Enseñanza para el Desarrollo Sostenible. The aim of the project is to consolidate a national programme of arms control with the participation of governmental actors and interested civil society groups.

87. Finland also seconded a small arms expert to the Graduate Institute's Programme for Strategic and International Security Studies' Small Arms Survey Programme and participated in the financing of the Programme for the year 2003.

GERMANY

88. Germany supports a number of reintegration programmes, including one in which it has given financial support in two phases (1996 to 2003 and 2003 to 2006) to assist in the social and economic reintegration of ex-combatants and their families in Angola. For the purpose of reintegration, capacities of local governments and administration are strengthened to develop and implement concepts for reintegration and rural development. Reintegration of ex-combatants is also supported on the local level through socioeconomic development projects.

89. Germany supports the reintegration of ex-combatants in Burundi through a project which runs from 2003 to 2004. The project has four main components: empowerment of communal reintegration structures, revitalisation of agricultural production, income generation and rehabilitation of infrastructure.

90. In close cooperation with the United Nations Organisation in the Democratic Republic of the Congo (MONUC), Germany supports the return of Rwandan ex-combatants from Eastern Congo through a project which runs from 2003 to 2004. Further projects are envisaged.

91. Germany supports the Multi-country Demobilisation and Reintegration Programme for the Greater Great Lakes Region through a four-year project (2003 to 2006). Besides bilateral technical cooperation in the MDRP context, special contributions such as capacity building measures (e.g. a workshop on monitoring, evaluation and management information systems in DD & R contexts for the MDRP partner agencies) are made.

92. Germany supports the Rwanda Demobilisation and Reintegration Commission (advisory services) and the reintegration process through a four-year project (2003 to 2006).

93. Germany supports the World Bank Trust Fund for the national demobilisation programme in Sierra Leone through a two-year project (2003 to 2004); this is supplemented by bilateral projects for the re-integration of former combatants in Sierra Leone.

94. The German Government has agreed to support the East African Community (EAC) Secretariat in its effort to stem the illicit proliferation of SALW.

95. In Uganda, Germany supports the national focal point on small arms. In accord with the UN Programme of Action on Small Arms and other regional agreements, the Ugandan Government has created a bureau for the coordination of small arms control. The German Government facilitated the process to equip and consolidate the office of the bureau for small arms control.

96. The German Government has a number of awareness-raising programmes, including one which supports the Bonn International Centre for Conversion (BICC) Help Desk project in its efforts to enhance the level of knowledge on the SALW problem, as well as raise the awareness among the population.

97. In Angola, the German Government has supported a local project implemented by the Angolan NGO, Angola 2000, together with SaferAfrica, also an NGO. This project aims at raising the awareness of the necessity to reduce the negative effects of small arms availability in society. The following activities have been undertaken thus far:

- training of local actors for weapons management and practical disarmament,
- training of local actors in survey techniques and quantitative data analysis,
- conducting a survey on human security in selected areas,
- seminar for the distribution of the findings,
- advocacy work at the national level for the creation of a national plan of action.

98. In Cambodia, the local NGO, Working Group for Weapons Reduction, works to train other local NGOs in awareness raising campaigns. These activities are also funded by the German Government. Activities undertaken so far:

- needs assessment in the Kampong Thom NGO community,
- conducting training manual workshops,
- draft handbook and training manuals to support local NGO work on small arms,
- financial support and promoting local NGOs in working on small arms and in the running of further workshops, and
- evaluation of the pilot project.

99. In Georgia, the German Government supports the Caucasus Institute for Peace, Democracy and Development (CIPDD). Together with other Georgian non-governmental organisations, CIPDD aims to enhance the knowledge about the problems related to SALW in selected regions of Georgia, and to prepare civil-society actors and government authorities, both local and national, to enhance the population's safety.

100. In Malawi, the German Government supports the preparation of an information base and a strategy for small arms control in Malawi. Here, Germany is working together closely with the Government of the United Kingdom. Germany has not only assisted in an assessment of the small arms situation in Malawi, but has also supported the establishment of the national point of contact (NFP).

101. In El Salvador, Germany supports efforts to raise the awareness amongst pupils, parents and teachers about armed violence at schools and efforts to adopt measures to contain it.

IRELAND

102. Ireland contributed EUR 100 000 to a Canadian-led project to destroy SALW ammunition in Albania. Ireland also pledged EUR 30 000 to a Netherlands-led project in Serbia and Montenegro. In 2004 Ireland committed itself to contributing EUR 90 000 to a new SaferAfrica project, *Sustaining Action*, which will run from 1 April 2004 to 31 December 2006. The project has the objective of providing assistance to those engaged in the combating and eradication of illicit trade in small arms and light weapons.

LUXEMBOURG

103. In 2003, Luxembourg, at the national level, contributed EUR 105 000 to the Programme of Partnership for Peace of NATO for the implementation of the project, 'Destruction of ammunition for small arms and light weapons in Albania' carried out by NAMSA.

THE NETHERLANDS

104. The Government of the Netherlands gave contributions of EUR 2,27 million under its Small Arms and Light Weapons Fund to SALW projects in 2003:

- UNDP south-east Europe small arms clearinghouse, Belgrade,
- the UN-LIREC regional clearinghouse programme on fire-arms ammunitions and explosives in Latin American and the Caribbean,
- SALW destruction in Serbia and Montenegro (NAMSA),
- destruction of SALW munitions in Albania (NAMSA),
- SaferAfrica's arms management and disarmament proposal: initiatives to reduce proliferation of illicit small arms and light weapons in regions such as South Africa, East Africa and the Horn of Africa,
- destruction of small arms and light weapons in Afghanistan (HALO Trust),

- EU ASAC SALW registration and storage project in Military Region 4, Cambodia,
- small arms programme, VIVA RIO, Brazil.

POLAND

105. In the framework of the NATO Euro-Atlantic Partnership Council (NATO-EAPC), Poland contributed USD 10 000 to the international fund for the destruction of ammunition surplus in Albania in 2003. The project is being undertaken in the framework of the Partnership for Peace Trust Fund, coordinated by NAMSA.

SPAIN

106. The Spanish Agency for International Cooperation (AECI) is financing since 2002, in Colombia's capital Bogota, a project with the aim to combating the problem of violence in the city, and establishing a citizens voluntary disarmament process, through an exchange of firearms in return for food. This is also accompanied by a series of public debates, workshops and meetings addressing the issue of how to reduce violence and criminality in Bogota, together with the prevention of the improper use of narcotic substances. AECI's contribution to the project consisted of EUR 24 000 in 2002 and EUR 35 000 in 2003.

SWEDEN

107. In 2003 Sweden supported various programme related to SALW, including the following:

- destruction of SALW ammunition in Albania, Nato PFP (NAMSA),
- DD & R and NGO capacity building regarding SALW issues in Latin America (UN-LiREC),
- SALW regional Programme in Latin America (Arias Foundation),
- SALW regional Programme in Latin America, including support for 'the Parliamentary Exchange Initiative on Firearms' (SweFOR),
- regional project West Africa (Sierra Leone, Guinea, Liberia) (World Conference on Religion and Peace),
- support for Small Arms Survey yearbook 2003, and

- support for International Action Network Small Arms (IANSA); the publication 'Implementing the Programme of Action 2003'

THE UNITED KINGDOM

108. As one of the largest donors to projects for combating the proliferation and misuse of small arms the United Kingdom continued to disperse the GBP 19,5 million that it committed to spend between 2001 and 2004. This spending is on projects run by UN agencies, regional organisations, governments and NGOs. United Kingdom-supported projects include weapons collection, management and destruction programmes; assistance in effective implementation of existing regional agreements; development of national action plans on small arms; and support for civil society. The United Kingdom continued to work to strengthen existing regional initiatives to combat SALW proliferation and abuse, including in Southern, East and West Africa, and Central and South America.

II.A.3. Coordination of practical measures with other Member States and with the European Commission

109. Issues of SALW were discussed in 2003 in the COARM, CODUN and CONOP Troika meetings with the Russian Federation, Ukraine, Canada, the United States of America, China and South Korea, as well as in the joint Working Groups on SALW between the EU and the US and Canada.

II.A.4. Participation in, or organisation of international seminars and conferences

HUNGARY

110. Hungary, in cooperation with the US Department of State, Bureau of Non-proliferation, Office of Export Control Cooperation, organised the Fifth International Conference on Export Controls in Budapest, Hungary during 15 to 17 September, 2003 (The conference was the fifth in a series of events known as the 'Oxford Process'). More than 180 export control officials from over 40 countries and the representatives of the multilateral export control regimes and of industry and NGO community participated. One of the main topics of the conference was the discussion on new approaches in controlling conventional arms, especially certain types of SALW such as Man PADS.

111. At a regional level, together with the US Department of State, Bureau of Non-proliferation, Office of Export Control Cooperation, Hungary organised an export control seminar for South Eastern European countries in Szeged, Hungary in June 2003. The conference presented basic building blocks of an effective export control system and provided an opportunity to discuss regional approaches and concerns, the latter being mainly how to tackle SALW related problems in the region.

ITALY

112. In 2003, Italy actively participated in several regional and global exercises aimed at exchanging information on national procedures and identifying common solutions to problems related to the illicit trafficking of small arms and light weapons.

113. In particular, Italy attended the following events:

- conference on export controls of small arms and light weapons (London, 14 and 15 January 2003),
- OSCE seminar on the regional implementation of the UN Programme of Action against the illicit trafficking of small arms and light weapons (Bucharest from 24 to 26 February 2003), granting a contribution of EUR 22 000 for its organisation,
- seminar on the implementation in south-east Europe of the 2001 UN Programme of Action against the illicit trafficking of small arms and light weapons (Ljubljana, 11 and 12 March 2003),
- seminar on regional export control regimes (Skopje, 20 to 22 March 2003),
- conference on 'Further Steps to Enhance International Cooperation in Preventing, Combating and Eradicating Illicit Brokering in Small Arms and Light Weapons' (Oslo, 22 to 24 April 2003),
- seminar on 'The implementation, in the Central African Region, of the Programme of Action adopted at the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons' (Brazzaville, 12 to 14 May 2003),
- seminar on dangers to security caused by excessive stockpile of explosives and ammunitions in the OSCE region (Vienna, 27-28 May 2003),
- workshop 'EU-Belarus cooperation to increase security in a wider EU' (Warsaw, 24 and 25 November 2003),
- conference on 'The implementation, by Arab States, of the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons' (Cairo, 16 to 18 December 2003).

LITHUANIA

114. Lithuania supported and contributed to a report entitled, 'Arms Transit Trade in the Baltic Region' on the assessment of transit control systems and efforts to combat illicit trafficking in Estonia, Latvia, Lithuania, Poland and the Russian region of Kaliningrad.

115. During the Lancaster Conference held in the United Kingdom in January 2003 Lithuania was among those States that recognise the importance of effective controls on SALW brokering activities and the need to strengthen efforts in implementing relevant commitments in the UN Programme of Action. Lithuania supported the development of adequate national legislation to regulate SALW brokering activities as well as further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering of SALW.

116. Experts from Lithuania actively participated in meetings in January 2003 in London and June 2003 in Prague) of the SALW Consultative Group Process, the aim of which was to help to ensure that the Programme of Action agreed at the UN Conference on the Illicit Trade in SALW in All Its Aspects is fully implemented and developed further, leading to the implementation of effective measures to prevent and reduce the proliferation and misuse of SALW.

117. Lithuania also presented a report to a Franco-Swiss workshop on 'Traceability of SALW: tracing, marking and record-keeping' and is in favour of developing a legally binding instrument to enable the timely and reliable tracing of SALW.

THE NETHERLANDS

118. The Netherlands undertook the following activities:

- the organisation and co-funding of the 'Dutch Norwegian Conference on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons', Oslo 22 to 24 March 2003,
- contribution to the Jordan Institute of Diplomacy conference on the implementation of the UN Programme of Action on illicit trade in SALW in the Arab region, Amman 23 to 24 June 2003,
- contribution to the UN/OSCE conference on SALW in Ljubljana, 11 and 12 March 2003,

- as Chairman-in-Office (CiO) of the OSCE in 2003, the Netherlands organised the OSCE Economic Forum in 2003 on 'Trafficking in SALW, drugs and human beings' in Prague (20 to 23 May 2003),
 - the Netherlands took part in the UN expert group to study the feasibility of an international instrument on marking and tracing of SALW,
 - side meeting on the Dutch Norwegian Initiative to combat illicit brokering (results Oslo Conference on Brokering) at the UN Biennial Meeting on the implementation of the UN Programme of Action on illicit trade of SALW in all its aspects, July 2003,
 - consultations with regional organisations (Ecowas, SADC, ASEAN, Pacific Forum, OAS) on further steps to enhance regional cooperation to combat illicit brokering (New York, July 2003),
- and
- first consultative meetings with OSCE missions in Vienna on the introduction of an OSCE instrument on brokering (Dutch Norwegian initiative, together with Germany).

POLAND

119. In April 2003, Polish experts from Ministry of Economy, Labour and Social Welfare and from the Ministry of Foreign Affairs held a seminar for government experts in Bosnia and Herzegovina, on principles and Polish solutions in export/import control of arms and dual use goods, including SALW, as a follow on to their visit to Poland.

120. On 24 and 25 November 2003, a seminar on 'EU-Belarus cooperation for increased security in enlarged EU' was organised in Warsaw, in cooperation with British and Belarus authorities and the NGOs, Saferworld and Voluntas.

121. Polish experts also took active part in seminars and workshops devoted to such issues as the control of small arms and ammunition, their export, destruction, and the protection of warehouses in London, Bucharest, Oslo, Ljubljana, Minsk and other venues.

SPAIN

122. During 2003 the Spanish Guardia Civil assisted the Police of the Principality of Andorra in its efforts to elaborate a

new Firearms Regulation, according to EU standards, and both signed a Cooperation Protocol.

123. In May Spain attended the First Meeting of the Permanent Parliamentary Forum on small arms and light weapons (SALW), composed of Members of the Parliaments of Spain, Sweden and Central American countries that took place in Panama. This meeting is part of a process geared at improving the arms legislation's of central American countries through the exchange of experiences among the Members of Parliament; promotion of the universalisation of the relevant international treaties is also an integral part of the project.

II.A.5. Other initiatives

ESTONIA

124. Estonia supported and contributed to a report, 'Arms Transit Trade in the Baltic Region' on the assessment of transit control systems and efforts to combat illicit trafficking in Estonia, Latvia, Lithuania, Poland and the Russian region of Kaliningrad.

FRANCE

125. France is participating in the work of the national group of experts of Council Directive 91/477/EEC of 18 June 1991 relating to the acquisition and movement of firearms. The current work, promoted by the Commission, is directed towards a revision of the directive in order to incorporate the provisions of the Protocol on Firearms of 8 June 2001, in particular those relating to markings, registration of arms as well as provisions relating to the neutralisation and definition of antique weapons.

POLAND

126. From its inception Poland has been active in the Task Group on organised crime in the Baltic Sea region. Given that Polish borders were to become the borders of enlarged EU from 1 May 2004 onwards, collaboration of the customs services and border guard in the combating of illicit trade, particularly involving trafficking of firearms, ammunition and explosives, was one of Poland's main priorities within the Group.

II.B. Participation in the work of international organisations and regional arrangements in the field of conventional arms, especially small arms and light weapons

II.B.1. United Nations

127. The European Union has been very proactive in this forum. Below are some details of the work and initiatives carried out by a number of Member States.

FRANCE

128. France has participated in disarmament operations within the context of the peace-keeping operation of the United Nations (Operation Artemis in the Democratic Republic of the Congo June to September 2003) and/or regional organisations (Ecowas: Operation Unicorn in the Ivory Coast since June 2003) as well as in the Balkans (KFOR) and in Afghanistan (ISAF).

129. A French expert participated in a group of government experts who drafted a report on the possibility of drawing up an international instrument on the identification and quick and reliable tracing of illegal light arms, submitted to the General Assembly of the United Nations in July 2003.

GERMANY

130. Germany supported and contributed to a regional conference on small arms and light weapons organised by the UN and the Arab League in December 2003 in Cairo. The aim of the conference was to deepen the understanding of the UN Programme of Action in the region and to promote regional consensus on important aspects of the control of small arms and light weapons. Germany also supported a conference on small arms control in south-east Europe in Ljubljana, which was organised by the UN and the OSCE.

HUNGARY

131. Hungary has been active in the work of international organisations and regional arrangements in the field of SALW. In the run up to the First Biennial Meeting of the UN on the implementation of the UN Programme of Action, Hungary participated in a conference at Lancaster House in London in January 2003 on strengthening of arms export controls of SALW and a seminar on brokering in Oslo in April 2003. Both conferences aimed to take forward the work laid out in the 2001 UN Programme of Action.

132. Hungary also supported and made a financial contribution to a conference on small arms controls in South Eastern Europe in Ljubljana, Slovenia, which was organised by the UN and the OSCE.

LITHUANIA

133. Lithuania participates in the work of the UN and the OSCE in the field of SALW. Lithuanian experts were active participants during the discussions on the Firearms Protocol supplementing the UN Convention Against Transnational Organised Crime, the so-called Vienna Protocol. Lithuanian experts also participated in the first Biennial Meeting of States on the implementation of the UN Programme of Action, which took place in July 2003 in New York.

MALTA

134. Malta applies and implements in full, through its national legislation, the provisions of arms embargoes decided upon by the United Nations Security Council and supports UN General Assembly resolutions relating to issues on conventional weapons, the illicit trade in small arms and light weapons, transparency in armaments and transparency of military expenditures. Malta also submits on an annual basis its report in conformity with UN General Assembly resolution, A Transparency in Armaments.

THE NETHERLANDS

135. The Netherlands actively participated (member of the Bureau) in the Biennial Meeting of States Parties on the implementation of the UN Programme of Action in July 2003 in New York.

SPAIN

136. Spain also attended the UN biennial meeting in July 2003 and, in December 2003, Spain submitted to the UN its first report on its implementation of the Programme of Action. During 2003 the Spanish Armed Forces and the Guardia Civil took part in international cooperation efforts linked to small arms and light weapons, and its effective control, in cooperation, or under the auspices of the UN or NATO in the following countries: Afghanistan, Bosnia and Herzegovina, the Democratic Republic of Congo, Eritrea, Ethiopia, Georgia, Guatemala, Kuwait, the former Yugoslav Republic of Macedonia and the Serbian province of Kosovo.

THE UNITED KINGDOM

137. Following the January 2003 Lancaster House Conference on Strengthening Export Controls, the United Kingdom was active in raising awareness and building consensus among States on the need to strengthen controls on small arms and light weapons (SALW) transfers. In July 2003, the United Kingdom organised two successful side meetings, in the margins of the UN Biennial Meeting of States (BMS) to review the implementation of the UN Programme of Action (UN POA) on small arms. Around 30 co-sponsors and many other interested States discussed ways to strengthen international controls on small arms transfers. The meetings established a considerable degree of support for building regional consensus on a common approach on transfer controls in line with existing commitments in the UN POA. As a result the United Kingdom launched the Transfer Controls Initiative. This seeks, within the framework of the UN Programme of Action, to prevent irresponsible transfers, which might contribute to instability, conflict or repression. Not only does the initiative cover export controls, but also import controls and transshipment. Diverse security concerns mean different regions approach this problem with distinct perspectives. Many countries are now constructively engaged in a regional process with the United Kingdom and key partners in carrying forward this process by series of regional workshops in Latin America, East and West Africa and south-east Asia. These are regions where the small arms problem is acute. The United Kingdom aims to seek minimum common international controls on SALW transfers within the UN Programme of Action (UN POA) at the UN Review meeting on small arms in 2006.

138. During 2003, the United Kingdom provided an expert for the UN Group of Government Experts on Marking and Tracing of SALW which presented its report to the July Biennial Meeting of States. It also supported the Decision in SALW Resolution 58/241 in December 2003 to set up an open-ended working group to develop an international instrument on marking and tracing; and will provide an expert accordingly. In October 2003, the United Kingdom was active in support of the small arms resolutions adopted at the UN General Assembly. The United Kingdom has also been active in supporting the UN Register of Conventional Arms in its work on SALW.

139. During 2003 the United Kingdom supported and provided an expert to the Group of Governmental Experts on the Register. For the first time since its establishment in 1992, agreement was reached on significant technical adjustments to the categories, including lowering the reporting threshold of

artillery systems from 100 mm to 75 mm, and adding Man PADS as a subcategory under the existing category of 'Missiles and missile launchers'. Member States can now also record transfers of SALW in their annual report to the Register as part of additional background information.

II.B.2. UNGA First Committee

140. Member States have taken the following positions on the resolutions relating to small arms issues, which were adopted by the 58th UNGA First Committee:

- Resolution 58/28 Objective Information on Military Matters, including Transparency of Military Expenditures, introduced by Germany, co-sponsored by all EU countries,
- Resolution 58/39 Conventional Arms Control at the Regional and Sub-regional Levels, introduced by Pakistan with co-sponsorship from Bangladesh, Belarus, Germany, Italy, Nepal, Peru, Spain, Ukraine, and the former Yugoslav Republic of Macedonia, adopted with a vote, supported by all EU countries,
- Resolution 58/42 National Legislation on Transfer of Arms, Military Equipment and Dual Use Goods and Technology; tabled by the Netherlands, supported by all EU countries,
- Resolution 58/54 Transparency in Armaments (TIA); introduced by the Netherlands, adopted with a vote, co-sponsored by all EU countries,
- Resolution 58/55 Promotion at the Regional Level in the Organisation for Security and Cooperation in Europe of the United Nations Programme of Action on the Illicit Trade in Small Arms and Light Weapons in all its Aspects, introduced by France and the Netherlands, co-sponsored by all EU countries,
- Resolution 58/58 Assistance to States for curbing the illicit traffic in small arms and light weapons, introduced by Mali, supported by all EU countries,
- Resolution 58/70 Strengthening of Security and Cooperation in the Mediterranean region, introduced by Algeria, supported by all EU countries,
- Resolution 58/241 The Illicit trade in small arms and light weapons in all its aspects; tabled by Colombia, Japan and South Africa, adopted with a vote, supported by all EU countries, and
- Decision 58/519 Consolidation of Peace through Practical Disarmament Measures', introduced by Germany, co-sponsored by all EU countries.

II.B.3. OSCE

FINLAND

141. Finland has contributed to the work of the OSCE in the field of SALW through a number of measures:

- secondment of an FSC Support Officer to the Conflict Prevention Centre in the OSCE in charge of small arms issues,
- contribution of a chapter on export control to the OSCE Handbook on small arms and light weapons which is intended to be a practical tool for the participating States and international organisations,
- contribution of expertise for the OSCE programme on border control management countering small arms trafficking in Central Asia,
- contribution to the voluntary fund administered by the OSCE mission to Moldova. The purpose of the fund is to render assistance in destroying surplus weapons and ammunition in Moldova,
- contribution to the voluntary fund at the OSCE mission to Georgia. The purpose of the fund is to give assistance in destroying surplus weapons and ammunition in Georgia,
- contribution to the rapid reaction fund at the OSCE mission to Georgia. The purpose of the fund is to give assistance to communities that voluntarily hand over arms.

FRANCE

142. France has taken into consideration the initiative regarding the 'Guide for better practices for marking, registration and tracing of SALW', within the context of the OSCE, published in November 2003.

GERMANY

143. In the framework of the OSCE, Germany has been actively involved in developing tools for the control of small arms and light weapons. In 2003, Germany, *inter alia*, contributed to two chapters of the OSCE Handbook of Best Practices on Small Arms and Light Weapons, and presented, together with the Netherlands and Norway, an initiative to harmonise the regulations on brokering.

HUNGARY

144. Hungary co-sponsored a draft decision in the OSCE to establish standard elements of end-user certificates and verification procedures, which would complement and reinforce the OSCE document on SALW. As part of the implementation of the OSCE small arms document, Hungary submitted data on national measures on the export control, manufacture, marking and destruction of SALW. A member of the Hungarian OSCE Mission in Vienna is serving as the coordinator in the OSCE

Forum for Security Cooperation for requests submitted pursuant to the OSCE SALW Document.

ITALY

145. In 2003, Italy continued to actively implement the OSCE document on small arms and light weapons, adopted in November 2000. In that framework, Italy presented national updates to the information exchange on major aspects of SALW (production, marking, export controls, brokering, destruction techniques) established by the above OSCE document.

146. Italy also contributed to the adoption of the OSCE Handbook of best practices on small arms and light weapons. Furthermore, Italy contributed to the adoption of the Decision No 7/03 of the OSCE Forum for Security Cooperation, adopted on 23 July 2003, on the need to establish and implement strict export controls criteria on transfers of 'Man portable air defence systems' (Man PADS).

MALTA

147. Malta participates in the submission of annual reports with regard to OSCE Information Exchange on Small Arms and Light Weapons, in accordance with OSCE Document on SALW, as well as OSCE Information Exchange on Conventional Arms Transfers and Military Information.

SPAIN

148. Spain contributed very substantially to the 'OSCE Handbook of best Practices on small arms and light Weapons' that was presented in the Eleventh Meeting of the Ministerial Council, December 2003. Spain co-authored the chapter on 'National procedures for stockpile management and security' and also participated actively with some proposals to the different chapters of the Handbook.

THE NETHERLANDS

149. The Netherlands participated in the second OSCE information exchange in June 2003.

It also was involved in the launch of the OSCE Best Practice Guide on SALW and presentation to the UN at the OSCE Ministerial Meeting in Maastricht. The Netherlands contributed to the chapter on 'National procedures for the destruction of SALW'.

SWEDEN

150. Sweden contributed to the OSCE Handbook of best practices on SALW by writing the chapter on SALW in DD & R processes.

THE UNITED KINGDOM

151. The United Kingdom contributed substantially to the OSCE Handbook of best practices on small arms and light weapons published in September 2003. The United Kingdom co-authored the chapter on Stockpile management and security, and also contributing towards the brokering, export control and marking and tracing chapters in particular. The intention is that such guidance will inform national policy-making, with the emphasis on encouraging higher common standards of practice among all Participating States. The United Kingdom has been supportive of efforts to agree an OSCE instrument on brokering as an example to other regional organisations in line with the UN POA on SALW.

II.B.4. NATO

THE NETHERLANDS

152. The Netherlands participated in the NATO/EAPC ad hoc working group working group on SALW.

POLAND

153. In 2003, Polish military contingents participated in a number of initiatives aimed at limiting uncontrolled spread and destabilising concentration of weapons (especially SALW). Such initiatives included Operation Cordon and Search, Active Harvest and others) carried within the mandates of international forces under the auspices of the UN or NATO, in Afghanistan, Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia.

PORTUGAL

154. Like other NATO Allies, Portugal contributes to the UN mandated SFOR and KFOR peacekeeping forces in Bosnia and Herzegovina where it helps to reduce stockpiles of SALW held by civilians. Portugal has continued its participation in the context of the UN, the Wassenaar Arrangement, the OSCE and the EAPC.

II.B.5. ECOWAS

155. France has supported through the programme of coordination and assistance for security and development (PCASED), the moratorium on the importation, exportation

and manufacture of small arms and light weapons (SALW) of the Economic Community of West African States (Ecowas) with a financial contribution of EUR 200 000 in 2003.

156. The Netherlands had consultations (together with Norway) in Abuja with the Ecowas secretariat on further steps to strengthen the control on Brokering in West Africa. It also had consultations with regional organisations, including ECOWAS, *en marge* of the UN Biennial Meeting of States in July 2003.

II.B.6. The Wassenaar Arrangement

157. Cyprus, Estonia, Latvia, Lithuania, Malta and Slovenia have all applied for membership of the Wassenaar Arrangement. The EU is firmly of the view that the inclusion of all EU Member States safeguards a high standard of effective control within the Wassenaar Arrangement, as well as within the Union.

158. France has been actively involved in the preparation of the Wassenaar document on the control of the export of Man PADS, Wassenaar Plenary of December 2003, Vienna.

159. At the 2003 Wassenaar Arrangement Plenary, Italy contributed to the adoption of common 'Elements for export controls of Man portable air defence systems', that engage participating States to apply strict national controls on the export of Man PADS.

160. Germany contributed actively to the successful conclusion of the 2003 Assessment of the Wassenaar Arrangement. Germany especially supported the adoption of more effective export controls on Man PADS, of a new reporting category on SALW including Man PADS as well as of elements for national legislation on arms brokering.

161. Poland, as a party to international export control regimes, is particularly involved in the work of the Wassenaar Arrangement on export controls of conventional arms and dual-use goods and technologies. Poland considers the Arrangement an important instrument ensuring greater transparency and responsibility in transfers of conventional weapons preventing their uncontrolled proliferation. In 2003, together with countries of the Wassenaar Arrangement, Poland agreed on measures aimed at increasing transparency in transfers of SALW.

162. Within the Wassenaar Arrangement the United Kingdom was active in Plenary efforts to agree tough standards on the export of Man PADS. The WA Elements for the control of Man PADS oblige the exporting State to assure itself that the recipient State is able to secure these weapons. The Plenary also agreed that in future Wassenaar Arrangement Participating States will report on all Small Arms and Light Weapons transfers, including Man PADS. Lower reporting thresholds for transfers of artillery systems were also agreed.

II.B.7. Southern African Development Community (SADC)

163. The German Government has a number of capacity-building programmes, one of which supports the Member States of the Southern African Development Community in harmonising their policies on the basis of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Material, 14 Aug. 2001. The aim of this project is to establish a regional point of contact as envisaged in the UN Programme of Action, to provide training for law enforcement agencies on SALW issues and to support capacity building efforts within the regional police organisation Sarpcco.

164. In 2003, Ireland contributed EUR 65 000 to a SaferAfrica project for technical assistance to the SADC.

165. The Netherlands had consultations with regional organisations, including SADC, on further steps to enhance regional cooperation to combat illicit brokering (New York, July 2003)

II.B.8 Others

166. The G8, in Evian, adopted under the French Presidency in June 2003, an action plan on transport security and the control of portable air defence systems (Man PADS). Man portable air defence systems (Man PADS) pose a particular threat in the hands of terrorists when used against civil aviation. The G8 Action Plan on Transport Security included a number of measures in the field of export and brokering controls on Man PADS. Following this, the United Kingdom Government issued a written Ministerial Statement to Parliament on 18 November explaining United Kingdom Government policy in supporting of the G8 Action Plan on the exports of Man PADS to non-State entities. The Statement demonstrates the United Kingdom's commitment to preventing these weapons from falling into the wrong hands. During 2003, the United Kingdom together with G8 partners, kept progress under the Evian commitments under regular review and continued to explore further ways to minimise the Man PADS threat, focusing on best practice in stockpile management and security, and in the efforts to destroy surplus stocks globally.

III. OTHER COMMENTS, OBSERVATIONS AND RELEVANT INFORMATION

167. Lithuania provides legal assistance and cooperates with other countries in the matters of the illicit trade in SALW in all its aspects on a basis of bilateral agreements. The Lithuanian bureau of Interpol is in close cooperation with Interpol General Secretariat and Interpol national bureaux through inquires concerning arms identification or detection of individuals involved in illicit arms trade.

168. During 2003 the sixth United Kingdom Annual Report was published which covers licensing decisions made during 2002 and details of policy developments over the last year. The Annual Reports, are seen internationally as a benchmark of openness. The United Kingdom is one of the leading countries in providing detailed information on each arms transfer and would encourage other countries to provide this level of information on individual arms transfers. In 2003, Germany published its comprehensive 2002 Annual Report on arms exports with a special focus on enhanced transparency and openness regarding small arms exports. The report, *inter alia*, contains detailed information on individual export licences for small arms and related ammunition, such as country of destination, type of arms, ML position, value, and number of items.

III.A. Criteria for the appreciation of requests for EU funding of SALW projects

III.A.1. Priority guidelines

169. The EU will continue to strive to eradicate the problems caused by destabilising and uncontrolled spread of SALW. As Stated in the European Programme for Conflict Prevention endorsed by the European Council (Göteborg, 15 to 16 June 2001), working towards the elimination of this source of destabilisation and conflict will be a great contribution to preventing future conflicts. The actions already taken by the EU, represent important steps in this regard and should be followed up by determined efforts in the same direction. The adoption by the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects of a Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects adds to the commitment taken earlier by the EU through its Joint Action on small arms. This commitment would be served by the consideration given at EU level to the possibility of establishing regular funding of projects by the EU in pursuit of the end objectives of the UN Programme of Action. With a view to improving and deepening the implementation of the Joint Action and the Programme, Member States have identified a number of guidelines on issues on which decisions should be taken or to which attention should be given in the near future. These guidelines will obviously be subject to periodical reviews, according to the experience accumulated in the process of implementing EU projects.

III.A.1.1. *The need for a comprehensive approach*

170. Although there is a wide recognition that further international actions should be taken to deal with the problems of SALW, there are many complex factors and processes that need to be taken into account, such as international and internal security, trade, civil-military relations and the role of weapons in society. These problems cannot be solved by one quick fix. They must be addressed through a comprehensive approach dealing with the different aspects of the problem, which might differ from region to region, and the solutions must be sought through a wide range of agreed measures. Member States agreed that such efforts should aim both at the reduction of existing destabilising accumulations and at the prevention of further uncontrolled spread of these weapons. Through assistance, local capacities to address these issues can be strengthened.

171. As regards financial support to SALW-related projects, the objective of the EU will be to strengthen the efforts to reduce the availability and supply of SALW to areas of conflict or potential conflict, to help to develop a range of international measures to limit the demand for SALW in such areas, and to help governments to cope with the problems these weapons cause. Such measures will be taken by the EU or at the Member State level, and by acting through the appropriate regional or global institutions. The respective efforts of the Member States and of the Commission will aim for complementarity, and reflect the ambition to deal with the different aspects of the small arms problem at the national, sub-regional, regional and global level.

172. The projects selected for EU financing should ensure real and tangible benefits for the recipients of the project. An important part of the financing should be targeted at, carefully designed projects implemented by the EU. Therefore it is imperative that a proper implementing framework has been identified and that the project can function both technically and politically in the planned context. Funding projects budget permitting — also from a broader range of countries and regions could be considered, bearing in mind the need to optimise the impact and sustainability of EU initiatives and taking the need of 'added value' and tangible benefits from EU funds into account in the light of agreed criteria.

173. Special attention should also be paid to a closer coordination with efforts already carried on at the multilateral level (i.e. UNDP, UN regional centres, NATO, EAPC and others), as well as at the bilateral level looking for synergies.

III.A.1.2. *The need for targeted action*

174. Countries with high levels of insecurity or violence cannot make effective use of development assistance. Therefore, assistance to conflict-prone countries or regions should be provided to promote security, disarmament, demobilisation and reintegration into the society of ex-combatants as an integrated part of social and economic development programmes.

175. In those cases where the governments are actively concerned with reducing the arms flow into and circulation of SALW within their region, the EU should cooperate with them in this task. In practice, recipient governments may lack the capacity to implement their own control programmes.

176. Therefore, the EU is prepared to consider providing practical support for initiatives such as capacity building and training, awareness raising, etc. Priority should be given to projects enhancing national implementation abilities as to control of the flow of weapons (export/import control, tracing ability) and to collection and destruction programmes in post conflict situations. Given the size of some projects, particularly in the field of ammunition destruction for SALW, it might be advisable for the EU to join forces with non-EU partners (e.g. EAPC projects).

III.B. *Lessons learnt*

177. Taking past EU actions on SALW into account and drawing from experience in the previous assessments, implementations and evaluations of SALW projects, the following benchmarks should be kept in mind with regard to project identification:

- the holding of biannual CODUN Expert Meetings on SALW issues and projects is a useful exercise and should be continued,
- the allocation of funds for the following year must be decided by the autumn SALW CODUN Expert Meeting at the latest in order to allow for a proper preparation of the projects and optimal use of resources in the community budget. Council Decisions concerning individual projects will be made starting from the beginning of the following year, subject to available appropriations in the budget,
- it is important to receive timely information of future SALW projects especially those to be financed by CFSP budget including indication of general objectives, envisaged activities, expected outcomes and detailed breakdown of estimated costs. Those elements would allow partners to have an in-depth examination and a comprehensive discussion of proposed programmes, whose approval could therefore be facilitated,

- efforts should focus on a limited number of large-scale projects. EU involvement should be better analysed and implemented. When supporting third party projects the visibility of EU contributions must be ensured,
- timely and thorough preparation of the ‘action Statements’ must be taken into account. The context and content of the underlying project and parts to be financed must be described,
- there should be a clear picture of the implementation modus, including an assessment of the implementing body or agency/NGO envisaged for the action, and of their ability to carry out the action in a satisfactory way,
- cooperation on projects with non-EU national donors is politically useful, but very difficult to organise in practice due to differing political priorities, budgetary procedures, working methods, etc. Careful attention should be paid to the practical organisation of such cooperation,
- cooperation between the EU and MS national efforts should be enhanced,
- more efforts should be directed towards involving NGOs, as well as the private sector.

178. It is essential that the project works in close cooperation with a host State government that is committed to limiting the ownership and use of small arms and light weapons in the society. At the same time, the project should be sufficiently autonomous from the government to be able to pursue the project’s objectives as set in the Council Decision. The project should ideally have an integrated, multi-faceted where the impact of each programme component individually is strengthened by the implementation of the other components, thereby combining to form a powerful integrated package. Such a programme could include, *inter alia*, the following components (example from the EU-ASAC in Cambodia):

- assistance to drafting and introduction of arms law,
- weapons registration and safe storage,
- weapons for development’ schemes, where the local population are encouraged to hand in illegal weapons to the police in exchange for community development projects,
- weapons destruction,
- public awareness campaigns,
- a country needs a legal framework that clearly regulates the possession and use of SALW in society. Once an arms law is in place, it is important that police are trained in under-

standing and applying the law and that the public is informed about the implications of the law. Project assistance is valuable in both drafting and introduction phases,

- support to weapons registration and safe storage helps governments reduce uncertainty about the number, type, location and security of weapons they possess. Experience has shown that, once all weapons in a given military region have been registered, the military authorities can be convinced that they have more weapons than they need and that the surplus can be destroyed. The setting up of safe storage facilities is relatively inexpensive and at the same time particularly important in poor countries with large quantities of arms,
- ‘weapons for development’ (WfD) projects are likely to be more successful if they include support to improve the performance of the local police. Villagers will not hand in their weapons if they feel that their personal safety is still in danger. The unit cost per one weapon handed in is relatively high, but WfD brings security value for the communities which, is difficult to measure in monetary terms,
- destruction of illegally-held weapons that have been handed in as well as military and police surplus weapons in ‘flames of peace’ ceremonies may have high symbolic value and give the image of progress towards a more peaceful society. Smaller destruction ceremonies are particularly appropriate in areas where weapons for development projects are being implemented, strengthening confidence that the weapons handed in by the villagers are actually destroyed and not used against them,
- illegal trade of SALW across borders hampers any efforts to tackle the problem of SALW in a given country. Enhancing border controls would be an area to consider in future EU support,
- EU visibility in the field of SALW is increased by implementation of carefully own-designed EU projects and not by giving small contributions to projects implemented by other actors.

III.B.1. Criteria for allocation of funds

179. The EU is in the process of developing a more systematic approach of potential projects to support, in particular with regard to project identification and design. The following criteria have been identified against which the EU will make a preliminary assessment of applications:

180. Assistance by the EU in the field of SALW must be based on a genuine political will in the recipient State. A clear answer should be given to the question: 'is the proposed action an expression of a clear political, thematic or geographical vision or strategy, or is it deliberately and justifiably an ad hoc action serving distinct purposes?'

181. The proposed projects must enhance local, national or regional security within the recipient State/region (e.g. contribute to control of small arms, confidence building measures, reconciliation, regional stability). This implies an *ex ante* assessment of the political situation and the effective impact of the project on the envisaged overall objective, such as conflict prevention, creation of a peaceful environment, etc.

182. Assistance in the field of SALW should be part of an overall development and security strategy with regard to the recipient country. In cases where this is not possible, the project proposal should outline how this activity will contribute to integrating SALW policy into wider security and development policy.

183. Coherence with past/current/future actions in the same country or in the same region must be assured.

184. Assistance projects will be based on close cooperation with the authorities in the recipient State and the role of different actors should be defined.

185. In projects which include a weapons collection component, all weapons collected should, in principle, be destroyed.

186. For each project, clear objectives will be established and benchmarks and time lines identified, so as to make it possible to assess impact of the project. The practical needs of the final beneficiary should be assessed. Results and lessons learnt from past similar experiences taken into account.

187. Requests for assistance should clearly state how the proposed project will further the aims and objectives of the EU Joint Action.

188. Requests for assistance should clearly state how the proposed project would enhance the recipient State's ability to implement existing regional or international commitments.

189. More efforts should be directed towards involving NGOs as well as the private sector, where possible.

190. The sustainability of the project must be taken into account in the assessment.

191. Cooperation between EU and Member States' national efforts must be assured.

192. The abovementioned criteria are, for the most part, based on the result of evaluations undertaken and expertise gained by the Commission in the implementation of CFSP budgets.

III.B.2. The need for thorough assessment and evaluation

193. It is essential to receive timely information of future SALW projects, especially those to be financed by CFSP budget, including indication of general objectives, envisaged activities, expected outcomes and detailed breakdown of estimated costs. Those elements would allow EU Member States to have an in-depth examination and a comprehensive discussion of proposed programmes, whose approval could therefore be facilitated.

194. It is important that the projects supported by EU funds are thoroughly assessed and evaluated. Measures to achieve this include:

195. The implementation of the projects should be according to sound principles of financial management.

196. A final report will be submitted at the end of a project, summarising the results achieved; An assessment will be made in order to evaluate if its objectives have been reached and if a follow-up is needed. Such an assessment will be made at least towards the end of the project. Projects, which are implemented over a long period of time, or to which the financial contribution of the European Union is important, will be assessed also during the period of implementation.

197. The Commission will reflect on setting up comparable templates for evaluation of supported projects as well as for the assessment of new project proposals.

198. The assessment will be organised by the Commission within its budgetary implementation competence and carried out by an independent expert. It will be presented to the relevant EU Working Group or the Commission in close coordination with the Presidency. Allocation of funds must be decided in a timely fashion for the following year by the autumn SALW CODUN at the latest and additional efforts should be directed to the timely and thorough preparation of the action Statements for projects. The allocation of funds is made with the understanding that Council decisions concerning individual projects will be made starting from the beginning of the following year, subject to available appropriations in the community budget; and The final report and the assessment will also be used to identify lessons to be learned for future projects. It is suggested that the Commission provide the assessment on the basis of the above criteria.

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