

16 February 2012

ENGLISH only



PERMANENT MISSION
OF THE SLOVAK REPUBLIC TO THE
INTERNATIONAL ORGANIZATIONS IN VIENNA

Ref.: VN.15.133/2011-ATSM

VERBAL NOTE

The Permanent Mission of the Slovak Republic to the International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre and with the reference to FSC.DEC/17/10, has the honour to enclose Slovak Republic's one-off information exchange on present regulations concerning brokering activities with regard to small arms and light weapons.

The Permanent Mission of the Slovak Republic to the International Organizations in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations of participating states to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 29 July 2011



To the Permanent Missions and Delegations to the OSCE
To the OSCE Conflict Prevention Centre

Vienna

*) Change of distribution status, text remains unchanged

QUESTIONNAIRE

Question	Sources	Question	YES	NO
1	PoA II.14	Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?	X	
2		List laws and/or administrative procedures regulating SALW brokering in your country. Law No. 179/1998 Coll. on trading with military material and amendment No. 455/1991 Coll. on small business (Trade License Law) as amended	X	
3	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?	X	
		Comments [type text]		
4	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?	X	
4a		If yes, please provide. Broker's activities resulting into the possibility of the foreign prospect/buyer to conclude an agreement with third person for the purpose of production, acquisition or sales of military material including activities and services allowing production, acquisition or sales of the military material.		
5		Does your country require brokers to register before they can apply for brokering licences?	X	
		Comments [type text]		
6		Does your country require a licence to engage in brokering activities?	X	
		Comments [type text]		
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences?	X	
		Comments [type text]		
8	PoA II.14	Does your country keep a register of SALW brokers/traders?	X	
		Comments [type text]		
9	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?	X	
		Comments [type text]		
10		Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?	X	
		Comments [type text]		
11		Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory?		X
		Comments [type text]		
12	BPG, Brokering, V (1)	What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction? A licence or written authorization shall be obtained from the competent authorities of the participating State where these activities take place, and, where required by national legislation, where the broker is resident or established.		
13	BPG, Brokering, V (5(i))	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?	X	
13(a)		If so, describe. EUC provided by the broker must include the same information as the EUC provided by the exporter.		

14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction?	X	
15	GGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?	X	
		Comments [type text]		
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?		X
16a		Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials) [type text]		
17		<p>What are the criteria for granting a licence, permit or other authorization?</p> <ul style="list-style-type: none"> - restraint from brokering activities harming foreign policy, security or commercial interests of the Slovak Republic, or supporting terrorism/transnational organized crime - security clearance - non-criminal record certificate - financial statements - no outstanding tax or customs arrears - no debts on social, health or retirement pension insurance - no bankruptcy proceedings - certificate of academic degree - assets minimally 166 000 EUR, 51 % from Slovak nationals - above 25 years old - capability for legal acts - permanent residency/long – term temporary residency - etc. 		

QUESTIONNAIRE (continued)

Question	Sources	Question	YES	NO
18	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible?		X
18(a)		If yes, under which conditions? [type text]		
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?	X	
19(a)		If so, describe those measures.		
20	FSC.DEC/8/04	Does your country keep records of all licences or written authorizations issued?	X	
20(a)		If yes, how long are the records kept for?		
		(a) 10 years		
		(b) Indefinitely	X	
		(c) Other		
21	BPG, Brokering, V (4(ii))	Does your country require brokers to report regularly on their activities?		
21(a)		If so, describe. [type text]	X	
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country?	X	
		Comments [type text]		
23		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration?		X
		Comments [type text]		
24		Does your country regulate activities that are closely associated with the brokering of SALW?	X	
24(a)		If so, which of the following activities are regulated (check relevant boxes)?		
		(a) Acting as dealers or agents in SALW	X	
		(b) Providing for technical assistance	X	
		(c) Training	X	
		(d) Transport	X	
		(e) Freight forwarding	X	
		(f) Storage	X	
		(g) Finance	X	
		(h) Insurance		X
		(i) Maintenance	X	
		(j) Security		X
		(k) Other services		
		Comments [type text]		
25		Are these activities regulated by legislation on brokering or any other legislation?	X	
26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities? The Ministry of Economy shall impose penalty of 330 EUR to 332 000 EUR.	X	
27	PoA II.14	If the answer to question 1 is “no”, does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?		X
28		What kind of assistance do you require?		X
29		Has your country developed a project proposal for assistance?		X
29(a)		Does your country require training on controlling brokering activities in SALW?		X
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?		X
30(a)		Please give details.		
31		Is your country content for these replies to be published on the OSCE website?	X	