

16 February 2012

ENGLISH only

Vienna 18 July 2011

The Permanent Mission of Sweden presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour, with reference to FSC.DEC/17/10, to provide the requested one-off information on present regulations concerning brokering activities with regard to Small Arms and Light Weapons.

The Permanent Mission of Sweden avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



To:
All Permanent Missions/Delegations to the OSCE
The 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. [type text]		
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. [type text]		
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	FSC.DEC/8/04	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	FSC.DEC/8/04	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? [type text]		X
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. [type text]		
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]		X
17		What are the criteria for granting a licence, permit or other authorization? [type text]		X

QUESTIONNAIRE (continued)

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

COMMENTS TO QUESTIONNAIRE

- Question 2** The Military Equipment Act (2992:1300)
- Question 4** **Section 2** in the Military Equipment Act: Supply: sale, transfer, offer for sale, loan, gift or intermediation
- Question 6** **Section 4** in the Military Equipment Act: Activities which involve the supply of military equipment, inventions concerning military equipment and methods for the production of such equipment may not be conducted in Sweden unless a permit is granted.
- Question 8** We do not have a regular register, but all permits are entered in our diary.
- Question 9** See question 6.
- Question 10 and 11** **Section 5:** Swedish authorities, Swedish companies and persons who are resident or permanently domiciled in Sweden may not supply to a person or entity abroad military equipment located abroad or an invention pertaining to military equipment or a production method for such equipment without a permit for the specific case in question.
- Question 16 and 16a** Permits are not required for manufacturers which have a permit to manufacture military equipment of the type supplied.
- Question 17** We do not have specific criteria for granting a licence but we do an overall assessment taking into account all relevant facts.
- Question 26** **Section 25:** A person or entity contravening any of the Sections 4 or 5 is sentenced to 1. a fine or imprisonment of not more than two years if the offence is intentional, 2. a fine or imprisonment of not more than six months if the offence is the result of negligence. **Section 26:** If an offence covered by Section 25 has been committed intentionally is considered a serious offence, the sentence shall be imprisonment of not less than six months and not more than four years.