REGIONAL SEMINAR ON THE MARKING AND TRACING OF WEAPONS

BELGRADE, SERBIA, 14 – 15 SEPTEMBER 2010
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Introduction

Countering the threat posed by the illicit proliferation of small arms and light weapons (SALW) can be significantly helped through an increased ability to trace firearms in conflict and crime situations. Tracing is additionally facilitated by measures relating to post-manufacture and import marking of firearms. The recognition of this link has led to the inclusion of provisions covering post-manufacture marking in general and import marking in particular in several international and regional instruments. The Protocol against illicit manufacturing of and trafficking in firearms, their parts and ammunition¹ (Firearms Protocol) came into force on 3 July 2005. Under Article 8 of the Firearms Protocol regarding marking of firearms, States should adopt and implement appropriate measures to mark firearms at time of manufacture, import and transfer from government stocks to civilian use for securing traceability of firearms. Tracing firearms is foreseen in Article 12 of the Firearms Protocol. Marking is the first stage of tracing that should be complemented with adequate registration of firearms as indicated in Article 7 of the Protocol. The necessary link between marking, registration and tracing is also highlighted in the International Tracing Instrument² with similar provisions to the Firearms Protocol as far as marking is concerned (Section III - Para.8.b).

Considering the threat posed by the widespread availability of SALW in the Western Balkans, as well as continuing efforts to tackle the threat posed by excessive stockpiles of SALW, SEESAC has been working with national counterparts to increase their understanding of the issues and well as develop capacities to mark, register and track firearms.

On 14-15 September 2010 in Belgrade, a regional seminar on marking and tracing of weapons was organized by SEESAC with funds provided by the European Union (EU) under the EU Council Decision 2010/179/CFSP in support of SEESAC arms control activities in the Western Balkans, in the framework of the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition.

The goal of the seminar was to provide an update on the adherence to international instruments, the adoption of national legislation on marking and tracing in the countries from the Western Balkans and to present an overview of the implementation of their national legislation. A specific objective was to review the implementation of the requirement for marking of imported weapons under the UN Firearms Protocol.

The regional seminar was opened by Mr. William S. Infante, UN Resident Coordinator in Serbia and Mr. Thomas Gnocchi, Head of the Political Section, Delegation of the European Union to the Republic of Serbia. The first day of the seminar provided the background

² "The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons," UN Document A/60/88, 27 June 2005.
for discussion with presentations from international experts on arms control as well as national presentations by delegations on the marking and tracing systems in place in their respective countries. The second day of the seminar was dedicated to group discussions aimed at giving the delegations attending the forum to express their views, debate challenges and identify possible regional synergies.

**Expert Presentations: Marking and Tracing**

The first session of the seminar was devoted to presentations by international arms control experts who provided an overview of international and regional regulatory frameworks on marking and tracing of weapons, thus setting the scene for further discussions. Ms. Simonetta Grassi (UNODC) presented the international instruments on marking and tracing; Mr. Fabio Della Piazza, representing the EU, presented the EU policy on marking and tracing; and Mr. Ilhan Berkol and Mr. Cedric Poitevin from GRIP3 gave an overview of the regulations and challenges in the marking of imported weapons and explained the challenges and achievements in the field of tracing of weapons.

**Ms. Simonetta Grassi** focused on the global, regional and specific challenges and solutions related to the issue of firearms and their production, use, standards, and trade in her presentation ‘Overview of the international instruments on marking and tracing’. She provided a detailed analysis of the main instruments in this field: the United Nations Convention against Transnational Organized Crime, UN Firearms Protocol; International Tracing Instrument (ITI).

Ms. Grassi elaborated on the various provisions for marking emphasizing that the choice of methods for marking small arms and light weapons is a national prerogative. The states have to ensure that, whatever method is used, all marks required under the above instruments are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable. Further she drew the attention of the participants to the requirement for identifying and tracing illicit small arms and light weapons. She then focused on the obligation for record keeping. In this respect states have to ensure that accurate and comprehensive records are established and maintained for all marked small arms and light weapons within their territory in order to enable competent national authorities to trace illicit small arms and light weapons in a timely and reliable manner. Under the current international instruments the manufacturing records need to be kept for at least 30 years; and all other records, including records of import and export, for at least 20 years.

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3 Groupe de recherche et d’information sur la paix et la sécurité.
Ms. Grassi concluded her presentation with an emphasis on the difficulties related to the implementation of the ITI. She took the opportunity to once again reiterate the multiple facets of international cooperation, which states need to engage in. This includes among others the designation of one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of this instrument; the requirement for states to cooperate on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of provisions for marking and tracing of weapons; and for states which are in a position to do so, to seriously consider rendering, upon request, technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing of firearms.

Mr. Fabio Della Piazza presented a detailed Overview of the EU policy on Marking and Tracing. First, he reviewed the historical origins of the EU policy by focusing on the EU Security Strategy (ESS) and EU SALW Strategy. He highlighted the fact the ESS constitutes the Union’s strategic approach. This Strategy takes into account that the post-Cold War environment is one of increasingly open borders in which internal and external aspects of security are intrinsically linked. In this context the ESS highlights five key challenges to be faced by the EU: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime. Mr. Della Piazza stressed further that by developing a strategy for combating the accumulation of and illicit trade in SALW and their ammunition, the EU wishes to provide a substantial contribution to multilateral efforts in this field. The EU SALW Strategy was the response to the United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, adopted on 20 July 2001. The EU SALW Strategy, building on existing EU policies and programmes, outlines a comprehensive approach using all instruments available to the EU. The EU is active in third countries affected by excessive accumulation of small arms but is also tackling the problem of the source of the illicit small arms flows. Mr. Della Piazza explained that EU action under the SALW Strategy is based on a number of key principles, such as:

- **Multilateralism**: The EU is strongly in favor of multilateral action and treaties. Therefore UN activities on SALW are central to the Strategy;
- **Prevention**: It is important to tackle the root causes which lead to proliferation such as poverty and weak state structures. The EU therefore intends to use the full range of instruments at its disposal (including for example development aid); and
- **Cooperation**: Problems can only be solved through a cooperative approach. It is in the interest of all to work together to respond to proliferation threats.

Mr. Della Piazza described the various areas covered by the EU assistance programmes, which include among others the universal and comprehensive implementation of multilateral instruments; assistance in drafting national legislation on control of arms exports;
training of institutions, customs departments and other agencies in order to improve border controls; stockpiles management, including collection and destruction of surplus SALW; and promotion of broader role for peacekeeping missions so they can deal with SALW and their ammunition. He presented the Action Plan under the EU Strategy, which also focuses on action by the international community on cross-border problems and proposes the strengthening of border controls, in particular in the air, in the countries affected by illicit trade in SALW and their ammunition. Mr. Della Piazza concluded his presentation with an overview of the assistance currently provided by the EU to various organizations for the promotion and implementation of the international instruments on marking and tracing.

In his presentation, Mr. Ilhan Berkol focused on the regulations and challenges in marking of imported weapons. He re-iterated that the ability to trace firearms is an important step toward transparency and preventing the illicit use of firearms in conflict and crime situations. In this process the post-manufacture and import marking represents an additional measure to facilitate the tracing of illicit SALW. Mr Berkol explained that a post-manufacture mark is any unique mark placed on a firearm in addition to the manufacturer’s original markings. Post-manufacture marking may include, but is not limited to, import marking, proof marking, marking of state-owned weapons, marking of weapons transferred to civilian use and marking of seized weapons. Further he pointed out that an import mark can be defined as a simple mark identifying the country of import, and may include the year of import or permit identification of the name and address of the importer. The import mark can also be an additional mark made either by the manufacturer at the time of export or by another actor at the time of import. He also made an important distinction that the requirement of “import marking” should not be confused with the requirement that all imported firearms must include the original manufacturer marks providing for the unique identification of a firearm.

Mr. Berkol presented a set of recommendations that, in his opinion, would lead to an appropriate marking system. The underlying principles include that markings must be unique to each weapon and permit the weapon to be identified easily. In addition, markings must also be reliable and inexpensive. The following markings should be applied:

- **Classical marking.** This is comprised of a unique serial number identifying the manufacturer and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. Classical markings should be expressed alphanumerically, be legible to the naked eye and should be featured on a maximum number of main parts of the weapon, and at the very least on the component parts designated by the manufacturer as essential as well as on one other important parts of the weapon.

- **Security marking** (or secondary marking). This contains the same information as the classical marking but is applied to component parts of the weapon that are difficult to
manipulate after the weapon’s manufacture, and the falsification of which would render the weapon unusable. Security markings should not be applied in lieu of classical markings, but are to be used in addition to classical markings in the event that they are rendered illegible.

- **Import marking.** Country of import, year, importer identity and unique mark shall be engraved. If the importing country and year of import are unknown at the time of manufacture, these markings must be placed by an institution accredited in the importing country.

- **Concerning ammunition.** In this case a unique batch number replaces the serial number, whereas all other clauses continue to apply.

- **Packaging.** The packaging of small arms and light weapons and ammunition should be appropriately marked. These should include the same information as the markings of the contents and, additionally, should comprise information concerning the recipient and the destination country, as well as the type of weapon or ammunition contained in the package.

- **Marking techniques:** stamping, laser engraving, electro-chemical marking, mechanical and radio frequency identification.

Mr Berkol concluded by specifying the most common challenges faced by the states: lack of resources for the improvement of marking techniques; decisions on information that should be marked on the firearms; difficulties related to the enhancement of the recording systems; and decisions on who should do marking (the exporter, the importer or the user).

In rounding up the session on presentations by international arms control experts, **Mr. Cedric Poitevin,** GRIP Project Manager presented the challenges and opportunities in firearms tracing encountered by the relevant national institutions. First, he elaborated on the notion of firearms tracing focusing on the aspects of human security; on using tracing techniques as a tool to prevent diversion to unauthorized or illegal end-users as well as in the context of armed conflicts. He provided many examples showing that the tracing of firearms was poorly understood and implemented. The definition of arms tracing is derived from the ITI which provides for systematic tracking of illicit SALW found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit. Mr Poitevin listed the main elements of successful tracing of firearms: marking, record-keeping and cooperation. The added values of fire arms tracing include the identification and disruption of illicit channels as well as the detection of national and international trafficking patterns. He also provided a detailed overview of the challenges related to marking, record-keeping and international cooperation.
Mr Poitevin concluded his presentation highlighting once again the basic steps of a tracing operation: identification of the illicit firearm(s) based on its physical characteristics and markings; national or international tracing operation; precise identification of the point of diversion of the firearm(s); and the implementation of relevant legal actions against the perpetrators.

**National Implementation of Marking and Tracing Regulations: achievements and challenges**

The second session of the seminar focused on achievements and challenges in the national implementation of marking and tracing regulations. Representatives from Albania, Bosnia and Herzegovina, Croatia, Montenegro and the former Yugoslav Republic of Macedonia provided detailed information about the implementation regulations in their countries, concentrating in particular on the challenges they were facing. The full content of the national presentations is provided as annexes to this report.

The representative of **Albania** stated that the fight against all forms of crime, but in particular organized crime including all kinds of trafficking and improvement of public order and security in the country is the strategic priority of the Republic of Albania, as a NATO member and a potential European Union candidate country. Having this in mind, the Ministry of Interior considers marking and tracing of firearms and their control as crucial area. Currently, the main goal is the introduction of an electronic weapons record keeping system at the central and local level. In order for this to be implemented, Albania requires financial and human resources assistance. The delegate from **Bosnia and Herzegovina** provided an overview of the achievements and challenges faced by the authorities regarding the implementation of marking and tracing regulations and in particular relating to marking of imported weapons. The **Croatian** representative provided an overview of the experience in implementing international instruments on marking and tracing as well as a detailed explanation on the requirements related to marking of weapons manufactured in Croatia. The delegation from **Montenegro** reviewed the progress of harmonizing their national legislation with the relevant international instruments on marking and tracing of firearms. Furthermore, they reported that by adopting the National Strategy on SALW, Montenegro has created some of the necessary preconditions for the creation of a unified national system of SALW control, and reduced the number of SALW, contributing to an overall increase in the level of security in the country. However, the expected results in the process of implementing the Strategy are not entirely satisfactory, so there is a need to develop new approaches and more concretely form a new SALW Commission. Further institutional and technical support for strengthening control over the production and trade of SALW and ammunition is necessary at this stage.
The delegation of the former Yugoslav Republic of Macedonia outlined recent developments in the field of marking and tracing with a particular emphasis on the amended and newly adopted legislation. Currently the institutions in the former Yugoslav Republic of Macedonia are engaged with the development of the subsidiary legislation. They have focused on the creation of rules for examination and marking procedures of firearms and ammunition; the development of rules for signs and contents of certificates and labels (banderole) and preparation of policies related to material and technical facilities and professional staff.

National presentations were followed by a questions and answers session where the following issues were discussed: feasibility of marking a weapon numerous times; technical means of marking a weapon; legal techniques for the implementation of the UN Firearms Protocol.

Group Discussion

The second day of the seminar was reserved for group discussions. The aim was to provide an opportunity to exchange views and ideas, and to identify support mechanisms and synergies in the following areas: development and implementation of policy and legislation; technical support in terms of equipment for marking and tracing; capacity building needs; and participation in the Permanent International Commission for Weapons (CIP). During the group discussions, participants presented their concerns, needs and the challenges they were facing in the process of marking and tracing of weapons. The following main issues were identified: countries face difficulties with the implementation of their legal and political commitments in the area of marking and tracing of firearms. The main difficulties are in the field of marking of imported weapons, ballistic tracing, the development of effective weapons registration and record-keeping systems, and the participation in information exchange mechanisms.

In Working Group ‘A’ representatives of the former Yugoslav Republic of Macedonian acknowledged difficulties with the implementation of the ITI. At present there is a strong cooperation between the national institutions but the procedures for tracing have not been formalized. Their delegation expressed the need for assistance when it comes to the procedure of marking weapons and the equipment for marking of imported weapons. The Albanian delegation recognized the fact that they lack the ‘know-how’ concerning the procedures of marking and tracing of weapons and that they are in need of assistance regarding the implementation of the ITI. They pointed out the need for adequate assistance and training for identification and operation of marking equipment. The following issues were identified: the need for assistance in the subsidiary legislation; in both the former Yugoslav Republic of Macedonia and Albania the marking of weapons is not fully developed; the need for appropriate equipment in the process of the marking of weapons and the need for assistance regarding training to operate the equipment. Regarding regional synergies, the role played by INTERPOL was judged as important. Cooperation during SALW collection campaigns between police services was identified as a field where synergies can take place. Concerning the problem of unmarked weapons in government stockpiles in both countries it was established that destroying weapons was a better solution than redistributing/selling them.
In Working Group ‘B’ participants from Croatia and Montenegro reached the following conclusions. Synergies in the area of the implementation of the international instruments on marking and tracing can be achieved through bi-lateral and multi-lateral exchanges of best practices. Croatia is in a position to provide information about the challenges and success stories during the adoption phase of the national legislation. Both delegations identified the need to develop rules, regulations and procedures in the region on implementing the UN Firearms Protocol. They called on SEESAC to take the lead in coordinating such an effort. It was pointed out that it was necessary to implement legislation before starting to develop technical and human resources. At present neither delegation could provide specific information on which sort of equipment Montenegro and Croatia need for marking of weapons, but it is clear that information exchange and regional cooperation is essential for finding the relevant solutions. The experience from the region can be useful in identifying specific needs. Participants from Croatia suggested consulting the Permanent International Commission on Weapons for regulations and standards in area of marking of weapons. Both delegations agreed that it is very important to identify the quantity of weapons to be marked before purchasing marking and tracing equipment. There was also consensus that surplus weapons in army and police have to be destroyed or marked according to standards. Participants from Croatia stressed the need to develop better methodology for estimating the number of illegal weapons in civilian possession. Both delegations agreed that destruction of weapons can be very costly, but it is necessary to be done because stockpiled weapons and ammunition is threatening public safety.

In Working Group ‘C’, the delegation from Serbia explained that since 1992, they have not been part of the CIP but that they are keen to join. Currently all CIP standards in the marking of weapons are applied but, since Serbia is not a member this is not officially recognized. The main obstacle for renewing the CIP membership is the national law, the amendment of which is an essential condition. A draft law is being developed by the Ministry of Interior. The Bosnia and Herzegovina delegation stressed that there was interest in joining the CIP but that they need to get a better understanding the technical and financial requirements in order to analyze the justifiability of doing this. Hence a needs assessment would be very useful. Both countries expressed a need for finding and using regional synergies. For example, as the CIP requires a national proof house which is not economically feasible for many countries in the region, representatives of BiH stressed the importance of having a regional certified marking laboratory that can cover other countries from the region that don’t have their own independent institute. To that end, a review of legislation in the region and the establishment of a working group that would provide assistance to countries that wish to join CIP would be an important asset. Serbia offered to assist countries in the region that did not have the capacity to use the Proof house for testing firearms and ammunition in Kragujevac.

The implementation of provisions on the marking of imported weapons was identified as crucial but complex with the main problem being where and how to do the marking in order not to jeopardize security. The Serbian MoI expressed an interest in improving its
ability to better trace weapons after they leave production. The difficulty of tracing ammunition was stressed by both delegations and both countries face problems in this domain. The best solution is to start with improving ability of producers to keep data - to have software that would allow them to store all data on production and archives and that would be accessible to authorities. This would be useful for both producers and government and would improve quality control. Such a data system would need to be tied into a weapons register and centralized at the state level, otherwise it would be useless. Both countries confirmed importance of having well developed, updated and efficient centralized registers (databases) of weapons in order to improve tracing. BiH is in particular keen on this issue, because it still has no central register. Finally, both delegations stressed their view that SEESAC should be the basis for better regional cooperation on marking and tracing of weapons.

**Next steps**

SEESAC will prepare a concept note based on the findings of the seminar. The concept note will expand on the areas of assistance identified at the seminar. It will include specific activities to support the implementation of the policies on marking and tracing of weapons and in particular support for the implementation of the International Tracing Instrument.
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<td>United Nations Office on Drugs and Crime</td>
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<td>Maja Djordjic</td>
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<tr>
<td>Ivana Radosavljevic</td>
<td>Intern</td>
<td>SEESAC</td>
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</tbody>
</table>
AGENDA

Monday, 13 September 2010

Arrival of the participants - Hotel “Zira” in Belgrade

Tuesday, 14 September 2010

0845   Registration

0915   Welcome Remarks           Mr. Thomas Gnocchi
       Head of Political Section
       Delegation of the European Union to the Republic of Serbia

       Mr. William Infante
       UN Resident Coordinator

Chair: Mr. Diman Dimov, SEESAC
Session I: International Regulatory Framework

0930 – 1100  Presentations

Overview of the international instruments on marking and tracing
Ms. Simonetta Grassi, UNODC

Overview of the EU policy on marking and tracing
Mr. Fabio Della Piazza, The Council of the EU

Overview of the regulations and challenges in marking of imported weapons
Mr. Ilhan Berkol, GRIP

Tracing of firearms – challenges and achievements
Mr. Cédric Poitevin, GRIP

Chair: Mr. Diman Dimov, SEESAC

1100  Coffee Break

Session II:
National implementation of marking and tracing regulations:
achievements and challenges

1130   Experience from Albania

1200  Experience from Bosnia and Herzegovina

Chair: Mr. Arben Braha, AMAE

1230   Lunch
Wednesday, 15 September 2010

**Session III: Identification of support mechanisms and synergies**

0900  Discussion: Strengthening national marking and tracing institutions

Mr. Diman Dimov, SEESAC

0915  Work in groups to identify support mechanisms and synergies in the following areas:

- Development and implementation of policy and legislation
- Identification of technical support for marking and tracing
- Identification of capacity building needs
Identification of regional synergies
Membership in the Permanent International Commission for Firearms

Moderators:
Group A: Ms. Simonetta Grassi, UNODC and Mr. Diman Dimov, SEESAC
Group B: Ms. Tamara Karaica, UNDP Croatia and Ms. Bojana Balon, SEESAC
Group C: Dr. Ivan Zverzhanovski, SEESAC and Mr. Gordan Ivanovic, UNDP Montenegro

1000 Coffee break

1015 Work in groups (continued)

Session IV: Seminar findings

1130 Plenary session: presentation of the findings by the moderators

Chair: Mr. Diman Dimov, SEESAC

1230 Lunch break

1400 Summary of the discussions

1430 Closing remarks

1500 END
Session I:
International Regulatory Framework
The Problem

• Armed violence is often associated with armed conflicts, although a predominant part of it is linked to common criminality and to transnational organized crime activities (trafficking in drugs, human beings, terrorism)

• Firearms are both the object if illegal activities (arms trafficking, violation of arms embargoes) and the means for the commission of crimes

• The link between firearms and transnational organized crime is not sufficiently been addressed by countries.

• Firearms trafficking is a transnational and global crime that crosses borders and regions and needs to be addressed through global solutions, such as the Firearms Protocol.
The Challenge

- Identification and tracing of firearms and ammunition is essential to detect patterns and routes of firearms trafficking and to help dismantle the criminal networks that engage in such crimes.
- Under current regulations, it is sometimes very difficult to clearly identify firearms and to prevent them from diversion from the licit to the illicit circle.

The Needs

- Harmonized standards and practices for marking among manufactures with unique serial numbers to identify firearms and ammunition and establish their origin and movements.
- A comprehensive records on firearms, their parts and components and ammunition, and of the persons related to them, is necessary to trace the arms throughout their lifetime.
- Effective cooperation and information exchange among States.
- Recent international and regional initiatives on Marking, Registering and Tracing focus on the creation of common minimal standards.

International/Regional Responses

Global Instruments

- UN Programme of Action (politically binding, adopted in 2001)
- International Marking and Tracing Instrument (politically binding, adopted in 2005)

Regional instruments:

- Inter-American Convention CIFTA
- African Regional Protocols and Conventions (Nairobi Protocol, SADC Convention, ECOWAS Convention, ECCAS Convention)
- OSCE Document
- EU Directives
Four Legal Instruments against Transnational Organized Crime

Structure: four legally binding instruments
- The Main Convention UNTOC – General (Sep. 2003)
- 3 Protocols –
  - Trafficking in Persons (Dic. 2003)
  - Smuggling of Migrants (Jan. 2004)
  - Firearms Protocol (Jul. 2005)
- Relationship: Applicability mutatis mutandis

Status of Ratifications
- TOC – 148 States Parties
- Trafficking – 129
- Migrants – 119
- Firearms – 79

Revision Mechanism
- Conference of the Parties

THE FIREARMS PROTOCOL

- Only globally binding instrument on firearms control
- Provides a comprehensive and regulatory framework to combat proliferation of illicit firearms and ammunition
- Requires states to criminalize illicit manufacturing and trafficking of firearms and ammunition and falsifying/obliterating markings
- Requires States to implement control measures on firearms
Distinction between legal and illegal firearms

- Article 3 - Definition
- Article 5 – Criminalisation
- Article 6 - Confiscation

Prevent Diversion of Legal Firearms into the Hands of Criminals

- Article 7 – Record-keeping
- Article 8 – Marking of Firearms
- Article 10 – Export, Import, Transit Licensing of Authorisation Systems
- Article 11 – Security & Preventive Measures
- Article 12 – Tracing & Information Sharing
The International Instrument to Enable States to Identify and Trace is a purely politically binding instrument. The tracing mechanism do not include preventive provision and does not apply to ammunition.

Nonetheless, it certainly represents a first and relevant step towards the adoption of common and standard practices both in terms of marking and tracing SALW.

If States agree on best practices and respect the rules proposed in the Instrument from the manufacturing stage, during transfers and finally at use, the mechanism would be preventive and proactive.

**ITI: General Aspects**

- Politically binding
- Does not cover ammunition:
  
  **OEWG recommendation**: that the issue of SALW ammunition be addressed in a comprehensive manner as part of a separate UN process
- Applies to crime and conflict (civilian and military SALW)
  
  Precise, relatively comprehensive and adaptable (para. 4)
- Combines language from 1997 UN Panel Report and UN Firearms Protocol
- Covers almost all SALW mentioned in the 1997 Report (except vehicle-mounted LW such as large recoilless rifles)
Adequate Marking of firearms at their point of legal manufacture;

Record-keeping on the legal trade chain of the firearms.

Effective Cooperation and Information Exchange among States

The establishment of a tracing mechanism will increase the chances of success to identify and trace illicit firearms with a view to identify and combat sources of diversion into the illicit sphere.
Record-keeping and tracking requirements (Art. 7)

- All relevant information on a firearms and ammunition should be centrally recorded on at least the national level and kept for at least ten years.

- Shall include:
  - A description of the product (type or model, calibre) and quantity (if it concerns a batch);
  - The content of the marking;
  - The names and addresses of the former and current owners and, if possible, successive owners;
  - The date of entry in the registry;
  - Information concerning each transaction, including licenses with appropriate expiration dates, country of export and country of import, transit countries, and final recipient.

What is a Comprehensive Record Keeping System? (Article 7)

- All relevant information should be centrally recorded on at least the national level.
- Relevant information should be recorded from the point of production and for every transfer and change of ownership of the firearms.
- Records must be kept by every actor in the chain from production to last user of the firearms.
- For manufacturers, records must allow for the unique identification of the firearms and the first recipient of the firearms when transferred.
Minimum information on which records must be kept include:

- description of the item;
- contents of its marking;
- name and location of the owner;
- date of entry of the information in the records;
- For international transactions, the issuance/expiration dates of licenses, country of export, country of import, transit countries, final recipient, quantities of items.

UN Firearms Protocol (Article 7)
- “information in relation to firearms”
  - “for not less than ten years”
- Parts, components and ammunition records
  - “where appropriate and feasible”

International Identification and Tracing Instrument (Article IV)
- States agree to establish and maintain the records that are needed to ensure “timely and reliable” tracing (para. 11): all information on SALW and its transactions
  - “to the extent possible, be kept indefinitely”
    - Manufacturing records – at least 30 years
    - All other records, including import export – at least 20 years
    - Records held by companies that go out of business must be “forwarded to the state”
Marking of firearms (Art. 8)

- States Parties must require unique marking which provides the name of manufacturer, the country or place of manufacture and the serial number.
- Countries which presently combine simple geometric symbols and a numeric or alpha numeric code may maintain this practice.
- System should be unique and user-friendly, and allow ready identification by all States.
- Firearms must be marked at time of manufacture, import, and when transferred from government to private hands.

Technical aspects of marking include:

- It does not damage the performance and technical quality of the firearms.
- It is permanent, durable, and difficult to erase or falsify.
- The costs of the firearms are not increased.
- It can be applied in a practical manner.
- It is applied at the minimum to the essential piece of the firearm, as defined by manufacturers. It should also be applied to other pieces of the arm. Exchanges of components of the arm should be conditional on adequate marking and record-keeping of the components.
UN Firearms Protocol (Article 8)

- **Marking at time of manufacture**
  - “unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number”
  - or maintain “alternative unique user-friendly marking with simple geometric symbols…”

- **Import marking**
  - Country of import and, where possible, year of import

- **Other marks**
  - Appropriate unique marking of firearms transferred from government stocks to permanent civilian use allowing identification of the transferring state

International Identification and Tracing Instrument (Article III)

- “on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable, and, as far as technically possible, recoverable”
- “applied to an essential or structural component of the weapon” where destruction would render the weapon permanently inoperable and incapable of reactivation

- **Firearm frame/receiver**

- **Marking at time of manufacture**
  - Firearms Protocol requirement
  - Encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre

- **Import marking**
  - Firearms Protocol requirement
  - “To the extent possible”
• Other marking
  – Marking of firearms transferred from government stocks
    • Where markings do not allow tracing, marking to identify the transferring state
  – Ensure marking of state held (armed and security forces) firearms
  – Uniquely mark and record (or destroy) recovered illicit SALW as soon as possible

• Marking standard
  – (ITI) ...on an exposed surface...
  – (ITI) Mark frame/receiver

• Marking at time of manufacture
  – (UN Protocol) Name of the manufacturer, the country or place of manufacture and the serial number
  – (ITI) Encourage the marking of additional firearm information

• Import marking
  – (UN Protocol) Country of import and, where possible, year of import

• Other marking
  – (UN Protocol) Mark firearms transferred from government to permanent civilian use
  – (ITI) Mark of state held (armed and security force) firearms
  – (ITI) Mark and record (or destroy) recovered illicit SALW
Cooperation in tracing

- The ITI sets out detailed modalities for tracing cooperation: its operational core (paras. 14-23)

- States may restrict or refuse tracing cooperation in certain circumstances (confidentiality, reasons of national security, etc.) …

- … but must explain any such restriction or refusal (paras. 22–23).

- Interpol can help build national capacity to initiate and respond to tracing requests (para. 35c).

Specific Protocol Provisions

Information exchange among States (art. 12)

- authorized producers, dealers, exporters, carriers
- Organized criminal groups known or suspected to be involved in illicit manufacturing or trafficking
- Means of concealment used and ways of detecting them
- Methods and means of trafficking, routes etc.
- Legislation and practices, relevant scientific and technological information
- Guarantee confidentiality and restricted use of information, or notify a priori

- Ensure prompt responses to assistance requests to trace illicit firearms
Cooperation (Art.13 Protocol)

- States are encouraged to cooperate at bilateral, regional and international level to prevent, combat and eradicate illicit trafficking and manufacturing of firearms.
- Identification of a national body or a focal point to liaise with States for matters pertaining to the Protocol.
- States shall seek support and cooperation from manufacturers, dealers, importers, exporters, brokers and commercial carriers to prevent and detect illicit activities.

RELEVANT CONVENTION PROVISIONS ON INTERNATIONAL COOPERATION AND INFORMATION EXCHANGE WHICH CAN FURTHER SUPPORT TRACING OF FIREARMS AND COMBATING TRAFFICKING
International Cooperation

- Extradition
- Transfer of Sentenced Persons
- Mutual Legal Assistance
- Transfer of Criminal Proceedings
- Law Enforcement Cooperation
- Joint Investigations
- Special Investigative Techniques

Types of Assistance

- Service of Judicial Documents
  - Provide Information & Evidentiary items
  - Taking evidence or statements from persons

- Execution of searches, seizures, freezing
  - Provide documents and records
  - Facilitating voluntary appearances

- Examining objects & sites
  - Identify & trace proceeds & property for evidence
  - Temporary transfer of persons in custody

OTHER ASSISTANCE UNLESS PROHIBITED
Law enforcement cooperation (Art. 27 UNTOC)

States shall:

- Enhance and establish channels of communication
- Cooperate in inquiries concerning the identity, whereabouts and activities of suspects; the movement of proceeds of crime or instrumentalities
- Exchange information on:
  - specific means and methods used by organized criminal groups
  - general trends, analytical techniques, definitions, standards and methodologies
- Facilitate coordination, promote exchange of personnel, experts, liaison officers

States shall promote agreements for direct cooperation among LE agencies including mutual LE cooperation

Challenges for the Future: Implementing Existing Instruments

One major challenge for States is to fully and effectively implement provisions contained in already existing instruments, to evaluate the implementation and the obstacles met during this implementation and, if needed, to elaborate mechanisms in order improve it.

States can meet their multiple obligations at regional and global level and strengthen their firearms control regimes by taking simultaneous approaches taking action at the international (UN), regional (OSCE, OAS, ECOWAS, Great Lakes Region in Africa, …) and national levels.
UNODC Activities on Firearms

UN Wide Coordination & Partnerships

Promotion of Awareness and Knowledge on the FP

Legislative Assistance and Capacity Building work

Development of Legal and Operational Tools

Development of TA projects

Legal and Operational Tools

- Travaux Preparatoires & Legislative Guide
- Technical Guide
  - 2 EWG held in 2007 and 2008 (To be published 2009)
- Model Legislation
  - EWG in 3-6 November 2009 (Expected mid 2010)
- International Standards on Small Arms – ISACS –
  - CASA Initiative adopted by Principals in July 09
  - Several modules covering entire range of SALW issues
  - FP, PoA and ITI legal basis
- Envisaged tools
  - Automated Standardized end user certificates, import/export requests and authorizations, tracing request tools
  - Development of manuals and training material
  - Expansion of the computer-based training programme
Self-assessment checklist

UNCAC
Start Self-assessment

UNTOC
Start Self-assessment
Start Self-assessment: Trafficking Protocol
Start Self-assessment: Smuggling Protocol
Start Self-assessment: Firearms Protocol

Self-assessment checklists on five crime-related instruments in one application

For further information:

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THANK YOU FOR YOUR ATTENTION
Overview of the EU policy on marking and tracing

Presentation by Fabio Della Piazza

Office of the EU Representative on non-proliferation and disarmament
General Secretariat of the Council of the European Union

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The EU action in the field of SALW

2003 EU Security Strategy

2005 EU SALW Strategy based on three pillars:
- Prevention
- Support to multilateralism
- Cooperation with partners
The EU SALW Strategy applied (1)

Internal dimension:

- National and community provisions regulating stockpile management, marking and tracing of SALW and firearms
- Common Position on conventional weapons export controls (2008)
- Exchange of information among Members States on SALW illicit trade - initiative on SALW trafficking by air

The EU SALW Strategy applied (2)

External Dimension (1):

- Support to third countries’ activities in the following area:
  - Disarmament both of SALW and ammunition
  - Stockpile management (training and legal assistance)
  - Drafting of export control legislation and assistance in enforcement

- Diplomatic action:
  - EU stance in relations with third countries and in the negotiation, implementation and review of relevant, international instruments in the field of SALW
The EU SALW Strategy applied (3)

External Dimension (2):

- Outreach activities:
  - Promotion and support to the implementation of relevant instruments, including:
    - UN Programme of Action on SALW
    - International Marking and Tracing Instruments => 3 regional seminars implemented by UN ODA
    - Support to the negotiation of an Arms Trade Treaty

Marking and tracing: what the EU does internally

- At internal level differentiation between:
  - Firearms => civilian use
  - SALW => military use

- At EU level, marking and tracing of firearms is regulated by Directive 91/477/EEC, amended by Directive 2008/51/EC:
  - does not apply to the acquisition or possession of weapons and ammunition;
  - adopted to ensure the implementation of the Firearms Protocol, and the marking and tracing obligations thereof;
  - contains specific provisions according to which each firearm and elementary package of ammunition must be marked upon manufacturing;
  - A computerised data-filing system into which these firearms are to be registered must be set up by Member States no later than 31 December 2014.

- Marking and tracing of SALW used for military purposes remains a responsibility of EU Member States.
### Marking and tracing: what the EU does externally (1)

The EU was among the main promoters of the adoption of a legally binding International Marking and Tracing Instrument (ITI) in 2005; It has developed and implemented several assistance promoting adherence and full implementation of the ITI including through:

- outreach events aim at familiarizing third countries with the provision of the ITI;
- Continuous demarches promoting reporting on the implementation of the ITI provisions;
- provision of technical and infrastructural assistance to ensure that marking and tracing procedure are in place and complied with.

### Marking and tracing: what the EU does externally (2)

Concrete examples of assistance programmes in support of the ITI:

- In 2008, implementation of a tailored Joint Action, consisting of three regional workshops, presenting the main aspects and implication of the International Instrument to States in West Africa, Asia and Latin America and the Caribbean;

- 2010 UN ODA project on UN Programme of Action on SALW, including organization of regional training-of-trainers courses on essential aspects of the ITI, provision of marking facilities and expertise to countries in Western Africa;

- Support in 2010 to the African Regional Centre on Small Arms, through awareness raising, provision of equipment and training activities, harmonisation of legislative and technical aspects at the regional level through intense dialogue and networks in the Great Lakes region.
Marking and tracing: what the EU does externally (3)

Support to the universalization and full implementation of the UN Firearms Protocol including through:

- Continuous dialogue among EU MS to work towards full adherence of all EU MS to the Protocol;
- Tailored project supporting adherence to the protocol in Africa, Latin America and Caribbean through:
  - promotion of ratification of the Firearms Protocol and establishment of protocol compliant legislative and institutional frameworks;
  - strengthening national and regional capacities to implement the UNTOC and Firearms Protocol, through, inter alia, reinforcing operational capacities of law enforcement agencies;
  - improvement of capacities to collect, research analyze and exchange firearms and crime related data, to facilitate informed decision making;
  - promotion of greater involvement and awareness among parliamentarians, general public and civil society in matters related to arms trafficking and armed violence prevention and control.

Additional information:


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Marking of Imported Weapons

Overview of Regulations and Challenges

Belgrade Seminar
ILHAN BERKOL – 14-15 September 2010

GLOBAL INSTRUMENTS ON MARKING

1) UN Firearms Protocol (Legally binding)
   - Art.8.1.a) Marking at time of manufacture
   - Art.8.1.b) Marking at time of import
   - Art.8.1.c) Marking if transfer from State to civilian use

2) International Tracing Instrument
   - Par.8.a) Marking at time of manufacture
   - Par.8.b) Marking at time of import
   - Par.8.c) Marking if transfer from State to civilian use

3) UN Programme of Action
   - Par.II.2. Unique marking
REGIONAL INSTRUMENTS ON MARKING

1) OSCE Document on SALW
   - Section II.2.B) Marking at time of manufacture

2) EU Directive on Firearms (Legally binding)
   - Art.4.1 and 4.2. Marking at time of manufacture
   - Marking of ammunition packages (batch number)
   - Application of CIP Convention (not binding)

3) Other Regional Instruments
   - ECOWAS Convention, ECCAS Convention, OAS Convention,
     Nairobi Protocol, SADC Protocol

EXISTING MARKING GUIDELINES

- ISACS (International Small Arms Control Standards):
  UN CASA (Coordinated Action on Small Arms)
- OSCE Handbook of Best Practices on SALW
- Firearms Protocol Guides and Model Law
- OSCE Best Practices on Ammunition
- OAS Model Regulations
- SEESAC Standards/Guidelines
- Nairobi Protocol Best Practice Guidelines
NATIONAL LEGISLATIONS ON IMPORT MARKING (II)

- In Americas, Brazil, Chile, Colombia, Guatemala, Paraguay, the USA and Uruguay have import marking provisions in their law. Canada, Ecuador and Jamaica are in the process of introducing such requirements.
- In Sub-Saharan Africa, Mali, Burundi, Rwanda and South Africa have import marking provisions in their legislation. DRC, Kenya, Togo, Burkina Faso, Tanzania and Botswana are in the process of revising the law.
- In Asia, China, the Philippines and Samoa have currently import marking provisions. Australia, Japan, India, New Zealand and Thailand are considering having such requirements in their national legislation.

UN Firearms Protocol: Provisions on Marking

The UN Protocol entered into force in July 2005. Even if it is potentially global in its scope, the Protocol is limited to firearms.

It does not apply to State-to-State transfers when national security is at stake (only when States act in their commercial capacity) and legal proceedings are only initiated when the offences are of a trans-national nature and involve organized criminal groups (art 4.2).

Ammunition are nevertheless excluded from all relevant provisions on marking and tracing.

Legislative Guides (2004) for the implementation of the Protocol provides technical information and recommends that States go on beyond of the provisions of the Protocol (minimum standards).

Best Practices Guides are being currently finalized including a Model Law. It foresees sections on marking and tracing.
UN Firearms Protocol: Provisions on Marking

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Steps for an Effective Tracing Mechanism

Two requirements are necessary:

1) adequate marking of SALW at their point of legal manufacture;
2) record-keeping on the legal trade chain of the SALW.

Chances for a successful tracing operation diminish considerably if one of the two conditions is not met.

3) The establishment of a tracing mechanism will increase the chances of success to identify and trace illicit SALW with a view to identify and combat sources of diversion into the illicit sphere.
What is a Comprehensive Marking?

Adequate marking includes:
- a unique serial number, including the year of production;
- an identification of the manufacturer;
- the country of manufacture;
- if known at time of production, the identification of the recipient.

Example: 1234567 / CH / SIG / 090 / SAU / calibre:
Serial N° / Country / Manufacturer / Model / Importer / calibre

Here: Switzerland, manufacturer SIG, Model 090, importer Sauer…

WHAT SHOULD BE MARKED?

Parts and Components and Ammunition are marked where appropriate and feasible (Convention Article 34 para.3)

Marking firearms at time of manufacture:
- a) The name of the manufacturer;
- b) The country or place of manufacture;
- c) The serial number.

« Classical marking »: alphanumerically + geometric symbols (Factory symbol, type, code for year=26 and serial number)
SYMBOLES and ALPHANUMERIC Marks
(Norinco Corporation – China)

Below are common graphic symbols and markings found on ordnance.

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<thead>
<tr>
<th>Symbol</th>
<th>Country</th>
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### Proof marks on Kalashnikov-pattern weapons

<table>
<thead>
<tr>
<th>Proof mark</th>
<th>Origin</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>⌂</td>
<td></td>
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<tr>
<td>⌂</td>
<td>China (specifically Norinco, Type 56 (early))</td>
</tr>
<tr>
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<td>China (specifically Norinco, Type 56-1)</td>
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<tr>
<td>⌂</td>
<td>China (specifically Norinco, Type 56-2)</td>
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<td>Germany (GDR)</td>
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<td>Iraq</td>
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<td>⌂</td>
<td>Iraq (specifically Tabuk)</td>
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<td></td>
<td>North Korea</td>
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<tr>
<td>⌂</td>
<td>North Korea</td>
</tr>
<tr>
<td>⌂</td>
<td>North Korea (specifically Type 68)</td>
</tr>
</tbody>
</table>

### Marking Examples

- Model (.40), year (Y=2005), month (G=June), serial number (14562), country (Brazil), manufacturer (Taurus).
- Marking applied on the frame and/or receiver.
Marking Examples
Reference: Pascal Jeanmougin (French Verification Agency)

WHAT ELSE COULD BE MARKED?

Other information:
a) Year of manufacture;
b) Make, model, type and calibre;
c) Purchaser’s identity.
d) Insignias (i.e. state blazon), proof markings

Example: UE 85 A000001 (UK, Enfield, 1985, n°)
Brazil: TZI 96771 (9mm, 2006, September, n°)

Technical Committee to establish at the national level.
Marking Examples

Germany, G3 type, Heckler & Koch assault rifle, serial number, weapon designed for armed forces (Bundeswehr), month and year of production.
SECURITY (DOUBLE or HIDDEN) MARKING

Security Markings (with Laser and/or RFID): the purpose is to recover the original marking if erased.

Ex. ejector (1), extractor (2) and breechblock (3)
MARKING AT TIME OF IMPORT

Article 8(1)(b): If known at time of manufacture, the import marking could be done by the manufacturer.

At time of import:
- a) Country of import;
- b) The year of import;
- c) Importer’s identity;
- d) Unique marking if absent.

Example: GB 07 003456 (England)

3456th firearm imported in 2007.

- Identifying the last importing country for tracing purposes.
- Import marking to be recorded in both exporting and importing countries.

OTHER MARKINGS

a) Article 8(1)(c): unique marking at time of transfer to permanent civilian use;
b) Article 6(2): marking of seized and confiscated firearms (national standards);
c) Article 9(c): marking of deactivated firearms.

➢ Usually marked with laser engraving.

➢ First option being the destruction.
MARKING TECHNIQUES

a) Stamping (import marking);
b) Casting;
c) Mechanical engraving (import marking);
d) Laser engraving (import marking);
e) Electro-chemical;
f) RFID (Radio Frequency Identification);
g) Tracers.

Cost of marking:
- Engraving is often replacing stamping.
- Laser marking solution for complex markings.
- Combination of different techniques.

Current techniques for SALW Marking

One of the most advantageous solutions would be to use a Laser (Light Amplification by Stimulated Emission of Radiation), which makes both relief- and depth-marking possible, depending on needs. Depth: 0.10 to 0.20 mm.
AMMUNITION MARKING

According to Article 7 for record-keeping purposes, and for cooperation and tracing following to Articles 12(3) and 12(4).

- The name of the manufacturer (or the acronym)
- The country of manufacture (or the acronym)
- The unique lot (batch) number

Other markings:
- the year of manufacture
- the calibre
- the type
- the name of the first purchaser
- the proof mark for quality control
- other markings, i.e. the presence of heavy metal ("L" for lead or "LF" for lead free)

Comprehensive Marking of ammunition

Current standards on marking of ammunition are insufficient to allow for reliable tracing. In the absence of legal obligations, manufacturers basically mark ammunition with the initials of the manufacturer, the calibre and year of production. Sometimes, even such basic information is absent.

Required additional information includes a unique lot-number of the ammunition round. Markings should be applied to both packaging (smallest packaging unit) of the ammunition and the ammunition round itself.
AMMUNITION MARKINGS

Example: Small Calibre Ammunition: (7.5 x 55mm)

- lot-number
- origin of brass material (cartridge case)
- manufacturer
- year of manufacture

Finland  Egypt  Iran

AMMUNITION MARKING: BRAZIL
(Law 10.836/03 - Army Regulation 16-DLOG, March 15, 2004)

- All ammunition manufactured or imported for use by the Armed Forces, by Federal, State or Municipal Police and Security Forces of Brazil, as well as by intelligence agents, must have individual marks (i.e. in each cartridge or round) that allow for the identification of the production lot and of the purchasing organization.

(source: Ministerio da Justiça – DARM – M. Dantas)
CARTRIDGE MARKING SYSTEM

This marking system was developed by private Brazilian manufacturer CBC (Companhia Brasileira de Cartuchos) in 2004 (technology of EDB Belgium), and was implemented in 2005, through on-line access to Federal Police and Army. During the assembly stage, Laser engraving produces an alphanumeric code on the groove of the cartridge, which protects the marking and render difficult removal – (source: Ministerio da Justiça – DARM – M. Dantas).

AMMUNITION MARKING IN OTHER COUNTRIES

Markings on the breech of a 5,56x45mm cartridge manufactured by INDUMIL/Colombia, for the Colombian Army. Lot number 149 identify a battalion. Source: Dirección Administrativa de Seguridad (DAS), Colombia
AMMUNITION MARKING
(Law 10.836/03 - Army Regulation -DLOG, January 1st, 2005)

> All ammunition sold in Brazil (including imported), must bear a barcode sign printed in the packaging unit (box) which allows for the identification of the manufacturer, the purchaser, the ammunition type and its production lot - (source: Ministerio da Justiça – DARM – M. Dantas).

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AMMUNITION MARKINGS

- Smallest packaging unit should be marked with necessary information (200 rounds package, lot 113/2003, box of 1000 rounds of 7,62x39mm).
TRANSPORT OF DANGEROUS GOODS

Ammunition and explosives, and firearms if transported with ammunition, are part of dangerous goods.


Criteria for which a certificate of conformity is delivered by the authorities under the supervision of control organisms: IBE (Belgium), BVT (France) and BM (Germany)

For commercial transactions but some countries like Serbia adopted them for their armed forces for tracing purposes
EXAMPLES OF POST MANUFACTURE MARKING (I)

1) **Nairobi Protocol and RECSA**
   - 31 marking machines for 11 countries to mark existing weapons and at time of import.
   - Stamping machines, 300 firearms per day capacity
   - 2 years to regularize the country
   - Cost: 20,000 USD including software and training.
   - An example would be ☛ BI 123456

EXAMPLES OF POST MANUFACTURE MARKING (II)

2) **South African Police Service (SAPS)**
   - SAPS has developed a mobile unit marking system.
   - Roll stamping machines with computer linked to the central firearms register
   - Marking at the Police unit
   - Machines manufactured in South Africa
   - Price: 10,000 USD.
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Firearms Tracing

Challenges and Opportunities

What is arms tracing?

• Arms tracing is about States and human security
• Powerful tool to prevent diversion to unauthorized or illegal end-users
• In the context of armed conflicts and criminality
• Poorly understood and implemented
  – National reports on International Tracing Instrument (ITI)
  – Cooperation with UN Sanctions Panels of Experts
What is arms tracing?

“What is arms tracing?

“Systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit.”

International Tracing Instrument, para.5.

What is arms tracing?

Main elements of arms tracing:
• Marking
• Record-keeping
• Cooperation

Added value of arms tracing:
• Identifying and disrupt illicit channels of procurement on a case-by-case basis
• Detect patterns of national and international trafficking
Marking / Record-keeping / Cooperation

Marking
• Regulatory framework
• Standard procedures
• Role of Proof Houses (in the context of CIP)
  – From safety to security
  – Identification marking
  – Registering the firearms
  – Maintaining a centralized database

Record-keeping
• Centralized, electronic, comprehensive and permanent database

• Crucial but neglected in the international debate
• National point of contact:
  – Clear mandate (sending and responding to tracing requests + reporting)
  – Sufficient staff, equipment and budget
• Cooperation at the national level
  – Different agencies with different objectives
  – Training and formalized procedures for exchanging information
• Cooperation at the international level
• Interaction with different actors (other States, UN Panels of Experts, INTERPOL, etc.)
Basic steps of a tracing operation

1. Identifying the illicit firearm(s) based on its physical characteristics and markings
2. National or international tracing operation
3. Precisely identifying the point of diversion of the firearm(s): when, where and under which circumstances?
4. Taking (legal) action

Group of Research and Information on Peace and Security

www.grip.org
Firearms Tracing: Opportunities and Challenges

SEESAC Seminar on Marking and Tracing of Firearms - 14 September 2010

In the last few weeks, Toyota and Ferrari had to recall some of their vehicles because of safety concerns. How did they do that? How do they manage to trace back all the potentially defected cars? Simply by picking their individual serial number. Based on this, they identified the car lots of concern and they went through their records to identify where these cars were manufactured and dispatched. Finally, they contacted the relevant retailers who were able to identify the vehicles location and to recall them.

The tracing of firearms and their ammunition is quite similar. The main difference is that, in this case, the issue is not only about safety. It is mainly about security, and more precisely about States and human security. Arms tracing is a powerful tool to combat and to prevent arms diversion to unauthorized or illegal end-users in the context of conflicts or criminality. However, while it is fundamentally as simple as car tracing, arms tracing seems to be poorly understood and implemented. Indeed, there is little evidence that the majority of States acknowledge what arms tracing is and how it can make the difference. For instance, few countries provide the United Nations with a report of their implementation of the International Tracing Instrument (ITI). Most of the time, these reports focus on the issue of marking (especially at the time of manufacture) and, to a lesser extent, on record-keeping. States rarely address other aspects, such as cooperation in tracing requests. To another degree, the level of cooperation with UN Sanctions Panels of Experts appears very low: for instance, in 2006-2007, only a third of their tracing requests were given a reply by States.

According to the ITI, arms tracing is the “systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit.” The three main aspects of arms tracing are marking, record-keeping and cooperation. Should one of these elements be missing, it is almost impossible to reliably identify the point of diversion from the legal to the illicit sphere.
The goal of arms tracing is two-fold. First, it helps identify and disrupt illicit channels of procurement on a case-by-case basis. In 2003, the UN Panel of Experts on Liberia found out that the belligerents were using brand new Serbian manufactured Zastava M70 assault rifles. It consequently launched a tracing request to the Serbian authorities. The government checked the serial numbers against its databases and informed the Panel that the rifles were manufactured in 2001 and 2002 (at the beginning of the arms embargo on Liberia) and that they were part of a shipment bound to Nigeria and brokered by a Belgrade-based company Temex. It appeared the company had forged the end-user certificate and the weapons never arrived in Nigeria. Later, the Serbian government took action by revoking all licences granted to Temex and telling military manufacturers to stop any cooperation with the company.

Arms tracing also embodies a broader dimension: the systematic tracing of firearms or ammunition allows to detect patterns of internal and international trafficking and to take action to prevent the repetition of diversion. In 2003, Brazil adopted a new federal law on disarmament. One of the reasons for this decision was that the tracing of ammunition seized in the hands of Brazilian criminals revealed it often originated from army or police stockpiles. The new law stipulates that the stamp on bullets of most calibers should include the lot number. It also establishes a compulsory electronic connection between the record-keeping databases of the army (which controls manufacture, imports and exports) and of the federal police (which is in charge of confiscated weapons and ammunition). By implementing more efficient marking and record-keeping measures and making the cooperation between agencies compulsory, the new law proved crucial in preventing new arms diversion from police and military stockpiles.

As I mentioned earlier, the three main elements of arms tracing are marking, record-keeping, and cooperation. An effective marking system implies the establishment of a regulatory framework and of relevant standard procedures applied to all firearms imported or manufactured or seized on the national territory. One agency, commonly used for safety purposes, can have a critical role in all the aspects of markings, including those related to security and, thus, to arms tracing: the proof houses. These institutions control the safety of manufactured and imported firearms and ammunition and, if the test is successful, put a proof mark on and register the weapon. Consequently, the firearms become traceable. In the 14 member States of the CIP (Permanent International Commission for the Proving of Small Arms), the mission of proof houses may be broader. These countries are parties to the 1969 Brussels Convention for the reciprocal recognition of proof marks on small arms. As a result, proof markings are compulsory for every firearm (caliber less than 35mm) introduced on their civilian market. These proof markings are mutually recognized by the member States. As this operation is obligatory and is duly recorded, the proof houses keep their own records of every SALW and ammunition in circulation in the national territory. Therefore, the proof houses are in a position to supervise and, if necessary, put identification
markings on every manufactured or imported firearms and ammunition. A further step is to mandate the agency to centralize the national record-keeping and to proceed to physical controls at the time of import or export (to check the conformity with the documents). Thanks to their expertise and privileged position, CIP proof houses have an important role to play in the context of arms tracing.

Secondly, States needs to maintain a centralized, electronic and permanent database keeping the records of all firearms, their parts and components and ammunition. This system ensures States are able to rapidly and accurately identify a registered item and to reply to a tracing request. In the case of separated registers (for instance, for the civilians and for the State firearms), it is vital to formalize the procedures of information exchanges between agencies in order to avoid misunderstandings and delays in the event of a tracing request.

The third element is cooperation. The international debate on arms tracing has neglected cooperation so far, probably because it is a less technical issue than marking and record-keeping and it is more difficult to address. However, without a proper cooperation among national agencies and between different countries, information will not circulate and the marking and the record-keeping will prove useless. The basis of cooperation is to designate, preferably within the police or the army, one national point of contact (NPC) on all matters relating to tracing. Its core responsibilities are sending and responding to national and international tracing requests and reporting on the implementation of the relevant international commitments. To carry out its task, the NPC needs a clear mandate (to trace illicit firearms in all relevant domestic registers), sufficient staff, equipment and budget. NPC staff has to be trained and provided with effective standard operating procedures. The challenges of cooperation at the national level are often underestimated. It involves different agencies with different competencies and objectives. Therefore, it is primordial for them to share a common understanding of arms tracing. In some cases, training and formalized procedures for exchanging information are needed. At the international level, the NPC should be capable of interacting with various instances: among others, other States, UN Sanctions Committees, INTERPOL, nongovernmental actors. International cooperation encompasses sending and replying to tracing requests but also reporting on the implementation of the ITI.

By combining these three elements, States are enabled to adequately proceed to a tracing operation. Typically, such an operation involves the following steps: 1°) identifying the illicit firearms based on its physical characteristics and markings; 2°) determining whether the firearms were diverted within the national territory (national tracing operation) or illicitly trafficked into the country (international tracing operation); 3°) accurately identifying when and where the firearms became illicit; and 4°) in the case of a successful operation, taking (legal) action against the persons responsible of the diversion and/or to prevent the repetition of similar diversion.
As for any other large and ambitious policies, an efficient national arms tracing architecture requires human, technical and financial resources (i.e. staff, markings machine, database, software, etc.). But at the end of the day, its success relies on a shared understanding by all stakeholders of the importance of arms tracing. Arms tracing is not about naming and shaming one State or one specific entity. It is about identifying the reasons and the actors responsible for a diversion in order to hold them accountable and to prevent the repetition of such a diversion. In this respect, it represents a very practical way of combating and preventing the illicit trade of firearms and their ammunition.

Cédric Poitevin
Session II: National implementation of marking and tracing regulations: achievements and challenges
**Measures Taken for the Control of Small and Light Arms in Albania**

- **In Albania**

- Fight against crime, and organised crime in particular, against all kinds of trafficking and improvement of public order and security in the country are the strategic priorities of the Republic of Albania, as a NATO member, and which has applied for candidate country status to the European Union.
Taking into consideration the great threat that small and light arms present:

- For the economic and social development of the country,
- For the continuous spread of criminal elements and organised crime,
- The negative effect on security and trust-building during the transitory period in the country’s path toward EU membership,

the Albanian Government has paid continuous attention by implementing the following measures:

1. **Collection of unlicensed arms and ammunition.**

   During the disorders of March 1997, nearly **1,300** army depots were looted which led to the possession by civilians of:

   - **549,775** small and light arms;
   - **893,301,038** various ammo;
   - **16,000,000** explosives.
To manage such a situation there were legal and sub-legal acts approved which provided for:

- Voluntary handover of arms and ammo,
- Mandatory collection of arms,
- Registration of arms and ammo possessed without a license,
- Amnisty for persons possessing unlicensed arms and willing to hand them over voluntarily within 31st May 2005,
- Measures to strengthen public order and prevent crime.

Structures for disarmament and collection of arms were established in the State Police which were tasked with the collection of unlicensed arms and ammo.

Cooperation with UNDP had a very positive impact on the collection of small and light arms, using the method Arms in return for Development by bringing together three principal elements:

- Raising public awareness.
- Collection of arms.
- Development activities.
The result of the work of the State Police in cooperation with other government structures and UNDP was the collection of:

- **218,075** small and light arms,
- **117** million ammo,
- **1,5** million engineer ammo.

---

**THE ARMS THAT ARE STOLEN AND COLLECTED UNTIL 2005**

- ARMS: 218075; 28%
- ARMS: 549775; 72%
**Measures Taken for the Control of Small and Light Arms in Albania**

**QUANTITY OF LOOTED EXPLOSIVES WHICH WERE COLLECTED UNTIL 2005**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,000,000</td>
<td>91%</td>
</tr>
<tr>
<td>1,500,000</td>
<td>9%</td>
</tr>
</tbody>
</table>

**STOLEN AND COLLECTED MUNITIONS UNTIL 2005**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,933,010,38</td>
<td>88%</td>
</tr>
<tr>
<td>117,000,000</td>
<td>12%</td>
</tr>
</tbody>
</table>
As a result of the work done by State Police structures for the prevention and reduction of fire-arm crimes, the numbers of fire arm killings from 1998 to 2009 have been continuously in decline.

In 1998 there were a total of 573 fire arm killings, in 2000 – 275 cases, in 2005 – 131 cases, while in 2009 - 82 cases which is 7 times lower than in 1998 , 3.3 times lower than in 2000 and 1.5 times lower than in 2005.

2. Strengthening of capacities of law enforcement institutions to guaranty public order.

Further strengthening of public order and security structures constitutes a priority for the Albanian Government.

Capacity of State Police structures to guaranty public order, prevent illegal possession of arms, fight fire-arm crime and arms trafficking.
• Measures Taken for the Control of Small and Light Arms in Albania

**THE TABLE OF MURDERS WITH FIRE ARMS**


- 1998: 573
- 2000: 275
- 2005: 131
- 2009: 82
According to the Criminal Code, persons who illegally possess arms are subject to criminal prosecution.

During the years 2000 – 2009 State Police structures have arrested 3959 persons for illegal possession of arms.
From 2001 and on, State Police has established specialised anti-trafficking structures at the central and local level.

Albania is party to many regional initiatives on anti-trafficking, border security and organised crime. There has been a successful and effective exchange of information on trafficking of small and light arms.

During 2002 – 2009 State Police structures have hit 34 cases of trafficking of small and light arms.
3. Implementation of the legal acts to issue arms to civilians as well as their registration.

- Pursuant to the law no.7566, dated 25.06.1992 “On arms”, Public Order Organs provide fire-arms to persons exercising government and party duties, and also to some other persons like: employees of Private Security Companies, individuals appointed by the banking system bodies, employees of the forest service, customs, municipality police, tax and construction inspectorate, state audit.

State Police keeps and administers in special registers all data on persons possessing fire-arms, as follows:

- Police Commissariats keep and administer statistics on all persons provided with fire arms, hunting rifles, their ammo, sport rifles, their ammo, as well as on hunting rifles and their ammo administered by persons licensed according to the law no.7566, dated 25.06.1992 “On arms” to sell hunting rifles and other hunting materials at a district level.
Regional Police Directorates keep and administers statistics on all fire arms, hunting and sport rifles and respective ammo, which have been provided to citizens in accordance with the law no. 7566, dated 25.06.1992 “On arms”, at a regional level.

The General Directorate of Police keep and administers statistics on all fire arms, hunting and sport rifles and respective ammo, which have been provided to citizens in accordance with the law no. 7566, dated 25.06.1992 “On arms”, at a regional police directorate level.

Furthermore, the General Directorate of Police keeps and administers statistics on foreign citizens (type of fire arm, ammo) representatives of Police Missions assisting State Police, on foreigners (type of hunting rifle and ammo) entering the Republic of Albania for tourist hunting, type and quantity of fire arms provided to security companies as well as statistics on all businesses licensed by the State Police to sell hunting rifles and other hunting materials.
### Quantities of Armament in Stock in the State Police

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Unit</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pistol 7.62mm M-54</td>
<td>Piece</td>
<td>2887</td>
</tr>
<tr>
<td>2</td>
<td>Pistol of cal.6.35-11.4</td>
<td>Piece</td>
<td>2282</td>
</tr>
<tr>
<td>3</td>
<td>Pistol 26mm target-marking</td>
<td>Piece</td>
<td>332</td>
</tr>
<tr>
<td>4</td>
<td>Pistol 5.6mm with knife</td>
<td>Piece</td>
<td>229</td>
</tr>
<tr>
<td>5</td>
<td>Various revolvers</td>
<td>Piece</td>
<td>235</td>
</tr>
<tr>
<td>6</td>
<td>Submachine 7.62mm M-56</td>
<td>Piece</td>
<td>8310</td>
</tr>
<tr>
<td>7</td>
<td>Trophy Rifles of various cal.</td>
<td>Piece</td>
<td>3560</td>
</tr>
<tr>
<td>8</td>
<td>Machine gun of various cal.</td>
<td>Piece</td>
<td>368</td>
</tr>
<tr>
<td>9</td>
<td>G.L.K.T. (anti-tank)</td>
<td>Piece</td>
<td>78</td>
</tr>
<tr>
<td>10</td>
<td>Land-air Missile</td>
<td>Piece</td>
<td>4</td>
</tr>
</tbody>
</table>

**Total - PISTOLS:** 2106 Pieces

**Submachine rifles:** 930 Pieces

**Hunting rifles:** 86,471 Pieces

**Pistols Sp.:** 178 Pieces

**Rifles Sp.:** 171 Pieces
Registration of arms demands the introduction of a computer system at the central level, ASP HQ, and also at local level, in the Commissariats, police stations and in the Regional Police Directorates.

Furthermore, marking of arms need be done at the General Directorate of State Police and also in the Regional Police Directorates and Commissariats/police stations.

In conclusion, I would like to point out that control and marking of small and light arms is one of the priorities of the Albanian State Police, and the realisation of this process demands among other things also the necessary financial funds to be invested in the computerisation of the arms’ registration and marking system, as well as the strengthening of cooperation especially at a regional level. This Workshop organised by SEESAC and with the support of the EU, is a good development in this direction.
THANK

YOU
PROVEDBA PROPISA ZA OZNAČAVANJE I PRAĆENJE - postignuća i izazovi

ISKUSTVA
BOSNE I HERCEGOVINE

Karahodžić Damir

MEĐUNARODNI PROPISI
NACIONALNI PROPISI
PRINCIPI NACIONALNIH PROPISA
POSTUPCI ZA RAD NA ISPITIVANJU, ŽIGOSANJU I OZNAČAVANJU
USLOVI ZA OBAVLJANJE POSLOVA ISPITIVANJA, ŽIGOSANJA I OZNAČAVanja
NADLEŽNOSTI ORGANA BiH
ISKUSTVA NA OZNAČAVANJU
PRAĆENJE I KONTROLA
PRIMJERI
Bosna i Hercegovina je ratifikovala i prihvatila:

- Protokol protiv nezakonite proizvodnje i trgovine vatrenim oružjem, njegovim dijelovima i municijom, 01. Aprila 2008. godine.
- Kao članica OSCE BiH primjenjuje dokumente koji se odnose na malo i lako oružje

Zakon o ispitivanju, žigosanju i obilježavanju ručnog vatrenog oružja i municije (Sl.glasnik BiH broj 21/03)

- Pravilnik o postupku za ispitivanje, žigosanje i obilježavanje ručnog vatrenog oružja, municije i ručnih aparata i naprava (“Sl. Glasnik BiH” br:61/07 i 42/09)
- Pravilnik o uslovima koje moraju ispunjavati privredna društva-preduzeća, ustanove ili laboratorije za ispitivanje, žigosanje i obilježavanje ručnog vatrenog oružja, municije i ručnih aparata i naprava (“Sl. Glasnik BiH” broj 61/07)
• Ispitivanju, žigosanju i obilježavanju podliježe:
  - ručno vatreno oružje proizvedeno ili uvezeno u BiH,
  - oružje kod koga su prepravkom zamjenjeni i izmjenjeni bitni konstruktivni dijelovi
  - obaveze entitetskih i kantonalnih organa
  - izuzeci

Ispitivanje ručnog vatrenog oružja
- Obim kontrole
- Dijelovi vatrenog oružja koji podliježu tormentaciji
- Klase i kategorije ručnog vatrenog oružja
  - Klasa A – 5 kategorija
  - Klasa B – 5 kategorija
  - Klasa C – oružje specijalnog tipa
- Obim tormentacije zavisi od klase i kategorije ručnog vatrenog oružja
• Označavanje oružja proizvedenog u BiH, u cilju njegove identifikacije i praćenja.
• Ispitivanje i žigosanje ručnih aparata i naprava kod kojih se za pogon koristi energija barutnih plinova.
• Ispitivanje i žigosanje prepravljenog oružja
• Ispitivanje i obilježavanje municije i elemenata municije.

Tehnike označavanja
• BiH za označavanje koristi alfanumeričke znakove, koji su lako prepoznatljivi i stalne prirode

Oznake se nanose metodom:
- hladnog utiskivanja
- graviranja
- žigosanja
- u procesu livenja
• Tehnička opremljenost
  - Odgovarajuće prostorije za ispitivanje, žigosanje i označavanje
  - Odgovarajući uređaji i oprema
  - Posebne prostorije za smještaj i čuvanje oružja, municije i baruta.

• Kadrovska osposobljenost
  - Potreban broj radnika sa odgovarajućom stručnom spremom i radnim iskustvom na poslovima u oblasti industrije naoružanja.
Ministarstvo vanjske trgovine i ekonomskih odnosa
- donosi podzakonske propise
- propisuje žigove i oznake
- donosi rješenje o ovlaštenju za vršenje poslova ispitivanja, žigosanja i obilježavanja
- daje saglasnost na cjenovnik usluga

Institut za akreditiranje BiH
- izdavanje akreditacija o osposobljenosti vršenja ispitivanja, žigosanja i obilježavanja
- vršenje nadzora nad akreditovanim licima u smislu permanentnog ispunjavanja uslova za rad
- oduzimanje akreditacije za rad
• Inspekcijski nadzor nad proizvođačima NVO
• Stalni nadzor nad proizvođačima NVO
• Nadzor nad vanjskotragovinskim prometom roba i usluga od posebnog značaja za sigurnost BiH
• Nadzora nad akreditovanim licima za označavanje
• Kontrola i evidentiranje entitetskih i kantonalnih organa unutrašnjih poslova
• Evidencija proizvođača NVO
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<td>&quot;TEHNIČKI REMONT &quot; A.D. BRATUNAC</td>
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BA TRB G10 000001

HVALA NA PAŽNJI!

P I T A N J A ?

www.mvteo.gov.ba
OBILJEŽAVANJE I PRAĆENJE VATRENOG ORUŽJA

iskustva Republike Hrvatske


ZAKONSKA REGULATIVA

“Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”

United Nations, Resolution adopted by the General Assembly, June 2001

“Zakon o potvrđivanju Protokola protiv nezakonite proizvodnje i trgovanja vatrenim oružjem, njegovim dijelovima i komponentama te streljivom, kojim se dopunjuje Konvencija UN protiv transnacionalnoga organiziranog kriminaliteta”

Narodne novine, Međunarodni Ugovori 11/2004
Članak 22.

Nadležno tijelo odbit će izdati oružni list za oružje koje nije označeno žigom ili obilježeno u skladu s propisima o prokušavanju, označavanju žigom i obilježavanju ručnog vatrenog oružja

Članak 83.

Proizvedeno oružje, mora biti ispitano i označeno jedinstvenom oznakom koja sadrži ime proizvođača, naziv zemlje u kojoj se proizvodi i serijski broj.
Označavanje oružja

(ime proizvođača)

Označavanje oružja

(naziv zemlje u kojoj se proizvodi)
Serijski broj

Označavanje oružja
(kalibar pištolja)
Označavanje oružja
(torrentacijska oznaka)

Tormentacijska oznaka (interni žig kojim se potvrđuje da je obavljeno prokušavanje oružja pojačanim nabojom P+30%)

Označavanje oružja

Temeljem čl.66 Zakona o oružju (NN 63/2007) tvrtka HS Produkt dobila je od Ministarstva unutarnjih poslova odobrenje za obavljanje djelatnosti proizvodnje oružja

Kao izvoznik oružja za poznatog kupca u SAD sve proizvedeno oružje, prije stavljanja u promet, podvrgava ispitivanjima prema SAAMI-u i pravilima „BATF“-a o uvozu u SAD.

SAAMI - Sporting Arms and Ammunition Manufacturers' Institute
BATF – Bureau of Alcohol, Tobacco, Firearms and Explosives
Označavanje oružja
(naziv uvoznika i adresa)

Adresa i ime uvoznika se ne stavlja na pištolje koji nisu namijenjeni za izvoz u SAD

Uzimanje otiska oružja

“Zakon o oružju” Narodne novine 63/2007 i 146/2008

Članak 85.

Fizičke i pravne osobe koje imaju registrirano oružje u RH, dužne su omogućiti MUP-u uzimanje otiska oružja (mehanički trag) radi unosa otiska u propisanu evidenciju. Za uzimanje otiska ne naplaćuje se naknada.
Uzimanje otiska oružja

IBIS (International Balistic Identification System)

Praćenje serijskih brojeva proizvedenih pištolja
**Određivanje serija**

Sparivanje serija vrši se na način da se SB glavnih dijelova (artikala) sparujemo sa SB gotovog proizvoda (pištolja).

**Sparivanje serijskih brojeva**

Sparivanje brojeva po komponentama pištolja određuje se u programu za obradu i praćenje serijskih brojeva. Sparivanje brojeva vrši se na način da SB glavnih dijelova (artikala) sparujemo sa SB gotovog proizvoda (pištolja).
Otprema serijskih brojeva

- Prilikom sparivanja brojeva (odnosno pakiranja samog pištolja) svakom pištolju određuje se redni broj sparivanja i broj paketa u kojemu se isti nalazi, što kasnije pomaže kod otpreme pištolja (specifikacija brojeva/paking lista)
- Otpremati se mogu samo oni pištolji koji su spareni sa svim podređenim SB i koji se nalaze na zalihama

PITANJA ?
Dear Ladies and Gentlemen,

On behalf of my colleagues and my own, I would like to express the pleasure we find in the fact that we have been invited to this gathering, which will help us not only to exchange experiences but also to gain new experience necessary in the further process of EU accession.

I would like to inform you that the issues of small arms and light weapons in Montenegro, or else acquisition, holding, carry, production, trade and transport of weapons and ammunition, as well as handling weapons, have been regulated by the following legislation:

- Law on Weapons («Official Journal of RMNE», No.49/04),
- Law on Amendments to the Law on Weapons («Official Journal of RMNE », No.49/08) and transposition regulations as follows:
  - Rulebook on the forms and manner of weapons and ammunition accounting («Official Journal of RMNE », No. 02/05),
  - Rulebook on the forms of documents related to weapons and ammunition («Official Journal of RMNE », No. 02/05 and 35/08),
  - Rulebook on the spatial and technical conditions for safe production and storage of weapons and ammunition («Official Journal of RMNE », No. 02/05),
  - Rulebook on the programme and method of training for holding, carry and proper use of firearms («Official Journal of RMNE », No.05/05).

In accordance with the Law on Weapons, small arms and light weapons have been provided under Article 2, which defines weapons as firearms, air weapons, gas weapons and signalling weapons, as well as fragmentation weapons.

Control over small arms and light weapons is at the moment exerted through procedures regulated by the Law on Weapons, by issuing the respective document (weapons registration card and a concealed carry permit); the same law provides for the entry of data on the weapons and the owner, or user of the weapons in the official records (records on issued weapon and ammunition acquisition cards, issued weapon registration cards and concealed carry permits, issued permits for collection of weapons, as well as on the seized, found and surrendered weapons). As above, a natural person should fulfill the following formal requirements, such as:
1) that the person is 21 or more;
2) that the person has not been convicted of a crime prosecuted ex officio or that he/she has not been taken to court for such a crime;
3) that the person has not been penalized for a minor offense, or that he/she is not subject to misdemeanor proceedings related to weapon misuse;
4) that there are no other circumstances leading to a potential misuse of weapons, especially the following: frequent and excessive alcohol consumption, heavily disturbed family relations or professional relations; infringements of hunting or sports shooting regulations and so forth;
5) that the person has a justifiable reason to acquire a weapon (if personal security is in danger, or if he/she is engaged in hunting/sports shooting);
6) that a medical examination has confirmed that the person in question is medically fit to hold and carry weapons;
7) that the person is trained to handle arms and that he/she knows the regulations related to holding and carry of weapons.

The law provides for an firearms acquisition permit for commercial societies and entrepreneurs who perform the tasks of physical security and protection of facilities and property and for the activities of shooting organizations, provided that they have the premises for safe storage and keeping of weapons. A commercial society or entrepreneur who manage a hunting area may lend hunting weapons and ammunition to members of local and international hunting organizations who have a hunting license, for the purpose of shooting game in a specific period of time and in a specific hunting area. The members of international hunting organizations may entrust their personal weapons, which they have brought to Montenegro for hunting purposes, to be safeguarded by a legal entity on the basis of a written agreement, for a maximum one year from the day of handing over the weapons.

We wish to recall the fact that the Montenegrin Law on Weapons, in accordance with the European legislation, has also regulated the type of weapons whose acquisition, holding, carry, production, repair, modification, trade and transport are forbidden, such as all the types of automatic weapons, telescopic sights with light beam or with electronic light amplification devices or infra-red devices, fragmentation weapons etc.

Also, the Law has defined special categories of weapons according to their intended use and special types. A concealed-carry of weapons has been banned.
The Government of Montenegro passed in 2005 « the Strategy for the Control of Small Arms and Light Weapons (SALW) »; a National Commission was also established for the purpose of implementation of the Strategy.

By adopting the National Strategy, Montenegro created the necessary preconditions for the establishment of a unique national system of control and reduction of numbers of small arms and light weapons, and thus contributed to an increased level of general security. However, expected results have not been achieved in the process of implementation of the Strategy, which will lead to drafting of the new strategy and establishment of a new commission.

With the view to comprehensive dealing with weapons and ammunition, in terms of acquisition, carry, production, trade and transport, Montenegrin legislation defines weapons not only under the provisions of the Law on Weapons, but by a set of other laws such as the Law on Foreign Trade in Weapons, Military Equipment and Dual-use Goods (« Official Journal of MNE », No.80/2008), as well as by transposition regulations. Accordingly, the Government of Montenegro, following a proposal by the ministry in charge of foreign trade deals – the Ministry of Economy, passes and updates the National Control List of Weapons and Military Equipment and the National Control List of Dual-use Goods, with the goal of harmonizing the national legislation with the European Union legislation; introducing sanctions against specific countries, entities and persons or for the purpose of implementing conventions in the field of arms control and technology transfer control; in the interest of defense and security of Montenegro; in order to control the trade in goods which are or may be totally used for development, production, handling, operation, maintenance or servicing, accumulation, storage, identification, testing, proliferation or spread of chemical or biological weapons, nuclear weapon or other atomic warheads or else for the purpose of development, production, maintenance or servicing, testing, proliferation or spread of projectiles or launchers of such weapons; and finally, to control the trade in arms, ammunition or explosive ordnance and other goods which have been fabricated and designed for military purposes.

With the view to achieving strategic interests of Montenegro in this area, first of all reducing small arms and light weapons and destroying accumulated weapons that are a result of past events and circumstances in the territory of ex-Yugoslavia, to tracking and accounting weapons in a precise manner, for the purpose of preventing their potential misuse and finally with the goal of improving internal security and stability both of the Montenegrin state and the countries in the region and worldwide, it is essential to provide institutional and technical preconditions and frameworks for imposing strict controls over production and trade in small arms and light weapons.
In implementing and conducting activities aimed at easier tracking and marking of each produced and imported firearm and in the process of drafting new legal projects planned in this area, Montenegro will observe the provisions related to marking of firearms and weapons accounting which are prescribed by the “The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”, supplementing the United Nations Convention against Transnational Organized Crime. Moreover, in the tradition of fruitful cooperation with international institutions and SEE countries Montenegro will give its full contribution and accept suggestions and experience of the existing instruments for tracking and marking of produced and imported firearms.

Finally, I would like to take the occasion to inform you that the Ministry of Internal Affairs and Public Administration of Montenegro, in cooperation with the United Nations Development Programme (UNDP), will sign a Memorandum on Understanding between the Ministry of Internal Affairs and Public Administration of Montenegro, United Nations Development Programme (UNDP) and Organization for Security and Cooperation in Europe (OSCE), related to capacity building of the law enforcement authorities in the field of control and reduction of small arms and light weapons (SALW). Also, a joint SALW Control Project will be drafted.

By signing the project Montenegro will benefit from:

- the recruitment of international experts and consultants in the process of drafting the amendments to the Law on Weapons, especially as regards harmonization with the European legislation, with a special emphasis on the fact that in the amended text of the Law there will be provisions regulating the legalization of weapons in illegal civilian possession;

- installation of the new databases (software and hardware) for keeping records required for the implementation of the Law on Weapons and the respective by-laws, and introduction of procedures and standards harmonized with European standards and examples of best practice;

- launching a public awareness campaign;
- registration of weapons in accordance with the European standards;
- collection of weapons in illegal civilian possession and their destruction;
- prevention of armed violence, especially by implementing the project «Community Policing», with active participation of the Police Administration.
The long-term goal of signing the project and setting up the National Commission is the establishment of a unique national system for control and reduction of small arms and light weapons that are in civilian possession and under control of the police, army and other authorities, and thus the creation of the conditions for a favourable security situation in Montenegro, along with active participation with international organizations, inter-agency cooperation and cooperation with the civil society.

Thank you for your attention!
Жигосување и обележување на огнено оружје

Правна рамка

Закон за испитување и жигосување, односно обележување на огнено оружје и муниција

(Сл. Весник на Р. Македонија бр 25/2010)
Законот е усогласен со:

- UN Firearms Protocol, ратификуван е од страна на Р. Македонија во 2007 година.

- Директивата 2009/51/EC за изменување и дополнување на директивата за контрола и набавување и поседување на оружје 91/477/EC

Законот не се применува за огнено оружје и муниција во:

Министерство за одбрана
Армијата на Република Македонија
Министерство за внатрешни работи
Казнено поправни установи
Други државни органи и правни лица утврдени со посебни прописи

* Оружјето од наведените установи доколку се трансферира за трајна граѓанска употреба задолжително подлежи на жигосување односно обележување
Огнено оружје и муниција кое подлежи на испитување и жигосување, односно обележување

Оружје и муниција произведено во Р. Македонија пред негово пуштање во промет
Оружје и муниција увезено од страна на правни и физички лица

* Министерството за внатрешни работи издава дозволи за оружје и дозволи за поседување на оружје издава само за огнено оружје кое е испитано и жигосано, односно обележано

Не подлежи на испитување и жигосување, односно обележување

Оружје увезено, односно внесено од странство кое веке е испитано и жигосано на начин и постапка утврдени со меѓународна спогодба за воспоставување на еднобразни постапки за заемно признавање на официјалните ознаки за испитано огнено оружје.
- Оружјето и муницијата увезени исклучиво за истражувачки и студиски цели.
- Оружјето и муницијата која транзитира преку територијата на република Македонија
Правните овластени лица, испитување и жигосување, односно обележување вршат изключиво по поднесен писмено барање.

За испитување и жигосување, односно обележување се наплаќа надоместок според тарифа која ја пропишува Министерството за економија во согласност со Министерството за внатрешни работи.

Испитувањето на огненото оружје и муниција се врши заради:

Проверување на правилноста на функционирањето на оружјето и муницијата.
Проверка на исправноста на поедини составни делови на оружјето.
Контрола на издржливоста на главните делови на оружјето под притисок.
Потврда на исправноста и квалитетот согласно со меѓународните стандарди.
Безбедност во прометот со оружјето и муницијата при нивната употреба.

* За испитаното оружје се издава писмена потврда која содржи податоци за видот на испитаното оружје, отпечаток на втиснатиот жиг и податоци за притисокот под кој се испитувани деловите на оружјето.
Жигосување и обележување на огненото оружје

- Жигосување се врши на огнено оружје за кое со испитување е утврдено дека е исправно и со деклариран квалитет.
- Правните и физичките лица кои извршиле увоз на оружје и муниција во рок од 15 дена, од денот на увозот должни се да го достават оружјето и муницијата заради обележување на оружјето и муницијата.
- Ознаките за жигосување и обележување се втиснуваат на главните делови од оружјето.
- Ознаката за обележување на оружјето ја содржи интернационалната ознака на државата во која се увезува оружјето и годината на увоз на оружјето.

Обележување на муницијата

Обележувањето на муницијата се врши така што во секое пакување на муниција од истата серија, за која со испитување на мостри е утврдено дека ги исполнува пропишаните услови се става писмена потврда за извршеното испитување и на секое пакување се става пропишана етикета (бандерола).

Потврдата за извршено испитување на муницијата содржи:
- Податоци за видот на испитаната и обележаната муниција
- Определен знак за односниот вид муниција
Надлежности на Министерството за економија

• Министерството за економија води централизиран регистер за извршеното испитување, жигосување односно обележување на огненото оружје и муниција.

• Министерството за економија може да обезбеди ангажирање на странско правно лице во случај кога на домашното правно лице му е одземено овластување за вршење на дејност, до издавање на овластување на друго правно лице.

НАДЗОР

• Инспекцискиот надзор во спроведувањето на одредбите од овој закон го врши Државниот пазарен инспекторат.

• Непочитувањето на одредбите од законот претставуваат прекршоци за што се пропишани глоби за прекршителите.
Тековни активности

- Формирана е работна група за изработка на подзаконските акти.
- Се врши компаративна анализа на постоечките прописи и решенија за оваа проблематика во регионот и пошироко.
- Се анализираат практичните искуства во имплементацијата на прописите за оваа проблематика во регионот и пошироко.

Следни активности

1) Изработка на правилник за начинот на испитување и жигосување односно обележување на огнено оружје и муниција.
2) Изработка на правилник за жиговите и знаците за жигосување односно обележување како и формата и содржината на потврдите и етикетата (бандеролата).
3) Изработка на правилник за условите во поглед на материјално-техничките капацитети и стручниот кадар за вршење на дејноста испитување и жигосување, односно обележување што мора да ги исполнуваат овластените правни лица за вршење на оваа дејност.
4) Изработка на правилник за висина на трошоците за испитување и жигосување, односно обележување на оружјето и муницијата.
5) Изработка на Правилник за обрасците за потврдите кои ги издава овластеното право лице за испитување и жигосување, односно обележување на оружјето и муницијата и за начинот на водењето на регистрите.
Прашања