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ENGLISH only



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE EUROPOS SAUGUMO IR BENDRADARBIAVIMO ORGANIZACIJOS**

**PERMANENT REPRESENTATION OF THE REPUBLIC OF LITHUANIA
TO THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

No. 1.1.3. - 373

The Permanent Mission of the Republic of Lithuania to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour, with reference to the Decision 17/10 of the Forum for Security Cooperation, to submit Lithuania's One-off Information Exchange on present Regulations concerning Brokering Activities with Regard to Small Arms and Light Weapons.

The Permanent Mission of the Republic of Lithuania to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to the Missions and Delegations accredited to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 29 June



To:

All Missions and Delegations to the OSCE
The Conflict Prevention Centre
VIENNA



*) Change of distribution status, text remains unchanged

One-off Information Exchange on Present Regulations Concerning Brokering Activities with regard to Small Arms and Light Weapons (FSC.DEC/17/10)

Reporting state: Republic of Lithuania

Reporting period: 2010

Question	Sources	Question	YES	NO
1	PoA II.14	Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?	x	
2		<p>List laws and/or administrative procedures regulating SALW brokering in your country.</p> <ul style="list-style-type: none"> - Law on the Control of Weapons and Ammunition (LCWA) (last amended on 1 March 2011 – No XI-1146) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=387017 (Lithuanian) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=365738 (English, amendments till 14 January 2010) - Law on the Control of Strategic Goods (LCSG) (last amended on 2 February 2010 – No X-1022) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=365106 (Lithuanian) http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=275795 (English, amendments until 6 April 2006) - Resolution of the Government of the Republic of Lithuania on the Transportation of Weapons and Ammunition (last amended on 1 July 2010 - No. 665) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=377342 - Resolution of the Government of the Republic of Lithuania on the Approval of Rules on Registration of Brokers Trading in Weapons, Ammunition and their parts and Granting Permits to Engage in Brokering Activities to Foreign Producers, Importers, Exporters, Traders and Buyers of Weapons, Ammunition and their parts (RRB) (last amended on 24 September 2008 – No. 668) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=328156 - Order of the Police Commissioner General of the Republic of Lithuania No. 5-V-166 of 28 February 2011 on Regulations of the Civil Circulation of Arms and Ammunition held by Legal Persons (last amended on 19 April 2011 – No. 5-V-345) http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=393695 http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=397361 (amendments) 		
3	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?	x	
		<p>Under the LCWA, brokering of weapons of all categories, ammunition for them and weapon accessories, components of weapons and ammunition are controlled by the Police Department under the Ministry of the Interior.</p> <p>Under the LCSG, the Ministry of Economy, in conjunction with other State institutions and agencies, is in charge of the brokering in items included into the Common Military List.</p>		
4	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?	x	
4a		Under the LCSG, brokering means the negotiations conducted, the arrangement and execution of the transactions by the natural and		

		<p>legal persons resident or registered in the Republic of Lithuania and by subsidiaries of foreign legal persons and other organizations under which the goods included in the Common List of Military Equipment can be transferred outside the territory of the Republic of Lithuania, the territory of another Member State of the European Union or a non-Member state to any other non-Member state.</p> <p>Under LCWA, brokers, who wish to assist in trading civil circulation weapons (category B, C, D) (except short firearms), should be registered at the Police Department.</p>		
5		Does your country require brokers to register before they can apply for brokering licences?	x	
		Under the LCWA brokers must, in a manner prescribed by the Government, register themselves at the Police Department under the Ministry of the Interior. Only a natural person of Republic of Lithuania or the Member States of the European Union or the European Economic Area or entity established in the Republic of Lithuania or established in the Member States of the European Union or the European Economic Area can be registered as broker.		
6		Does your country require a licence to engage in brokering activities?	x	
		Each broker registered at Police department must get a permit for each brokering transaction from one third country to another third country.		
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences?	x	
		Under RRB, person or company should present documents of its identification, certificates, which confirm, that person or responsible person of the company has not contracted certain diseases or has some physical disabilities hindering the right use of arms, or is not entered into the records of a health care institution because of his alcohol or drug addiction, or is not under the supervision of a health care institution because of his mental disease or disorder. Information on that, as well as information of impeccable reputation of broker (including illicit activities), is taken into account before registration.		
8	PoA II.14	Does your country keep a register of SALW brokers/traders?	x	
		Data of brokers are kept in the internal computerized database at the Police Department under the Ministry of the Interior. There are registered 25 brokers in Lithuania.		
9	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?	x	
		Each broker, who wishes to import or export weapons, ammunition for them and weapon accessories, components of weapons and ammunition on territory of Lithuania must obtain a permit.		
10		Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?	x	
		Each broker registered at Police department must get a permit for each brokering transaction from one third country to another third country.		
11		Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory?	x	
		Each broker registered at Police department must get a permit for each brokering transaction from one third country to another third country.		
12	BPG, Brokering, V (1)	<p>What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction?</p> <p>Broker must get a permit or prior consent for each brokering transaction in all cases if:</p> <ul style="list-style-type: none"> - broker is registered in Lithuania; - brokering transaction will be executed through the territory of the 		

		Republic of Lithuania.		
13	BPG, Brokering, V	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?		x
13(a)	(5(i))			
14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction? For individual activity broker a one-time permit is required for the transfer weapons of category B, C, D for each transaction. The Police Department under the Ministry of the Interior is authorized to issue such permits.	x	
15	GGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?	x	
		Permit is needed for each brokering activity.		
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?		x
16a				
17		What are the criteria for granting a licence, permit or other authorization?		
17a		In order to be issued a permit a brokers should provide: 1) Application form that must include all relevant information needed to verify the licensing conditions: data on applicant, seller and purchaser and description of goods (including weapons data and value of contract). 2) Written contract with a client for the representation of the interests of a manufacturer, importer, exporter, trader or buyer. 3) End-use documentation (only for export to non Member States of the European Union or the European Economic Area). A permit is refused if: 1) Issuance thereof is in contravention of international treaties of the Republic of Lithuania, sanctions implemented under the Republic of Lithuania Law on the Enforcement of Economic and Other International Sanctions, criteria and principles of the EU Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, provisions of international non-proliferation regimes and foreign policy and state security interests of the Republic of Lithuania; 2) Necessary documents are missing or incorrect; 3) Submitted information is erroneous; 4) Brokering licence is suspended; 5) Broker's registration is terminated.		

QUESTIONNAIRE (continued)

Question	Sources	Question	YES	NO
18	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible?		x
18(a)		If yes, under which conditions? [type text]		
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?	x	
19(a)		The authenticity of documentation submitted by the broker can be validated through exchanging information with relevant countries or institutions and forensic expertise.		
20	FSC.DEC/8/04	Does your country keep records of all licences or written authorizations issued?	x	
20(a)		If yes, how long are the records kept for?		
		(a) 10 years		
		(b) Indefinitely		
		(c) Other (at least 75 years)	x	
21	BPG, Brokering, V (4(ii))	Does your country require brokers to report regularly on their activities?	x	
21(a)		Under the LCWA, broker should provide a yearly report to the Police Department under the Ministry of the Interior on the parties of the transactions, their addresses, weapon types and quantities.		
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country?	x	
		Illicit brokering or violations of brokering controls may be qualified as a criminal offence and punished with up to 3 years imprisonment (Criminal Code, Article 253 ¹ „Illicit brokering on the transfer of the military equipment to a state non-Member State of the European Union “). Smuggling may be punishable by up to 10 years of imprisonment (Criminal Code, Article 199 “Contraband through state border”)		
23		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration?	x	
		Relevant legislation does not establish a specific procedure for information sharing in case of brokering. Conventional information exchange channels can be used on a case by case basis.		
24		Does your country regulate activities that are closely associated with the brokering of SALW?	x	
24(a)		If so, which of the following activities are regulated (check relevant boxes)?		
		(a) Acting as dealers or agents in SALW	x	
		(b) Providing for technical assistance	x	
		(c) Training	x	
		(d) Transport	x	
		(e) Freight forwarding	x	
		(f) Storage	x	
		(g) Finance		
		(h) Insurance		
		(i) Maintenance		
		(j) Security		
		(k) Other services		
25		Are these activities regulated by legislation on brokering or any other legislation?		
		Such activities are regulated by LCWA and LCSG.		

26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities?		
		<p>Brokering transaction made in Lithuania without permission, when such permission is necessary is qualified as administrative offence and can be punished by a fine of up to 3000 LTL with confiscation of goods (Code of Administrative Offences, Article 173).</p> <p>Violation of the rules of arms trade, arms record keeping or order of arms storage or carrying is qualified as administrative offence and can be punished by a fine of up to 600 LTL (Code of Administrative offences, Articles 165, 196 and 196¹).</p> <p>Illicit brokering or violations of brokering controls may also be qualified as a criminal offence and punished with up to 3 years imprisonment (Criminal Code, Article 253¹ „Illicit brokering on the transfer of the military equipment to a state non-Member State of the European Union “).</p> <p>Smuggling may be punishable by up to 10 years of imprisonment (Criminal Code, Article 199 “Contraband through state border”)</p> <p>Certificates of the registered brokers can be cancelled by Police department if:</p> <ul style="list-style-type: none"> - broker deals with entities, which have no right to buy, import or export arms - reasoned proposal to cancel certificate is received from a territorial police institution, claiming that a broker has violated relevant legislation. 		
27	PoA II.14	If the answer to question 1 is “no”, does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?		x
28		What kind of assistance do you require?		n/a
29		Has your country developed a project proposal for assistance?		n/a
29(a)		Does your country require training on controlling brokering activities in SALW?	x	
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?		x
30(a)				
31		Is your country content for these replies to be published on the OSCE website?	x	