

# Report

## **On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

31 January 2010

**Reporting country:** Republic of Lithuania

**Reporting period:** 2008-2009

The United Nations (UN) Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects (PoA) is a centerpiece of the efforts by the international community to tackle and prevent the suffering caused by the global illicit spread and accumulation of arms.

This report presents the administrative structure and legal framework currently in force in the Republic of Lithuania as well as progress in implementing the PoA.

Following the request from the Office for Disarmament Affairs, the first chapter of the report covers Lithuanian implementation of the International Tracing Instrument (ITI) and the second chapter deals with the UN PoA.

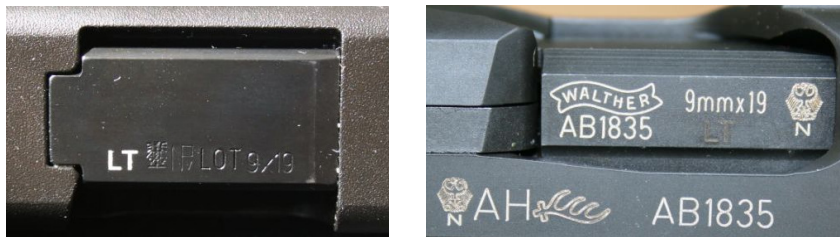
## CHAPTER I. INTERNATIONAL TRACING INSTRUMENT

Lithuania has been supporting the development of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument – ITI) from the start of the process. We are convinced that a comprehensive and universally implemented international instrument dealing with marking and tracing of SALW would effectively contribute to achieving goals of the UN PoA.

We have actively engaged in the process of negotiating and adopting the ITI. Lithuania has been elected Vice-President of the Open-ended Working Group to Negotiate the ITI and co-sponsored the draft General Assembly Decision 60/519, by which the ITI was adopted.

After adoption of the ITI and during preparations to report on its implementation, relevant states authorities have undertaken a review of existing national procedures with regard to their assessment and possible improvement in order to implement the provisions of the Instrument. The overall conclusion of the review has been that Lithuanian national legislation complies in principle with the requirement of the Instrument. A more detailed presentation of national procedures is provided below.

### (i) Whether measures have been undertaken to duly mark all SALW



According to the Lithuanian legislation, the barrel of firearms should be marked with official abbreviation of the Republic of Lithuania – capital letters “LT” – the size of the marking should be 2-2,5 mm.

The barrel of the firearms should be marked with abovementioned marking, in a way that it would not be mistaken for the identification number of the manufacturer.

#### Marking in the time of manufacture (Paragraph 8(a)).

Pursuant to Article 22 Law on the Control of Arms and Ammunition (LCA), “a manufacturer of arms and ammunition must mark ammunition with identifying marks of the manufacturer”.

#### Marking at the time of import (Paragraph 8(b)).

According to Article 7(2) LCA: “Firearms with rifled and smooth-bore barrels of categories A, B and C, which do not possess identification numbers shall be prohibited in the Republic of Lithuania”.

Article 24 (3) (3) LCA prohibits selling firearms which do not possess identification numbers.

Article 21(2)(10) LCA indicates that a licensee (producer, importer or exporter) must mark all firearms of category B, C and long single-shot shotguns of category D which are imported to the territory of the Republic of Lithuania.

**The Order of the Director of Weaponry fund No. 1A-79 of 30 November 2004 on Rules of Marking of Imported Arms into the territory of Republic of Lithuania (LR Ginklų fondo direktoriaus įsakymas dėl į Lietuvos Respubliką įvežtų (importuotų) šaunamųjų ginklų žymėjimo taisyklių patvirtinimo), as amended on 25 April 2005.**

Sets the requirements and procedures for marking of imported arms and their main parts.

*Edition of 30 November 2004 in Lithuanian –*

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=246931&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=246931&p_query=&p_tr2=)

*Amendments of 25 April 2005 in Lithuanian –*

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=255091&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=255091&p_query=&p_tr2=)

According to paragraph 4 of the abovementioned Order, all imported firearms in categories B, C (except pneumatic arms and arms with strings) and long single-shot shotguns of category D should be adequately marked with letters "LT". Every importer has to assure that arms are adequately marked before they reach civil market or are transferred to third parties.

Traders in arms and brokers are required to possess a licence from the Police Department and are permitted to import firearms of categories B, C and D only after marking them with letters "LT".

Marking of SALW in the possession of government (Paragraph 8(d)).

SALW of category A used by the Armed Forces have identification number, type and model of the weapon. All weapons purchased by the Armed Forces from 2009 must be marked with letters "LT".

The Police Forces use firearms that have markings indicating a name of the manufacturer (model), serial number, calibre and, in most cases, manufacturing state and year of manufacture. Since 2005 all guns procured by the Police Forces are marked with letters "LT", indicating importing state.

**(ii) Whether manufacturers of SALW in their jurisdictions have developed measures against the removal or alterations of markings**

There is no SALW production in Lithuania therefore no such measures are currently in force with regard to manufacturers.

The following methods can be used for marking of imported firearms: laser engraving, engraving and rolling.

**(iii) Whether measures have been put in place to ensure that accurate and comprehensive records are established for all marked SALW within their territory, in accordance with the relevant paragraphs of the International Tracing Instrument**

Establishment of accurate and comprehensive records for all marked SALW (Paragraph 11).

The State Arms Register collects data on all types of arms, possessed by the armed forces, police and other special forces, arms possessed by natural persons or legal entities, imported, exported and destroyed arms.

The Register contains information on the date of purchase (if the weapon is purchased by the Weaponry Fund); model, calibre, category, serial number; owner, ID number, address; history of transactions with an arm from its purchase to destruction.

Materiel Recourses Department of the Armed Forces is responsible for the gathering, analysis and record of information about all weapons used by Armed Forces. It systemises received data and annually provides this information to the National Weapons Register. Stocks held by armed forces are reviewed regularly to ensure that they meet the requirements of ITI (please see Chapter II Point 5(ii) for details).

**Resolution of the Government of the Republic of Lithuania on the Reorganization of the Arms Register into the State Arms Register and on Approval of its Statutes (LR Vyriausybės nutarimas dėl ginklų registro reorganizavimo į valstybinį ginklų registrą ir valstybinio ginklų registro nuostatų patvirtinimo).**

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=236103&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=236103&p_query=&p_tr2=)

Terms for keeping records (Paragraph 12).

Data in the State Arms Register is kept until a particular firearm is destroyed and afterwards transferred to the archives, where it is kept for further 75 years.

Undertaking traces and responding to tracing requests (Paragraphs 14-23).

Lithuanian national office of Interpol shares information with Interpol national bureaus or through Interpol General Secretariat by submitting inquiries concerning arms identification or detection of individuals involved in illicit arms trade.

Marking, recording and destruction of the illicit SALW (Paragraph 9).

The basic provisions on the circulation of arms and ammunition and the control thereof, including measures on issues covered by the International Tracing Instrument, are provided in the Law on the Control of Arms and Ammunition (see Chapter II for a link to the full text of the Law).

Surplus, confiscated, collected or seized firearms, after confirmation by the Commission of Experts on their unsuitability for further use, are handed over to the Weaponry Fund, which destroys them under the established procedure.

**(v) The challenges and assistance needs that States may face in their efforts to implement the International Tracing Instrument**

Lithuania fully supports the existing the INTERPOL Weapons Tracing System (IWETS) and considers it could be extended in order to provide proper tools for the law enforcement agencies against illicit arms trade.

This database could not only enable States to identify and trace, in a timely and reliable manner, illicit SALW but could also provide information on weapons which are being searched for.

Therefore Lithuania would suggest that IWETS could be upgraded into a database on forming about missing firearms. It would allow investigators from member countries to get additional information by performing checks on firearms in the existing database with a purpose to identify the origin of a particular firearm.

**(vi) National point of contact for ITI**

Arms Control and Terrorism Prevention Division  
Transatlantic Cooperation and Security Policy Department  
Ministry of Foreign Affairs  
J. Tumo-Vaižganto g. 2,  
LT-01511 Vilnius, Lithuania  
Tel. + 370 5 236 2682  
Fax: + 370 5 236 2519  
E-mail: [dovydas.spokauskas@urm.lt](mailto:dovydas.spokauskas@urm.lt)

# **CHAPTER II. PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS**

## **A) National level**

### **1. National coordination agency**

There is no national coordination agency for SALW in the Republic of Lithuania.

The Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Economy, the Police Department under the Ministry of the Interior, the Customs Department under the Ministry of Finance, the Weaponry Fund of the Republic of Lithuania under the Government of the Republic of Lithuania (Weaponry fund) are responsible for various aspects of SALW issues.

### **2. National point of contact**

Arms Control and Terrorism Prevention Division  
Transatlantic Cooperation and Security Policy Department  
Ministry of Foreign Affairs  
J. Tumo-Vaižganto str. 2,  
LT-01511 Vilnius, Lithuania  
Tel. + 370 5 236 2682  
Fax: + 370 5 236 2519  
E-mail: [dovydas.spokauskas@urm.lt](mailto:dovydas.spokauskas@urm.lt)

### **3. Legislation, regulations, administrative procedures**

*i) What national laws, regulations and administrative procedures exist to exercise effective control over production, export, import, transit and retransfer of SALW? (II.2)*

There were no changes to the Law on the Control of Arms and Ammunition.

There were no changes to the legislation on export controls of strategic goods or implementation of international sanctions.

Legislation currently in force:

#### **Law on the Control of Arms and Ammunition (Ginklų ir šaudmenų kontrolės įstatymas, LCA):**

LCA lays down provisions of the classification of arms and ammunition into categories, consolidates the legal basis of the circulation of arms and ammunition and the control thereof, as well as establishes the rights and duties of entities whose activities are related with arms and ammunition.

*Current edition in English:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=350872](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=350872).

(with amendments of 4 December 2007)

#### **Law on the Control of Strategic Goods (Strateginių prekių kontrolės įstatymas, LCSG):**

LCSG establishes the conditions of control of export, import and transit of military equipment and of mediation related thereto as well as of activities that may contribute to the proliferation of weapons of mass destruction and conventional arms.

*Current edition in English:* [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=275795](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=275795);

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=274411&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=274411&p_query=&p_tr2=).

#### **Law on the Control of Circulation of Explosives (Sprogmenų apyvartos kontrolės įstatymas):**

The Law sets the legal basis for the circulation of explosive materials and its control as well as establishes the rights and duties of entities whose activities are related with explosives.

Edition in English with amendments until 12 May 2005:  
[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=347705](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=347705).

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=347680](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=347680).

**Law on the Implementation of the Economic and Other International Sanctions (Ekonominių ir kitų tarptautinių sankcijų įstatymas, LES):**

LES lays down the procedure for implementing the non-military international sanctions in the Republic of Lithuania imposed by the UN and other international organisations, as well as the European Union.

*Current edition in English:* [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=256251](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=256251).

**Resolution of the Government of the Republic of Lithuania on the Transportation of Arms and Ammunition (LR Vyriausybės nutarimas “Dėl ginklų ir šaudmenų gabenimo”):**

The resolution implements the provisions of LCA in relation to transportation of arms.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=342206](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342206).

**Resolution of the Government of the Republic of Lithuania on the Registration of Arms Brokers (LR Vyriausybės nutarimas “Dėl prekybos ginklais, šaudmenimis, jų dalimis tarpininkų registravimo taisyklių patvirtinimo”):**

The resolution implements the provisions of LCA in relation to brokering.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=328156&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=328156&p_query=&p_tr2=).

**Resolution of the Government of the Republic of Lithuania on the Approval of Licensing Rules for Export, Import and Transit of Strategic Goods and Mediation and the Rules of Implementation for the Control of Strategic Goods (LR Vyriausybės nutarimas “Dėl Strateginių prekių eksporto, importo, tranzito ir tarpininkavimo licencijavimo taisyklių ir Strateginių prekių kontrolės vykdymo taisyklių patvirtinimo”):**

The resolution implements the provisions of LCSG.

*Edition in English with amendments until 2004:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=260881](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=260881).

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=279513](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=279513).

**Order of the Minister of National Defence of the Republic of Lithuania on the Republic of Lithuania on the adoption of the Common Military List (LR KA ministro įsakymas “Dėl bendrojo karinės įrangos sąrašo patvirtinimo”):**

The order contains a list of Military Items based on the EU Common Military List.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=363589&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363589&p_query=&p_tr2=).

**Resolution of the Government of the Republic of Lithuania on the Approval of the List of the States to Which the Export or Transit of the Goods Listed in the Common Military List is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List is Prohibited (LR Vyriausybės nutarimas “Dėl valstybių, į kurias draudžiama eksportuoti ar gabenti tranzitu į bendrąjį karinės įrangos sąrašą įtrauktas prekes ir kurioms draudžiama tarpininkauti, kai vedamos derybos arba rengiami sandoriai dėl įtrauktų į bendrąjį karinės įrangos sąrašą prekių, sąrašo patvirtinimo”):**

The resolution contains a list of states under arms embargoes following decisions by the UN and/or the EU.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=335164](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=335164).

**Resolution of the Government of the Republic of Lithuania on the Approval of Regulations of Transport of Military Goods of Foreign States through the territory of the Republic of Lithuania (LR Vyriausybės nutarimas “Dėl Užsienio valstybių karinių krovinių vežimo per Lietuvos Respublikos teritoriją taisyklių patvirtinimo”):**

The resolution sets the procedure and requirements for military transport/transit through the territory of Lithuania.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=159084&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=159084&p_query=&p_tr2=).

**Order of the Minister of National Defence of the Republic of Lithuania on the Approval of Regulations of import and export permits for individual arms (Krašto apsaugos ministro įsakymas “Dėl leidimų įvežti ir išvežti pavienius ginklus išdavimo tvarkos aprašo patvirtinimo”):**

The order sets the procedure and requirements for one-time import permits of individual arms, issued to members of Lithuanian Armed Forces and armed forces of other States.

*Current edition in Lithuanian:* [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=245809&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=245809&p_query=&p_tr2=).

*ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)*

See Chapter I of the Report.

*iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)*

National laws and regulations enter into force only after their publication in the *Official Gazette* (Valstybės žinios).

They are also available on the official website of the Parliament of the Republic of Lithuania ([http://www3.lrs.lt/dokpaieska/forma\\_e.htm](http://www3.lrs.lt/dokpaieska/forma_e.htm)). All legal acts are available in the national language (Lithuanian) and only selected ones are translated into foreign languages, mostly English and Russian.

State authorities are required to maintain their official websites, which should contain the references to relevant legislation.

#### **4. Law enforcement/criminalization**

*i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)*

Relevant provisions of the Penal Code (PC) and the Code on Administrative Offences (CAO) sanction the illegal manufacturing, possession, stockpiling and trade of SALW.

Article 253. Illegal disposal of firearms, ammunition, explosives or explosive materials

Production, possession, transportation or trade in firearms, ammunition, explosives or explosive materials without permission incurs arrest or up to 5 years of imprisonment. If the same illegal activities are committed with three or more firearms or big quantities of ammunition or explosives, it incurs from 4 to 8 years of imprisonment.

Article 253(1). Illegal brokering for transfer of military equipment

Brokering for transfer of military equipment to another state outside the European Union incurs prohibition to engage in certain types of activities, or fine, or arrest, or up to 5 years of imprisonment.

Article 165 CAO imposes sanctions on breach of regulations on arms trade and ammunition.

Article 176 CAO imposes sanctions on illegal using of firearms.

Article 194 CAO imposes sanctions carrying of arms and ammunition under influence of alcohol, narcotic or psychotropic substances.

Article 196 CAO imposes sanctions on breach of regulations on storage, keeping, carrying or transport of arms and ammunition.

Current editions of PC and CAO can be found in the Parliament website (Lithuanian only):

**PC** - [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=360699](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=360699) (as of 18 January 2008);

**CAO** - [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=361194](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=361194) (as of 12 February 2008).

*ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)*

The Police Department has registered 350 SALW related criminal offences (Illegal disposal of firearms, ammunition, explosives or explosive material) in 2009 (2005 – 389, 2006 – 321, 2007 – 266, 2008 - 284). The offences were investigated according to the procedure established by the laws of the Republic of Lithuania.

iii) *What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)*

Lithuania complies with all sanctions decisions imposed by the UN Security Council as well as with those imposed by the EU. The procedure for implementing the international sanctions is established by LIS.

List of countries to which export and transit is prohibited in relation to arms embargo imposed by the UN Security Council, EU or Organisation for Security and Cooperation in Europe (OSCE) is approved by the Resolution of the Government and published in the *Official Gazette*. Arms embargoes are applied to 18 States as of December 2009.

Articles 3 and 5 LIS allow direct implementation of UN arms embargo legislation. However, in practise UN Security Council resolutions imposing arms embargoes are followed by identical EU Common Positions, which are then implemented by the national legislation.

Information on implementation of international sanctions, including texts of relevant legislation, is published on the website of the Ministry of Foreign Affairs  
In Lithuanian – [http://www.urm.lt/popup2.php?item\\_id=12342](http://www.urm.lt/popup2.php?item_id=12342);  
In English – [http://www.urm.lt/popup2.php?item\\_id=13101](http://www.urm.lt/popup2.php?item_id=13101)

## 5. Stockpile management and security

i) *What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)*

*Armed Forces:*

**Order of the Minister of National Defence No. 260 of 25 April 1994 on Regulations of Accounting, Stockpiling and Issuing of Arms and Ammunition in the National Defence System (amendments of 26 March 2009) (LR krašto apsaugos ministro 1994 m. balandžio 25 d. įsakymas Nr.260 “Dėl šaunamųjų ginklų ir šaudmenų apskaitos, saugojimo ir išdavimo instrukcijų”); not published in the *Official Gazette*.**

The Order defines accounting, stockpiling and issuing of arms and ammunition in the National Defence System.

*Police Forces:*

**Order of the Police Commissioner General of the Republic of Lithuania No. 444 of 5 August 2002 on the Instruction of the Circulation Arms at the Police Institutions (LR policijos generalinio komisaro 2002 m. rugpjūčio 5 d. įsakymas Nr. 444 „Dėl Ginkluotės apyvartos policijos įstaigose instrukcijos patvirtinimo“); not published in the *Official Gazette*.**

The order sets the procedure and requirements for acquiring, accounting, determination into categories, protection, destruction, issuing and collection, transport, control of circulation of arms within the police forces and legal liability of police officers.

*Other authorised bodies:*

**Order of the Police Commissioner General of the Republic of Lithuania No. V-363 of 23 July 2003 on Regulations of the Civil Circulation of Arms and Ammunition held by Legal Persons**

The order sets the requirements and procedures for legal activities of undertakings, which are engaged in the arms trade, repairing, reprocessing, renting for hunting purposes, keeping of firing ranges or use arms or ammunitions for sports, scientific research, teaching or other professional activities as well as establishes rights and duties of police forces in relation to control of such activities.

*Current edition in Lithuanian* - [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=214210](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=214210), amendments of 15 September 2003 - [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=218206](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=218206), amendments of 22 July 2008 - [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=325353](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=325353).

ii) *How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)*

*Armed Forces:*

Stocks held by armed forces are reviewed at least monthly at company level and every three months at battalion level. Formation or unit commander (battalion and above) checks SALW and ammunition stocks at least twice a year. Material Sources Department of the Armed Forces inspects stocks at least twice a year.

*Police Forces:*

Firearms held by police institutions are checked four times per year. The stocks held by Border Police are checked at least twice per year.

*Other authorised bodies:*

Firearms held by private bodies (traders in arms, private security services and others) are checked two times per year.

*iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)*

*Armed forces:*

Surplus stocks are identified according to certified charts of organisational structure and equipment of military units. Surplus stocks are returned to the Arsenal of Lithuanian Armed Forces by the Order of Commander of the Lithuanian Armed Forces and stored according to the provisions laid down in the above-mentioned regulations.

*Police Forces:*

Surplus stocks are identified according to the Order of the Police Commissioner General on the approval of munitions.

## **6. Collection and disposal**

*i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by Armed Forces.*

There have been no such programmes in 2008-2009.

*ii) Is destruction the means used to dispose of such stocks? (II.18)*

Yes.

*iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)*

National legislation ensures safe storage of the stocks held by armed forces, police or other authorized bodies. Relevant rules, instructions and administrative procedures on safety are applied.

*iv) Subject to the exceptions set out in paragraph II.16 of the UN PoA, are all confiscated, seized or collected SALW destroyed? (II.16)*

According to the LCA and the Resolution on the implementation of LCA, the Commission of Experts (Commission) must evaluate the suitability for use of confiscated, collected or seized arms or ammunition. If the weapons are confirmed to be suitable for further use, the Commission must evaluate them. Depending on the decision of the Commission, the arms are either transferred to the possession of the Weaponry Fund for destruction or duly marked, registered and put for sale under the established procedure.

In 2008 – 2009 the Police Department has transferred 1313 surplus firearms to the Weaponry Fund.

*v) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000) (II.19)*

National legislation does not define methods on destruction of surplus stocks of SALW. All collected weapons are disassembled and destroyed by melting. Ammunition and pyrotechnic articles are destroyed by incineration.

Armed forces destroy their surplus stocks themselves, while other authorized bodies transfer them to the Weaponry Fund for destruction.

vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

Within the framework of the OSCE Document on SALW Lithuania submits annual reports on SALW destroyed during one year.

Number of SALW confiscated in Lithuania (2005-2009):

Type	2005	2006	2007	2008	2009
Self-loading pistols	12	75	93	23	18
Revolvers	3	6	18	3	3
Carbines	1	132	65	-	5
Sub-machine guns	4	-	5	6	3
Grenades	19	4	2	1	7
Grenade launchers	-	6	-	-	-
Other firearms	3	71	85	86	93
Portable anti-tank grenade launcher	1	-	-	-	-
Arm barrels	1	-	-	-	-
Ammunition	3109	4580	2410	1247	3921
Self-made explosive devices	-	9	-	-	1
Explosive material	5,85 kg	1,7 kg	2 kg	1,6 kg	58,1 kg

## 7. Export controls

Requirements for export control licensing depend on the type of arms and could be broken down into following groups:

1. Category A items belonging to the Common List of Military Equipment.
2. Category B, C and D items.

LCA establishes 4 categories of arms – A, B, C and D listed in Articles 3, 4, 5 and 6.

Common list of Military Equipment contains all arms listed in category A and additional items.

LCSG and relevant bylaws regulate the export, import, transit and brokering of items *included into the Common list of Military Equipment*.

LCA and relevant bylaws regulate the export, import, transit and brokering of arms and ammunition falling under *categories B, C and D*.

For links to the texts of legislation please see Question 3.

### Export, import licenses

(i) *Category A items belonging to the Common List of Military Equipment.*

It is prohibited for undertakings to engage in export, import, selling of arms, ammunition, their parts, accessories of arms of category A (Article 7 (2), LCA), except for manufacturers (article 22 (5), LCA)). Manufacturers must obtain a license from the Weaponry Fund to engage in manufacture of arms, ammunition, their major parts and accessories of arms. Brokers must register at the Police Department.

Export and import of goods included in the Common List of Military Equipment are subject to a licence. The licences are issued by the Ministry of Economy (Article 6 LCSG). The licence, however, is not a permission to engage in economic and commercial activities but a permission to export, import, carry in transit or broker, in a prescribed manner, solely for the goods specified in the license.

Lithuanian legislation allows exemptions from an obligation to receive licenses for the Ministry of Defence and the Weaponry Fund if goods are imported for their own purposes (Article 6(4) LCSG).

A number of state institutions, such as the Ministry of Environment, the Ministry of National Defence, the Ministry of Health, the Ministry of Foreign Affairs, the Police Department, the State Security Department, the Customs Department under the Ministry of Finance, etc. are involved in decisions on export, import,

transit, brokering licence applications as members of the Commission on the Issues of Licensing of Export, Import, Transit and Brokering of Strategic Goods (Commission).

The Ministry of Foreign Affairs, in coordination with other state institutions, is responsible for national position regarding international arms control regimes and assesses the compliance of the submitted applications for licences with the criteria of the EU Code of Conduct on Arms Export.

State institutions can request to convene a meeting of the Commission. The Commission also meets if at least one institution denies the request for a licence application. In such cases the final decision on granting or refusing a licence is reached by the Commission.

*(ii) Category B, C and D items.*

Undertakings willing to engage in export or import of arms, ammunition or their parts must obtain a license from the Police Department.

Entity, which wishes to import or export arms in Categories B, C and D, their ammunition and parts must obtain a separate permit for each consignment (Article 23(4), (6), (7) LCA). Such permits are issued by the Police Department, after consultation with the Weaponry Fund.

In order to be granted a permit, an undertaking should present a licence to deal in arms, a copy of a contract and an end-user certificate from the competent authority (except in cases of D category items). The permits may be refused on the grounds of state safety and human security.

In case of application for the export license, the end-user certificate issued by the destination country's agency responsible for national arms circulation control is always required.

#### Transit licences

The procedure for transit carried out by the civil undertakings is identical to the procedure for obtaining export licenses/permits as described above.

Military transit through the Republic of Lithuania is regulated by the **Resolution of the Government of the Republic of Lithuania No 938 of 17 January 2002 on Regulations of Transit of Military Goods of a Foreign Country through the territory of Republic of Lithuania (2002 m. sausio 17 d. LR Vyriausybės nutarimas Nr. 938 „Dėl užsienio valstybių karinių krovinių vežimo per Lietuvos Respublikos teritoriją taisyklių patvirtinimo“)**.

*Current edition in Lithuanian - [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_1?p\\_id=159084](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=159084).*

Military transit through the territory of Lithuania is carried out by rail although certain exemptions apply. Permits are issued by the Ministry of Defence after receiving a favourable conclusion from the Ministry of Foreign Affairs.

#### Production licences

In accordance with the legislation of the Republic of Lithuania, such activities as production, reparation, recast of arms, their parts and ammunition are subject to licensing from the Weaponry Fund under the Government of Republic of Lithuania.

Three types of licences exist:

- a) to produce arms;
- b) to produce the parts of the arms;
- c) to produce explosives and their parts.

The company applying for the production licence undergoes a detailed check of information, documents and activities. The Weaponry Fund within the process of consultations with different institutions makes a decision to grant the licence or written reasoned refusal not to grant it during the period of 60 days from the day all required documents were presented. Licences are issued for an unlimited time period.

## **8. Brokering**

*i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)*

Under Lithuanian legislation brokering is defined as:

“The negotiations conducted, the arrangement and execution of the transactions by the natural and legal persons resident or registered in the Republic of Lithuania and by subsidiaries of foreign legal persons and other organisations 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.” (Article 3(8) LSCG)

Licensing of brokering activities in Lithuania was regulated for the first time in 2002 through LCA. Article 25 contains provisions for brokering activities and obliges brokers to register at the Police Department. A brokering certificate is then issued to the brokers. In March 2008, there were 23 registered brokers in Lithuania.

Since 1 August 2004 LSCG provides that brokers must possess an individual brokering license from the Ministry of Economy for each individual intermediary deal involving items from the Common List of Military Equipment. The procedure for issuing brokering licenses is essentially the same as in the case of exports.

Starting from 5 June 2008, arms brokers have to obtain a separate permit from the Police Department for each individual intermediary deal in arms of Categories B, C and D, their parts, accessories and ammunition (Article 25(5) LCA). The procedure for issuing permit on brokering is the same as in the case of issuing permit to export arms of Categories B, C and D.

The registered brokers must report once a year to the Police Department on the parties of the transactions, their addresses as well as on weapon types and quantities brokered.

Brokers are required to keep records of their transactions for 10 years. Data on arms brokers is kept in the digital database within the Police Department.

Lithuanian legislation foresees both administrative penalties and imprisonment for violation of brokering activities.

Under Article 253(1) of the PC, brokering for transfer of military equipment into the country outside the EU without the required permit is punishable by prohibition to engage into certain kind of work or activities, fine or imprisonment for up to 3 years. According to Articles 253(1) and 43 of the PC, legal entity can be sanctioned by a fine, restriction on the activities or coercive liquidation.

Under Article 199 of the PC (“Contraband through State border”), smuggling of arms is punishable to up to 10 years imprisonment.

Administrative sanctions are applied for a broker, who violates the rules of arms trade, arms record keeping or order of arms storage or carrying. Fine of up to 600 LTL (approx. 175 EUR) is foreseen (CAO, Articles 165, 196 and 196<sup>1</sup>), as well as revocation of broker’s registration. Export of strategic goods and technologies without a licence is fined up to 10 000 LTL (approx. 2900 EUR) (CAO, Article 189<sup>3</sup>).

Registration of brokers may be cancelled by the Police Department if broker engages in brokering activities with entities, which have no right to buy, import or export arms or when a territorial police institution submits a justified report that the broker has acted in breach of legal requirements.

## **9. Marking, record keeping and tracing**

Please see the relevant information in Chapter I.

## **10. Disarmament, demobilization and reintegration (DDR)**

Not applicable for Lithuania.

## **11. Awareness-raising**

No such awareness-raising programmes are carried out in Lithuania during 2008-2009.

## **B) Regional level**

### **1. Legally binding instruments**

*i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)*

Lithuania takes part in the activities of international organizations and regional arrangements aimed at solving SALW-related issues. It Chaired the UN Third Biennial Meeting of States to Consider the Implementation of the UN PoA in New York from 14 to 18 July 2008.

Lithuania provides reports under the following documents:

- UN PoA.
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime.
- UN General Assembly Resolution 46/36 L “Transparency in Armaments” – national data to the annual UN International conventional arms transfers reports.
- EU Joint Action of on the EU’s contribution to Combating the destabilizing accumulation and spread of SALW (2002/589/CFSP).
- OSCE Document on SALW.

Lithuania welcomed Council’s Common Position 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering and amended its national legislation accordingly.

### **2. Regional Cooperation**

*i) Please describe any involvement your country has had in the establishment of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)*

Since 2005, Lithuania is a member of the Wassenaar Arrangement on Exports Controls for Conventional Arms and Dual-Use Goods and Technologies (WA).

## C) Global level

### 1. International instruments against terrorism and crime

i) *What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)*

Lithuania is currently a party to the following legal instruments against terrorism:

1. *Convention on Offenses and Certain Other Offenses Committed on Board Aircraft* – Tokyo 14/09/63; entry into force in Lithuania – 19 February 1997.
2. *Convention on the Unlawful Seizure of Aircraft* – The Hague 16/12/70; entry into force in Lithuania – 3 January 1997.
3. *Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft* – Montreal 23/09/71; entry into force in Lithuania – 3 January 1997.
4. *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel* – New York 14/12/73; entry into force in Lithuania – 22 November 2002.
5. *European Convention for the Suppression of Terrorism*, adopted by the Council of Europe 27/01/1977; entry into force in Lithuania – 8 March 1997.
6. *Convention Against the Taking of Hostages* – New York 17/12/79; entry into force in Lithuania – 4 March 2001.
7. *Convention on the Physical Protection of Nuclear Materials* – Vienna 26/10/79; entry into force in Lithuania – 6 January 1994.
8. *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft* – Montreal 24/02/88; entry into force in Lithuania – 3 January 1997.
9. *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf* – Rome 10/03/88; entry into force in Lithuania – 30 April 2003.
10. *Convention on the Marking of Plastic Explosives for the Purpose of Detection* – Montreal 01/03/91; entry into force in Lithuania – 21 June 1998.
11. *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* – Rome 10/03/91; entry into force in Lithuania – 30 April 2003.
12. *Convention on the Suppression of Terrorist Bombings* – New York 15/12/97; entry into force in Lithuania – 16 April 2004.
13. *Convention for the Suppression of Financing of Terrorism* – New York, 09/12/99; entry into force in Lithuania – 22 March 2003.

Lithuania is currently a party to the following instruments against transnational organised crime:

1. *UN Convention against Transnational Organized Crime* – Palermo 15/11/00; entry into force in Lithuania – 29/09/03
2. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* – New York 15/11/00; entry into force in Lithuania – 25/12/03
3. *Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime* – New York 15/11/00; entry into force in Lithuania – 28/01/04
4. *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol)* – New York 31/05/01; entry into force in Lithuania – 03/07/05

Lithuania supported the UN General Assembly's resolution 64/48 "The Arms Trade Treaty" and welcomes the decision to convene in 2012 the UN conference on the Arms Trade Treaty to elaborate a legally binding instrument on the highest possible common international standards for the transfers of conventional arms.

Lithuania with its EU partners remains committed to contributing to the preparatory process and seeks the success of the Preparatory Committee sessions in 2010 and 2011. We believe that the Preparatory Committee should be able to make the concrete and comprehensive recommendations on the content of a future treaty.

## 2. International cooperation and assistance

*i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN PoA. (III.3, 6, 10, 14)*

March 2008	Contribution to the NATO Partnership for Peace (PfP) Synergy Conference for Regional Organisations on the Implementation of the UN Programme of Action on Small Arms and Light Weapons“ (Brussels, 23-30 May)	5 000 EUR
May 2009	Contribution to the Geneva International Center for Humanitarian Demining (GICHD)	6 550 CHF
December 2009	Contribution to NATO PfP project of conventional weapons destruction in Georgia	15 000 EUR
December 2009	Contribution to the UNMAS Mine and Unexploded Ordnance (UXO) Clearance Project in Afghanistan	5 000 USD

In the framework of province reconstruction activities in the Province of Ghor, Afghanistan, Lithuanian military personnel has been carrying out destruction of stockpiles of old, excessive and collected SALW, explosive ordinance and ammunition since 2005. The Provincial Reconstruction Team (PRT) also has been assisting local authorities with the Disbandment of Illegal Armed Groups in Afghanistan (DIAG) programme, weapons storage, marking and accounting. The PRT has also assisted the local authorities with the collection of SALW and ammunition.

*ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)*

Lithuanian Criminal Police Bureau works in close cooperation with other EU police institutions. Joint operations are carried out constantly, *inter alia*, to assist investigations and prosecutions in relation to the illicit trade in SALW.

*iv) Please give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)*

Lithuanian national office of Interpol shares information with Interpol national bureaus through inquires concerning arms identification or detection of individuals involved in illicit arms trade. Such information is periodically provided to Interpol Secretariat General.

*v) Please give details of your country's use and support of Interpol's International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)*

IWETS database is accessible via Lithuanian Interpol national bureau that is a central contact point for information exchange on the illicit trade in SALW.

*vi) Please give details of your country's cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)*

Please see question 4(iii).

## 4. Information exchange

*i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)*

Lithuania provides annual reports to the OSCE within the framework of OSCE Document on SALW, where, *inter alia*, information on national marking system is provided.

*ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)*

Lithuania annually submits reports on SALW destroyed within national jurisdiction to the UN and the OSCE.

Since the year 2005 Lithuania provides annual reports within the framework of the EU Code of Conduct for Arms Export, covering Lithuanian exports of military equipment.

For further details please see question 6(vi).