

**Report  
by  
DENMARK**

**On the 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.**

**Introduction**

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects contains in section II on preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects a range of measures which the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in New York from 9 to 20 July 2001 undertake in order to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. Section III of the Programme of Action on implementation, international cooperation and assistance contains a number of commitments that the States participating in the Conference undertake with a view to promoting the implementation, international cooperation and assistance concerning the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects.

This report describes the measures and controls that until now have been taken by Denmark in fulfilling her commitments under the Programme of Action.

## **Report**

### **National coordination agency, cf. section II, para 4**

Denmark has no national coordination agency responsible for policy guidance, research and monitoring of effort to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. However, the Danish police centres for criminal investigation support coordinate the efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons, both nationally and internationally.

### **National point of contact, cf. section II, para 5**

The Danish national point of contact is:  
Ministry of Foreign Affairs of Denmark  
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DK-1448 Copenhagen K  
Denmark  
Tel.: +45 33 92 00 00  
Fax: +45 32 54 05 33  
E-mail: um@um.dk

### **Legislation, regulations and administrative procedures, cf. section II, para 2**

#### **Domestic laws and procedures to control production and transfer**

The Weapons and Explosives Act<sup>1</sup> and the Act on War Materiel<sup>2</sup> are the legal basis for the control over the production and transfer of weapons.

In principle, it is prohibited to *manufacture* firearms, ammunition etc., but individual licenses for manufacture of weapons may be granted on a case-by-case evaluation (section 1 of the Weapons and Explosives Act).

Section 1(1) and (2) of the Weapons and Explosives Act list the weapons covered by the manufacture ban. Within the meaning of the Weapons and Explosives Act manufacture covers manufacture as well as rebuilding of weapons.

The manufacture ban applies neither to military authorities nor to the police (section 8(1) and 9(1) of the Weapons and Explosives Act).

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<sup>1</sup> Consolidated Act No. 704 of 22 June 2009 on Weapons and Explosives.

<sup>2</sup> Act. No. 720 of 7 July 2009 on War Materiel.

In principle, it is prohibited to produce war materiel. However, war materiel may be produced if the Minister of Justice so permits (section 2 and 14 of the Act on War Materiel). Undertakings producing war materiel are subject to inspections by the National Committee on the Control of Firearms (section 10 and 12 of the Act). Furthermore, undertakings producing war materiel shall upon request provide the National Committee with information regarding the undertaking and its production (section 11 of the Act).

In principle, it is prohibited to *import* firearms, ammunition etc., but individual licenses for import of weapons may be granted on a case-by-case evaluation (section 1 of the Weapons and Explosives Act).

Section 1(1) and (2) of the Weapons and Explosives Act list the weapons covered by the import ban. The import ban covers physical movement of weapons etc. into Danish territory.

The import ban applies neither to military authorities nor to the police (section 8(1) and 9(1) of the Weapons and Explosives Act).

In principle, it is prohibited to *export* firearms, ammunition etc. and war materiel, but licenses for export of weapons and war materiel may be granted on a case-by-case evaluation (section 6 of the Weapons and Explosives Act).

Section 6(1) of the Weapons and Explosives Act lists the weapons and war materiel covered by the export ban. These rules came into force on 1 July 2005. According to section 6, the export ban – besides physical movement of weapons etc. out of Danish territory – now also covers intangible transfers of software and technology regarding weapons. Furthermore, by Act no. 555 of 24 June 2005, an amendment to the Weapons and Explosives Act, Denmark introduced a new set of rules concerning arms brokering.

According to section 8 (2) of the Weapons and Explosives Act, the export ban does not apply to the armed forces and military personnel carrying out military services. Moreover, the temporary export of equipment and material by military authorities for repair and maintenance does not require an export license. Furthermore, according to section 9 (1) of the Weapons and Explosives Act, the export ban does not apply to the police.

The necessary documentation for obtaining an export license depends, among other things, on the status of the exporter and the recipient, the importing country, the amount of weapons, the intended use and quantity. In most cases either an import license or an International Import Certificate from the competent authorities in the import country is necessary. An end user statement may be required, depending on the circumstances.

*Transit* is governed by the rules of import and export. The rules imply that transit through Denmark as a principal rule requires prior permissions to import and export. The Ministry of Justice issues the permissions as one joint license – a transit license.

**Legislation to criminalize illicit activities, cf. section II, para 3**

Section 10 of the Weapons and Explosives Act and section 44 of the Order on Weapons and Ammunition<sup>3</sup> establishes illegal manufacture, import, export, acquisition, possession, carrying, use and trade of weapons and explosives as criminal offences. The sanctions may vary from a fine to imprisonment up to two years. In cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to six years (section 192 a of the Danish Criminal Code<sup>4</sup>).

According to section 114(2) of the Criminal Code, any person is liable to imprisonment for any term up to life imprisonment in case of serious violations of section 192 a of the Danish Criminal Code with the intent of committing an act of terror. The same penalty shall apply to any person who transports weapons or explosives with the said intent (section 114(2) of the Criminal Code).

Section 15 of the Act on War Materiel establishes illegal production of war materiel as a criminal offence. The sanctions may vary from a fine to imprisonment up to one year.

Stockpiling of weapons is not established as a criminal offence in itself. However, as mentioned above it is a criminal offence to be in possession of weapons without a license.

**Identification of groups associated with illicit activities, cf. section II, para 6**

The individual police districts are responsible for the criminal investigation of illicit trade in small arms and light weapons in all its aspects.

**Marking, cf. section II, para 7 and 8**

Small arms and light weapons imported by the Danish Armed Forces after 30 June 2001 are required to be marked with unique identification of the country of manufacture. In addition, the Minister of Justice is authorised to lay down provisions to the effect that weapons etc. shall have identification numbers on them (section 3(1) of the Weapons and Explosives Act). Accordingly, the Minister of Justice has authorised the local Chief Constable to order any holder of weapons to apply identification numbers on the weapons (section 43 of the Order on Weapons and Ammunition).

**Record keeping on manufacture, holding, and transfer, cf. section II, para 9**

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<sup>3</sup> Order No. 997 of 19 October 2009 on Weapons and Ammunition etc.

<sup>4</sup> Consolidated Act No. 1034 of 29 October 2009.

Since 1996 the Danish Armed Forces has kept complete, electronic records of all its small arms and light weapons.

The Danish police has a central electronic register called the Police Weapons Register in which all persons authorized to possess firearms are registered on the basis of applications received for firearms licences and registrations of purchases of smooth-bore shotguns. Furthermore, the Police Weapons Register contains information on all reports on loss and findings of weapons. In case of a report on the loss of a firearm marked with a number the report is also made through the Schengen Information System (SIS).

In the Police Weapons Register all relevant information may be registered, including category and type of weapon, manufacture, model, marking (number), calibre and special characteristics.

At the registration of small arms and light weapons each weapon is registered under a specific identification number in the Register. The police authority may demand that the weapon be marked with this registration number in case the weapon does not have a number from its manufacturer. In case the owner or user of a weapon changes, a record of the former owner(s) is kept.

An arrangement is being planned by which weapons dealers - importers and gunsmiths - will be required to report to the Police Weapons Register on their purchases and sales of weapons.

In addition to the Police Weapons Register the rifle associations are required to have their own weapons registers on all firearms owned by the associations and their members. It is envisaged that the registration information of the rifle associations shall be transferred continuously to the Police Weapons Register.

#### **Identification and traceability, cf. section II, para 7 and 10**

Small arms and light weapons held by the Danish Armed Forces that are insufficiently marked when imported are remarked by the Danish Acquisition And Logistics Organization. A record is kept on all disposed, lost, stolen and destroyed arms and weapons.

All weapons purchased by the Danish police are registered under a specific number and description in an electronic inventory system. Transfers to and from stocks are also registered. Weapons are delivered either personally or to a police district. The weapons delivered are registered in an electronic system containing personal information on all employees in the Danish police force including their weapons.

#### **Export and import licensing, cf. section II, para 11**

Danish arms exports are controlled on the basis of a definition of weapons, military equipment and other items contained in the Weapons and Explosives Act. All items on the European

