



UN Programme of Action Reporting Tool

Luxembourg

2011

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

- PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects?
- a) Name of agency : Ministère des Affaires étrangères - direction politique / Ministère de la Justice- service armes prohibées
- b) Address : 5, rue Notre-Dame / L-2240 Luxembourg (MAE) 13, rue Erasme / L-2934 Luxembourg (MJ)
- c) Contact details :
- i) Contact person : Daniel Gengler / Anne Moes (MAE) Marc Müller (MJ)
- ii) Telephone number(s) : +352 2478-2417 +352 2478-4523
- iii) Fax number :
- iv) Email : daniel.gengler@mae.etat.lu / anne.moes@mae.etat.lu / marc.muller@mj.etat.lu

Sources National Point of Contact

- PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)?
- 2.1. Details:
- a) Name : Daniel Gengler
- b) Organization or agency : Ministère des Affaires étrangères - direction politique
- c) Address : 5, rue Notre-Dame L-2240 Luxembourg
- d) Telephone number(s) : +352 2478-2417
- e) Fax number : +352 22 32 83
- f) Email : daniel.gengler@mae.etat.lu
- ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)?
- ITI 25 2.3 If the answer to Question 2.2 is 'no', does your country have a National Point of Contact for purposes of exchanging information and liaising on all matters relating to the ITI?
- 2.3.1 Details:
- a) Name : Marc Muller
- b) Organization or agency : Ministère de la Justice- service armes prohibées
- c) Address : 13, rue Erasme L-2934 Luxembourg
- d) Telephone number(s) : +352 2478-4523
- e) Fax number :
- f) Email : marc.muller@mj.etat.lu
- GGE Report para 63(ix) 3. Is the National Point of Contact identified above in either Q. 2 or 2.3 also responsible for exchanging information and liaising on matters relating to brokering in SALW?

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

- PoA II.2 4. Are there any SALW manufactured in your country?

International assistance

- PoA III.6 5. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture?

SECTION 3: INTERNATIONAL TRANSFERS

Sources **Laws, regulations and administrative procedures**

- PoA II.2, 12 **6. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?** Yes
- PoA II.11 **6.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.**
Loi du 3 août 2011 portant: – transposition de la directive 2008/51/CE du Parlement européen et du Conseil du 21 mai 2008 modifiant la directive 91/477/CEE du Conseil relative au contrôle de l'acquisition et de détention d'armes, et – modification de la loi modifiée du 15 mars 1983 sur les armes et munitions (Texte republié) Règlement grand-ducal du 6 décembre 2011 portant modification du règlement grand-ducal modifié du 13 avril 1983 pris en exécution de la loi sur les armes et munitions Texte coordonné du règlement grand-ducal modifié du 13 avril 1983 pris en exécution de la loi modifiée du 15 mars 1983 sur les armes et munitions Texte coordonné de la loi modifiée du 15 mars 1983 sur les armes et munitions

Licensing and authorisation

- PoA II.11 **6.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country?** Yes
- PoA II.3 **6.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?** Yes
- PoA II.11 **6.4. Name the relevant international commitments that your Government applies or considers when assessing an application for export authorisation.**
L'évaluation des demandes de licences d'exportation se fait sur base du « Code de conduite de l'UE en matière d'exportations d'armements » qui détermine les critères applicables dans le domaine des transferts d'armes conventionnelles. Ce Code de conduite inclut en outre un dispositif de notification des refus d'autorisation d'exportation. Ces notifications sont communiquées par le pays à l'origine du refus aux autres États membres de l'UE, qui sont tenus à prendre en considération ces décisions négatives. L'Office des licences doit donc contrôler si les produits à exporter ne sont pas destinés à des entités, firmes ou personnes figurant sur cette liste des refus, d'où l'exigence d'un certificat de destination finale pour chaque demande d'exportation.
- PoA II.12 **6.5. What kind of documentation does your country require prior to authorising an export of SALW to another country?** Yes
- a) **An end-user certificate (EUC) from the importing country**
- i) **What elements does an end-user certificate in your country contain (check relevant boxes)?**
- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter's details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other
- b) **Other types of end-user documentation**
- PoA II.12 **6.6. When exporting, does your country places any restriction on re-export of SALW?** Yes
- If so, what are the restrictions placed on re-export?
- a) Re-export permitted only when there is prior notification
- b) Re-export permitted only when there is prior approval
- PoA II.12 **6.7. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided?** Yes
- 6.7.1 Details:
- PoA II.12 **6.8. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?** Yes
- 6.8.1 Details:
- PoA II.12 **6.9. Does your country permit the export of SALW without a licence or under simplified procedure under certain circumstances?**

Post-delivery controls

- 6.10. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?** Yes
- 6.11. After exporting, does your country verify or seek to authenticate DVCs provided?** Yes
- 6.11.1 Details**
L'exportateur doit apporter la preuve, endéans 3 mois, que la marchandise est arrivée à destination. Le document de vérification doit être émis par le service douanier du pays importateur ou du service étatique compétent.

6.12. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?

Yes

Sources Marking at import

ITI 8b

6.13. Does your country require that SALW imported into your country be marked at the time of import?

Yes

6.13.1. Who is required to mark the SALW?

6.13.2. What information is included in the marking on import (check relevant boxes)?

- a) Country of import
- b) Year of import
- c) Other

6.13.3. Are there exceptions to the requirement to mark imported SALW?

--- Select ---

6.13.4. If marked SALW imported into your country do not bear a *unique* marking when they arrive, does your country require that they be given such a marking?

Yes

6.13.4.1 Details:

Les armes non-marquées, ne sont pas importées

Sources Record Keeping

PoA II.9; ITI 12

6.14. Does your country require that exporters and importers of SALW keep records of their activities?

Yes

6.14.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW traded
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
- i) Identity of buyer/seller
- ii) Country SALW are to be delivered to or purchased from
- iii) Date of delivery
- e) Other

6.14.2. How long must records of transfers be kept?

Other

5 ans

Sources Actions taken during the reporting period

PoA II.6

6.15. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?

No

International assistance

PoA III.6

7. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

No

SECTION 4: BROKERING

Sources Laws, regulations and administrative procedures

PoA II.14

8. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

Yes

8.1. List laws and/or administrative procedures regulating SALW brokering in your country.

Loi du 3 août 2011 portant: – transposition de la directive 2008/51/CE du Parlement européen et du Conseil du 21 mai

2008 modifiant la directive 91/477/CEE du Conseil relative au contrôle de l'acquisition et de détention d'armes, et – modification de la loi modifiée du 15 mars 1983 sur les armes et munitions (Texte republié)

- 8.1.1 Are those laws and procedures part of the national arms export control system?
- 8.2. Does your country require registration of SALW brokers?
- 8.3. Does your country require a licence, permit or other authorisation for each brokering transaction?
- 8.4. Does your country have measures to validate the authenticity of documentation submitted by the broker?
- 8.5. Is it a criminal offence in your country to engage in a SALW brokering transaction without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation?
- 8.6. Does your country allow for sharing with other States such information as the disbarment of brokers and revocation of registration?
- 8.7. Does your country regulate activities that are closely associated with the brokering of SALW?
- 8.8 What penalties or sanctions does your country impose for illegal brokering activities?
les maxima de la peine d'emprisonnement et de l'amende sont fixés respectivement à cinq ans et à 250.000 euros pour les infractions et les tentatives d'infractions

Sources Actions taken during the reporting period

- 8.9 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

International assistance

- PoA III.6 9. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

- PoA II.17 10. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW?
- PoA II.17 10.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?
- a) Appropriate locations for stockpiles
 - b) Physical security measures
 - c) Control of access to stocks
 - d) Inventory management and accounting control
 - e) Staff training
 - f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
 - g) Procedures and sanctions in the event of theft or loss
 - h) Other

Sources Surplus

- PoA II.18 10.2. Are there systems in place to conduct reviews of SALW stocks held by armed forces, police and other authorised entities to identify surplus or obsolete SALW?
- 10.3. How often/frequently are these reviews conducted?
- PoA II.18 10.4. When stocks are identified as surplus, what actions does your country take with regard to the surplus

(check relevant boxes)?

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

10.5. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other

10.5.1. If (a) Destruction is checked for Q.10.5, which of the following methods are used (check relevant boxes)?

- i) Burning or melting
- ii) Open-pit detonation
- iii) Cutting/shredding
- iv) Bending/crushing
- v) Dumping at sea
- vi) Burial on land
- vii) Other

Sources Actions taken during the reporting period

PoA II.19 10.6. During the reporting period, has your country destroyed surplus stocks?

International assistance

PoA II.29; III.6 11. Does your country wish to request assistance in developing standards and procedures on stockpile management?

PoA III.6; 14 12. Does your country wish to request assistance in developing capacity for the destruction of weapons?

SECTION 6: CONFISCATION, SEIZURE & COLLECTION

Sources Confiscation and seizure

PoA II.23 a 13. During the reporting period, has your country found, seized or confiscated any SALW under its jurisdiction?

PoA II.23a 13.1 How many SALW were found, seized or confiscated?
2

PoA II.16 13.2. What action was taken with respect to the SALW found, seize or confiscated (check relevant boxes)?

- a) Stored securely pending further action
- b) Marked

c) Registered or recorded

d) Destroyed

e) Other

Sources Collection

14. During the reporting period, did your country collect any SALW?

International assistance

PoA III.6

16. Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

PoA II.8

17. Does your country enforce measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW?

17.1. Details

ITI 8d

18. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?

18.1. Describe the markings that are applied to government-held stocks.

Nom producteur / pays de production / numéro de série / type-modèle d'arme / calibre / test

ITI 8c

18.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?

ITI 8e

19. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?

Record-keeping

PoA II.9

20. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?

International assistance

ITI III.6, ITI 27 21. Does your country wish to request assistance in building capacity for record-keeping?

No

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

PoA II.10;
ITI 14, 24

22. Does your country have procedures in place to trace SALW?

Yes

Sources Tracing requests

22.1 Has your country ever issued an international tracing request regarding SALW?

No

ITI 25; 31a

22.2. Which government agency is responsible for making a tracing request to another country?

Ministère de la Justice - service armes prohibées

ITI 17

22.3. What information does the designated agency include in a tracing request? (check relevant boxes)

- a) Circumstances under which the SALW was found
- b) Reasons why the SALW is considered to be illegal or illicit
- c) The intended use of the information being sought
- d) Any markings on the SALW
- e) Type/calibre of SALW
- f) Other

ITI 15

22.4. When receiving information related to SALW as a result of your country's tracing request, does your country have procedures in place to ensure that all restrictions placed on its use are respected, and the confidentiality of such information is guaranteed?

Yes

Sources Responses for tracing requests

22.5. Which government agency is responsible for responding to a tracing request from another country?

Ministère de la Justice - service armes prohibées

22.6. During the reporting period, how many tracing requests did your country receive?

0

ITI 22

22.7. During the reporting period, did your country delay, restrict or refuse tracing requests?

- Delayed
- Restricted
- Refused

Sources Cooperation with INTERPOL

PoA II.37; ITI 33 23. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?

No

International assistance

PoA II.36;
III.6; ITI 27

24. Does your country wish to request assistance in developing procedures to trace SALW?

No

PoA III.10;
ITI 28

25. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW?

No

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources Assistance requested / received / provided

PoA III.3, 6

26. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI?

Yes

PoA III.16,
PoA III.6, PoA III.7,
PoA III.18,
PoA III.15

26.1 If so, in what areas (check relevant boxes)?

a. Establishing/designating National Coordination Agency/National Point of Contact

Provided

a) Nature of the assistance:

i) financial

ii) technical

b) Amount of assistance provided/received (if financial):

les données pour l'année civile de 2011 seront confirmées à partir de l'année prochaine

c) Description of the assistance activity:

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

b. Disarmament, demobilization and reintegration (DDR)

Provided

a) Nature of the assistance:

i) financial

ii) technical

b) Amount of assistance provided/received (if financial):

les données pour l'année civile de 2011 seront confirmées à partir de l'année prochaine

c) Description of the assistance activity:

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

c. Capacity-building and training on SALW issues

--- Select ---

d. Law enforcement

--- Select ---

e. Customs and borders

--- Select ---

f. Action-oriented research

--- Select ---

g. Children/youth

--- Select ---

h. Awareness-raising

Provided

a) Nature of the assistance:

i) financial

ii) technical

b) The amount of assistance provided/received (if financial):

les données pour l'année civile de 2011 seront confirmées à partir de l'année prochaine

c)Description of the assistance activity:

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

i. Organized crime, drug trafficking and terrorism

Provided 

a) Nature of the assistance:

i) financial 

ii) technical 

b) Amount of assistance provided/received (if financial):

les données pour l'année civile de 2011 seront confirmées à partir de l'année prochaine

c) Description of the assistance activity:

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

j Other

--- Select --- 

Any further comments on PoA and ITI, including implementation challenges and opportunities?

Additional information may be uploaded/attached, if necessary: