



UN Programme of Action

National Reporting Tool

Netherlands

2016

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?

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 : Dorinda ten Brinke, Policy Advisor Humanitarian Demining & SALW; Maarten Broekhof, Policy Officer Non-Proliferation, Disarmament, Arms Control and Export Control Policy
- b) Organization or agency : Ministry of Foreign Affairs 1. Stabilisation and Humanitarian Aid Department (DSH)- Stabilisation Division (DSH/ST) 2. Security Policy Department - Non-Proliferation, Disarmament, Arms Control and Export Control Policy Division (DVB/NW)
- c) Address : Bezuidenhoutseweg 67 P.O. Box 20061 2500 EB The Hague
- d) Telephone number(s) : +31 70 348 64 86
- f) Email : dsh-st@minbuza.nl

- 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)?

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

- PoA II.2 3. Are there any SALW manufactured in your country?

Sources International assistance

- PoA III.6 4. 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 5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

- PoA II.11 5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.

Sanctiewet 1977 [Sanctions Act 1977] Wet Wapens en Munitie -WWM 1997 [Arms and Ammunitions Act] (amended in 2015) Algemene Douanewet 2008 [General Customs Law] Besluit Strategische Goederen 2008 [Decree on Strategic Goods] Uitvoeringsregeling Strategische Goederen 2008 [Implementation Order on Strategic Goods] Regeling wapens en munitie 2015 [Arms and Ammunitions Arrangement]

Sources Licensing and authorisation

PoA II.11	5.2. 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	5.3. 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	5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?	
PoA II.12	<p>a) An end-user certificate (EUC) from the importing country</p> <p>i) What elements does an end-user certificate in your country contain (check relevant boxes)?</p> <p>1) Detailed description (type, quantity, characteristics) of the SALW or technology <input checked="" type="checkbox"/></p> <p>2) Contract number or order reference and date <input checked="" type="checkbox"/></p> <p>3) Final destination country <input checked="" type="checkbox"/></p> <p>4) Description of the end-use of the SALW <input checked="" type="checkbox"/></p> <p>5) Exporter's details (name, address and business name) <input checked="" type="checkbox"/></p> <p>6) End-user information (name, position, full address and original signature) <input checked="" type="checkbox"/></p> <p>7) Information on other parties involved in the transaction <input type="checkbox"/></p> <p>8) Certification by the relevant government authorities of the authenticity of the end-user <input checked="" type="checkbox"/></p> <p>9) Date of issue <input checked="" type="checkbox"/></p> <p>10) Other <input type="checkbox"/></p> <p>b) Other types of end-user documentation</p> <p>In certain instances, a Delivery Verification Certificate (DVC) may be requested by Dutch customs to be provided by the exporting/importing party.</p>	Yes
PoA II.12	<p>5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided?</p> <p>5.5.1 Details:</p> <p>The Netherlands seeks to authenticate EUCs or other types of end-user documentation (such as IICs), taking into account guidelines and agreements as established in the Wassenaar Arrangement (WA). There is extensive coordination between several governmental departments, including the The Central Import and Export Office (CDIU) of the Dutch Customs, Dutch intelligence services (including AIVD and MIVD) and the Dutch Ministry of Safety and Justice; in order to ensure the authenticity of EUCs and IICs. The CDIU plays the central and coordinating part in this. The Dutch government furthermore is well-aware of (common) practices regarding the evasion of export control mechanisms (including the forgery and misuse of EUCs), and actively seeks to combat these.</p>	Yes
	<p>5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?</p> <p>5.6.1 Details:</p> <p>See above. The Dutch government is well-aware of (common) practices regarding the evasion of export control mechanisms (including the forgery and misuse of EUCs), and actively seeks to combat these. For this purpose, as well as for control and verification of EUCs and other types of end-user documentation, the Dutch Customs has specifically set up a the team "Precursoren, Oorsprong, Strategische goederen en Sancties (Team POSS; "Precursors, Origin, Strategic Goods and Sanctions). Other information may be gathered by making use of Dutch intelligence services and/or the official Dutch representations abroad.</p>	Yes

Sources Post-delivery controls

	5.7. 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?	No
	5.8. After exporting, does your country verify or seek to authenticate DVCs provided?	No
	5.9. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?	No

Sources Marking at import

ITI 8b	5.10. Does your country require that SALW imported into your country be marked at the time of import?	No
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Sources Record-keeping

PoA II.9; ITI 12	5.11. Does your country require that exporters and importers of SALW keep records of their activities?	Yes
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5.11.1. 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

5.11.2. How long must records of transfers be kept?

Records of transfers must be kept for a minimum of ten years; after which the records are reviewed and accordingly revised.

Other ▼

Sources Actions taken during the reporting period

PoA II.6 5.12. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)? Yes ▼

5.12.1 Details.

Over the past two years, the Dutch government has actively investigated and prosecuted groups, as well as individuals engaged in the illicit transfer of SALW. There have been a number of cases in which individuals received extensive prison sentences for their role in the illicit trade in SALW. The Dutch Openbaar Ministerie (Public Prosecution Service) have expressed more direct focus on combating the trade in SALW.

Sources International assistance

PoA III.6 6. 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 7. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW? Yes ▼

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

Wet Strategische Diensten 2011 [Strategic Services Act] Wet Wapens en Munitie-WWM 1997 [Arms and Ammunitions Act] (amended in 2015) Handboek VGEM, subject 30.06.00 Strategische Goederen 2013 [User Guide on Strategic Goods and Services] Besluit Strategische Goederen 2008 [Decree on Strategic Goods]

8.1.1 Are those laws and procedures part of the national arms export control system?

--- Select --- ▼

7.2. Does your country require registration of SALW brokers?

Yes ▼

7.3 Does your country require a licence, permit or other authorisation for each brokering transaction?

Yes ▼

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker?

--- Select --- ▼

7.4 Does your country regulate activities that are closely associated with the brokering of SALW?

No ▼

Sources Actions taken during the reporting period

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

7.5.1 Details.

Investigation by the Dutch government, as well as prosecution, has taken place in a number of instances over the past two years (March 2014-March 2016) (for example, one case in which the Bosnian government requested support from the Dutch government in tracing the origin of weapons illicitly imported to the country).

Sources International assistance

PoA III.6 8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering? No ▼

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17 9. 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? Yes

PoA II.17 9.1. 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 9.2. 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

9.3. 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

Sources Actions taken during the reporting period

PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks? No

Sources International assistance

PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management? No

PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons?

SECTION 6: COLLECTION

Sources Collection

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

Sources International assistance

PoA III.6 13 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

ITI 8d 14. 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?

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

Each item of SALW held by the Defence organisation is uniquely marked and registered. The marking identifies the type, country code, serial number and the manufacturer of the item of SALW. If it appears that a weapon in the armed forces' stocks is not marked, it will be considered illegal and subsequently destroyed. Each item of SALW which is part of the armament or equipment of the Dutch Police is uniquely marked and registered. The markings identify the type, serial number and manufacturer of the item of SALW. All service pistols of the Dutch Police are additionally marked with a unique Dutch Police acceptance mark. In addition to the physical marking each item of SALW is equipped with a passive, electronic "rfid" (radio frequency identification) transponder. These transponders are read with the use of portable terminals before and after transportation and all data are stored in one centralized database.

ITI 8c 14.2. 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 15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?

Record-keeping

PoA II.9 16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?

16.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?

Arms traders must keep records of transaction dates, amounts, types and manufacturers of the arms traded, the names and addresses of the buyers and the administrative type and number of the authorisation of the buyer or seller. Transfers of SALW are extensively recorded by the Import and Export Licensing Office, in coordination with Dutch Customs. The State in this way keeps records of import and export licenses granted (both for regular trade as well as brokering. Within the Defence organisation, full records are maintained of holdings, use, disposal of and expenditure on all SALW. These records are checked and subject to inspection. Procedures exist for reporting losses and thefts as well as subsequent necessary action. Within the Dutch Police, full records are maintained of holding, use and disposal of all SALW. On 1 January 2010 the police and prosecution started a new national working method to enhance registration of confiscated weapons from the moment of confiscation to the moment of destruction. The Chief Police in the district where the holder of SALW is registered keeps a record for holding. All authorization to hold weapons are granted for a period of five years and are then updated. The Customs Licensing Office keeps a record of transfers of SALW if and when the transfer is subject to notification or licensing. A record or license issued and license denied is kept for a record of ten years.

ITI 12 a,b 16.2. How long does the government keep such records?
Records are kept for a minimum of ten years, both regarding state-owned SALW storage and transfers, as well as for SALW transfers by the private sector.

ITI 13 **163. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?**

Sources International assistance

PoA III.6, ITI 27 **17. Does your country wish to request assistance in building capacity for record-keeping?**

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

PoA II.10; ITI 14, 24 **18. Does your country have procedures in place to trace SALW?**

Sources Tracing requests

ITI 25; 31a **18.1. Which government agency is responsible for making a tracing request to another country?**
The Dutch Police organization.

ITI 17 **18.2. 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

Sources Cooperation with INTERPOL

PoA II.37; ITI 33 **19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?**

Sources International assistance

PoA II.36; III.6; ITI 27 **2420. Does your country wish to request assistance in developing procedures to trace SALW?**

&n

PoA III.10; ITI 28 **2521. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW?**

&n **21.1. Details**

Through involvement with negotiations regarding the UN Programme of Action, as well as cooperation with the European Union with regards to improving tracing and detection messages.

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources Assistance requested / received / provided

PoA III.3, 6 **2622. 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?**

&n

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

Additional information may be uploaded/attached, if necessary:

SECTION 10: INFORMATION TO BE SUBMITTED

Information on national marking practice

2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary:

a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.

Legislation regarding the documentation, registration, marking and tracing of SALW is in full accordance with EU guidelines and practices. A full overview of measures and practices can be found in the 1998 EU Joint Action (on the EU contribution to combating the destabilizing accumulation and spread of SALW) and the 2005 integrated European Strategy on SALW.

Additional information such as images and illustrations may be uploaded/attached, if necessary:

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.