



UN Programme of Action

National Reporting Tool

Portugal

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 : Luís Quartin Graça
 b) Organization or agency : Ministry of Foreign Affairs - Disarmament and Non-proliferation Division
 c) Address : Largo do Rilvas - Lisboa - Portugal
 d) Telephone number(s) : 00351 21 394 62 95
 f) Email : luis.quartin@mne.pt

- 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?

- 3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW?

3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country

Concerning military articles: i) Law 49/2009, dated August 5, regulates licencing and registration of companies for industry and commerce of defence-related products and also brokering activities; ii) Law 37/2011, dated June 22, regulates imports, exports, transit, transshipment, and intra-EU transfers, of defence related products, including end-use control; Concerning civil articles: Law 5/2006, dated February 23, as amended by laws 59/2007, dated September 4, law 17/2009, dated May 6, law 26/2010, dated August 30, law 12/2011, dated April 27, and law 50/2013, dated July 24 (the Legal Regime of SALW and their Ammunitions).

- 3.1.2. Does your country license the manufacture of SALW?

- PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country?

Sources Marking at manufacture

- PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture?

- ITI 8a 3.2.1. What information is included in the marking (check relevant boxes)?

- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other

- ITI 10a 3.2.2. What part of the SALW is marked?
 On long weapons, the barrel and the breech-block are marked. On pistols and revolvers the barrel and the frames are marked.

- 3.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture?

Sources Record-keeping by manufactures

- PoA II.9; ITI 11 3.3. Does your country require that manufacturers keep records of their activities?

- ITI 12a 3.3.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW manufactured
- b) Type or model of SALW manufactured
- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

ITI 12a

3.3.2. How long must manufacturing records be kept? 20 years

Other ▾

Sources Actions taken during the reporting period

PoA II.6 3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)? Yes ▾

3.4.1. Details.

Statistics not yet available

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? No ▾

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? Yes ▾

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

Law 49/2009, dated August 5 (For military articles, regulates licencing and registration of companies for the industry and commerce of defence-related products and also brokering activities); Law 37/2011, dated June 22 (For military articles, regulates imports, exports, transit, transshipment, and intra-EU transfers, of defence related products, including end-use control); Law 5/2006, dated February 23, and Law 12/2011, dated April 27 (For civil articles, establishes a comprehensive regime which applies to all categories of small arms and light weapons); Law 42/2006, dated August 25 (regulates the importing and exporting of small arms for sports and collectors). European Union legislation also applies to export, import, transit or retransfer of SALW, namely: i) European Union Council Common Position 2008/944/EC, dated 8 December, defining common rules governing control of exports of military technologies and equipment, exports of military technologies and equipment; ii) Directive 2009/43/EC of the European Parliament and of the Council of the European Union of 6 May 2009, simplifying terms and conditions of transfers of defence-related products within the Community and iii) Regulation (EU) no. 258/2012 of 14 March, of the European Parliament and of the Council, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition.

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? Yes ▾

PoA II.12 a) An end-user certificate (EUC) from the importing country Yes ▾

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 Non - reexport clauses

b) Other types of end-user documentation

An Import Authorization issued by the destination country

PoA II.12 5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided? Yes ▾

5.5.1 Details:

Contact the country of origin authorities and Interpol

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or Yes ▾

other types of end-user documentation?

5.6.1 Details:

The reliability and credibility of stakeholders involved, and respective signatures, are verified on a case-by-case basis, with the support of our diplomatic staff

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? Yes ▾
- 5.8. After exporting, does your country verify or seek to authenticate DVCs provided? Yes ▾
- 5.8.1 **Details**
If need be, the authenticity of Delivery Verification Certificate is verified
- 5.9. 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 5.10. Does your country require that SALW imported into your country be marked at the time of import? Yes ▾
- 5.10.1. Who is required to mark the SALW?
The Public Security Police is required to mark SALW at the time of import.
- 5.10.2. What information is included in the marking on import (check relevant boxes)?
- a) Country of import
- b) Year of import
- c) Other
- 5.10.3. Are there exceptions to the requirement to mark imported SALW? Yes ▾
- 5.10.3.1. If so, describe.
By law, only weapons that are considered as collectors' item and those for use of the Portuguese Armed Forces and Security Forces are exempted.
- 5.10.4. 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 ▾
- 5.10.4.1 **Details:**
The Public Security Police is required to mark SALW at the time of import. Record keeping

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 ▾
- 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? 20 years ▾

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.**
Statistics not yet available

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.
Brokering is only authorized in regards to defence-related products. Applicable laws: Law 49/2009, dated August 5, Law 52/2015, dated April 15 (For military articles, regulates licencing and registration of companies for the industry and commerce of defence-related products and also brokering activities); Law 5/2006, dated February 23, Law 12/2011, dated April 27 and Law 50/2013, dated July 24 (For civil articles, establishes a comprehensive regime which applies to all categories of small arms and light weapons).

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? Yes ▾

7.4.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

a) Acting as dealers or agents	<input type="checkbox"/>
b) Providing technical assistance	<input type="checkbox"/>
c) Training	<input checked="" type="checkbox"/>
d) Transport	<input checked="" type="checkbox"/>
e) Freight forwarding	<input type="checkbox"/>
f) Storage	<input type="checkbox"/>
g) Finance	<input type="checkbox"/>
h) Insurance	<input checked="" type="checkbox"/>
i) Maintenance	<input type="checkbox"/>
j) Security	<input type="checkbox"/>
k) Other services	<input type="checkbox"/>

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)? --- Select --- ▾

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? 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? No ▾

SECTION 6: COLLECTION

Sources Collection

12. During the reporting period, did your country collect any SALW? Yes ▾
- PoA II.21 12.1. How many SALW were collected?
In 2015, 2894 weapons (firearms) were seized or confiscated and 5878 weapons (firearms) were found, surrendered or collected. Furthermore, 88581 munitions were seized or confiscated and were found, surrendered or collected.
- 12.2. What action was taken with respect to the SALW collected (check relevant boxes)?
- a) Stored securely pending further action
 - b) Marked
 - c) Registered or recorded
 - d) Destroyed
 - e) Other

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? No ▾

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? Yes ▾
- 14.1. Describe the markings that are applied to government-held stocks.
Inscription on the slide - "Security Force"
- 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? Yes ▾
- ITI 8e 15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings? Yes ▾
- 15.1 Details
National Authorities encourage the use of undelible marking processes Record keeping

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? Yes ▾
- 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)?
Records on manufacturing, brokering, export licences granted, persons and companies authorized to engage in trade of SALW are kept by State agencies- in Portugal the National Authority is Public Security Police

ITI 12 a,b **16.2. How long does the government keep such records?**
20 years

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?** --- Select --- ▼

Sources International assistance

PoA III.6, ITI 27 **17. 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 **18. Does your country have procedures in place to trace SALW?**

Yes ▼

Sources Tracing requests

ITI 25; 31a **18.1. Which government agency is responsible for making a tracing request to another country?**
The Public Security Policy and the Ministry of National Defence. Requests are made through Interpol and SISone4all (Shengen).

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) ?**

Yes ▼

Sources International assistance

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

No ▼

&n

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

No ▼

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SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCEspan>

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?td>**

No ▼

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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.

For identification the PSP marks all essential parts, in the Portuguese language with the letters PT (Portugal) and its coat of arms. The PSP is the only entity in Portugal responsible for the control of marks on firearms. Alphanumeric code follows: In this brand have the following meaning: • PT - Portugal international Indication, marking the country of origin of the weapon; • 13 - year in which firearms is marked; • 1 - the reason why the firearm was marked; • 001 - serial number marking for no repetitions; • Symbol – PSP, referring to the coat of the Public Security Police; • PSP - Reference to the coat, the national competent authority on firearms for civil use which is doing the marking. Example: PT131001[PSP Coat of Arms]PSP

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.