End-user and end-use of internationally transferred ammunition module
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Foreword

Ageing, unstable and excess ammunition stockpiles pose the dual hazards of illicit proliferation and accidental explosion, which have caused destabilization and humanitarian disaster in all regions of the world.

Crucial for adequate stockpile management is the identification of surpluses – that is, the portion of weapons and ammunition that does not constitute an operational need. When surpluses are not recognized, the entirety of the stockpile may continue to be seen as of operational value. Although not used, weapons and ammunition surpluses thus continue to fill warehouses and can thus pose a significant risk to safety and security.

Defective stockpile management has been assessed as the norm rather than the exception in many countries. Often it is not only surplus stocks that should be the focus of attention, but the lack of appropriate policy for stockpile management. Governments remain unaware of surpluses; their national stockpiles remain a risk to public safety; and diversion from warehouses feed into crime and armed violence.

In 2011, the United Nations developed the International Ammunition Technical Guidelines (IATG) to ensure that the United Nations as a whole consistently delivers high-quality advice and support in ammunition management. Many stakeholders, including international organizations, non-governmental entities and national authorities, use these guidelines.

The IATG, along with other conventional ammunition issues, are managed through the United Nations SaferGuard programme.

Taking into account the diversity in capacity of States, three levels of ascending comprehensiveness are offered in the IATG, referred to as “risk-reduction process levels” (RRPLs). These are indicated within each IATG as either LEVEL 1 (basic), LEVEL 2 (intermediate) or LEVEL 3 (advanced).

The aim of implementing partners should be to maintain stockpile management processes at RRPL 1 as a minimum. This will often reduce risk significantly. Ongoing and gradual improvements could then be made to the stockpile management infrastructure and processes as staff development improves and further resources become available. These additional actions would equate to RRPLs 2 and 3.

The RRPLs are determined by calculating a weighted score of questions about a particular ammunition stockpile. A checklist is available at: https://www.un.org/disarmament/un-saferguard/risk-reduction-process-levels/.

The IATG are reviewed on a regular basis to reflect developing ammunition stockpile management norms and practices, and to incorporate changes due to changing international regulations and requirements. The IATG are also available in multiple languages.

The latest version of each guideline, together with practical IATG implementation support tools, can be found at https://www.un.org/disarmament/un-saferguard/.
Introduction

National controls over the end-user and the end-use of internationally transferred ammunition cover the procedures and the legislation that are necessary to ensure that the ammunition is legally transferred to the end-user and for the declared end-use. Effective and efficient national controls over the end-user and end-use are an essential part of any ammunition transfer control system. Those controls are indispensable in combating and preventing ammunition diversion from the legal market into the illicit sphere and/or to unauthorized recipients.

National controls over the end-user and end-use are part of a comprehensive licencing system, because they encompass all aspects of an ammunition transfer. The basic characteristics of such a system are: 1) proper legislation or regulatory framework, 2) procedures of pre-licencing risk assessment with respect to diversion, 3) end-user authentication, 4) verification measures before, during and after the transfer, and 5) enforcement mechanisms.

National controls over the end-user and end-use are a comprehensive process occurring throughout the ammunition transfer chain. Before granting an export licence, an exporting State has to demand assurances regarding the end-use and the end-user of the ammunition by requiring an end-user certificate (EUC). Once provided by the end-user, the authorities of the exporting State need to authenticate and verify the EUC. This process of authentication and verification may, on certain occasions, indicate that the exporting State or importing State need implement controls during the transfer, such as in-shipment supervision and escort. Once the shipment has been delivered, post-shipment controls comprise the last available tool to control end-use and the end-user. A delivery verification certificate (DVC) is one such post-shipment controls. The importing State and/or the end-user, by providing a DVC, gives assurances to the exporting State that the ammunition has been delivered to the importing State. In particular circumstances, an exporting State may also decide to undertake more robust controls by proceeding to physical inspections of the transferred ammunition.

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1 This IATG is mainly based on the contents of ISACS 03.21 National controls over the end-user and end-use of internationally transferred SALW as the principles and procedures are much alike.
End-use and end-user for transferred ammunition module

1. Scope

This IATG establishes the guiding principles for developing and implementing effective and accountable controls over the end-user and the end-use of internationally transferred ammunition.

As such, this IATG addresses the main aspects of the legislation and processes for controlling end-users and end-use of internationally transferred ammunition, including: risk assessments to prevent diversion at the pre-licensing stage, the establishment and use of end-use documentation, authentication and verification of the end-use documentation, and post-delivery monitoring of the transferred ammunition. It also addresses enforcement mechanisms and international cooperation.

This IATG covers national controls over the end-users and end-use to prevent and combat the unauthorized transfer of ammunition. It does not cover other aspects of national controls over the international transfer of ammunition, which are addressed in IATG 03.20 National controls over the international transfer of ammunition.

The primary targets of this IATG are the national officials tasked with devising and implementing ammunition transfers controls. The guideline is also targeted at Parliaments, International Organisations and Non-Governmental Organisations working for the implementation of improved standards in this area.

2. Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

A list of normative references is given in Annex A. Normative references are important documents to which reference is made in this guide and which form part of the provisions of this guide.

A further list of informative references is given at Annex B in the form of a bibliography that lists additional documents that contain other useful information on the lotting and batching of conventional ammunition.

3. Terms and definitions

For the purposes of this guide the following terms and definitions, as well as the more comprehensive list given in IATG 01.40:2015(E) Terms, definitions and abbreviations, shall apply.

The term ‘authentication’ refers to the formality by which the authorities of the exporting State certify the authenticity of the signature, the capacity in which the person certifying the document has acted and, where appropriate, the identity of the seal or stamp that it bears.

The term ‘Delivery Verification Certificate (DVC)’ refers to a document used to prove that the transferred SALW have been effectively delivered in the importing State.

The term ‘end-use document’ refers to a document used to determine and control the end-user and the end-use of ammunition transfers.

The term ‘End-User Certificate (EUC)’ refers to a document used to control and certify the end-user and the end-use prior to the approval of an ammunition export licence.
The term ‘verification’ refers to a process by which the authorities of the exporting State check the accuracy of the information contained in a EUC, especially regarding the risk of diversion and the end-user.

In all modules of the International Ammunition Technical Guidelines, the words 'shall', 'should', 'may' and 'can' are used to express provisions in accordance with their usage in ISO standards.

a) ‘shall’ indicates a requirement: It is used to indicate requirements strictly to be followed in order to conform to the document and from which no deviation is permitted.

b) ‘should’ indicates a recommendation: It is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required, or that (in the negative form, ‘should not’) a certain possibility or course of action is deprecated but not prohibited.

c) ‘may' indicates permission: It is used to indicate a course of action permissible within the limits of the document.

d) ‘can’ indicates possibility and capability: It is used for statements of possibility and capability, whether material, physical or casual.

4. Legislation on the control over the end-user and end-use

4.1 Key elements of national legislation

Adequate national laws and controls to ensure the effective control over the end-use and the end-user of ammunition transfers shall be put in place and implemented. These regulations shall be designed to minimize ammunition diversion into the illicit market and/or to unauthorized recipients.

These regulations should be an integral part of national laws and controls over ammunition transfers.

The legislation on the control of end-users and end-use shall include, at a minimum, a legal basis, an end-user and end-use control policy, a decision-making mechanism and an enforcement mechanism.

Legislation shall require standard procedures for risk assessment during the pre-licensing stage with respect to the prevention of ammunition diversion.

4.2 Requirements on the end-use documents

National legislation shall require the use of end-use documents. This legislation shall ensure that the end-use documents contain minimal elements to prevent abuse or fraud. The legislation may require the national authorities to use standardized end-use documents. Different sorts of standardized end-use documents may be used depending on the type of transaction (transfers to state or private entities) and/or of the ammunition subject to the transfer.

Legislation shall also include requirements regarding procedures for authenticating and verifying end-use documents.

Legislation shall require the provision of an end-user certificate (EUC) prior to approval of any ammunition export licence. It should also require the provision of a delivery verification certificate (DVC) as a proof that the ammunition has been delivered to the importing State.
4.3 Activities covered by end-use controls

End-use regulations shall cover the export, import and transit of ammunition.

4.4 Items covered by end-use controls

National end-use controls shall cover all ammunition that is subject to export, import, transit and transhipment and brokering controls.

States should ensure that end-use controls apply to:

a) newly manufactured ammunition;
b) surplus and second-hand ammunition;\(^2\)
c) state-to-state transfers of ammunition;
d) state-to-private end-user transfers of ammunition;
e) commercial sales of ammunition;
f) leases of ammunition;
g) licenced foreign ammunition production and transfers of technology for this purpose;
h) intangible transfers of software and technology by means such as electronic media, fax or telephone relating to the production of ammunition; and

i) loans or gifts or aid or any other form of transfer of material goods or credit or expertise related to ammunition.

4.5 Post-shipment controls

Legislation should contain provisions that allow for post-shipment controls. This legislation should require the use of delivery verification certificates. It should also authorize the authorities of the exporting State to proceed, with the authorization of the importing State, to selective post-delivery inspections.

Legislation may establish a special body, or convey authority on an existing body, to conduct these inspections.

4.6 Relevant national authority

Legislation shall establish the national authorities in charge of end-use controls. Those authorities should be same as the authorities responsible for national controls over the international transfer of ammunition.

4.7 Record-keeping

Legislation should ensure that the relevant national authority keeps comprehensive and accurate records of end-use documents regarding the export, import and transit of ammunition.

These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated. To this end, States should seek to computerize their records.

\(^2\) Including ammunition exported for disposal or destruction.
Such records should be kept indefinitely, and where this is not possible, for a minimum of 20 years.

4.8 Offences and penalties

Legislation should establish non-compliance with end-user and end-use undertakings as administrative and/or criminal offences under domestic law, in order to ensure that those who are engaged in such activities can be prosecuted under appropriate national penal codes.

Legislation should ensure that processes and procedures are in place to implement sanctions in the event of abuse or fraudulent use of end-use documents and of non-compliance with national end-user and end-use controls.

Such sanctions should apply to violations of end-use legislation occurring within a State’s jurisdiction. States should seek the cooperation of relevant foreign authorities regarding violations of end-use legislation occurring outside their jurisdiction.

5. Types of end-use documents

5.1 Introduction

For the purpose of this IATG, the phrase ‘end-use documents’ denotes the documents used to determine and control the end-user and the end-use of ammunition transfers.

There are two kinds of end-use document:

a) the end-user certificate (EUC): a document required by the exporting State to control and certify the end-user and end-use prior to the approval of an ammunition export licence; and

b) the delivery verification certificate (DVC): a document required by the exporting State after the transaction to prove that the transferred ammunition has been delivered to the importing State and/or end-user.

5.2 End-user certificate (EUC)

5.2.1 Introduction

The phrase ‘end-user certificate’ denotes the documents used to control and certify the end-user and the end-use prior to the approval of an ammunition export licence.

Typically, EUCs are of two types:

a) EUCs for transfer to states entities; and

b) EUCs for transfer to private entities.

The document may be named differently depending on the type, destination, and end-user of the ammunition to be transferred. The most common denominations are ‘end-use assurance’, ‘end-use certificate’, ‘end-user certificate’ or ‘end-use statement’.

EUCs for transfer to state entities are assurances provided by the importing State authorities that the ammunition to be transferred will only be used for the stated end-use and by the stated end-user. Such documents should also contain specific clauses on the potential re-export of the transferred ammunition.

EUCs for transfer to private entities are assurances provided by the commercial importer that the ammunition to be transferred will only be used for the stated end-use and by the stated end-user.
The authorities of the importing State should certify this document. Such documents should also contain specific clauses on the potential re-export of the transferred ammunition.

Based on bilateral or multilateral agreements, some States may use alternative documents, such as an International Import Certificate (IIC). Usually, the IIC is signed by the authorities of the importing State and does not contain any assurances regarding end-use and the end-user of the ammunition to be transferred and regarding potential re-export. States using IICs shall include in these documents the same information required by an EUC, as defined in Clause 5.2.3.

5.2.2 End-user certificate requirement

An EUC shall be required prior to the approval of any ammunition export licence.

The applicant (i.e. the exporter) shall be provided with guidance with respect to the minimum elements that an EUC shall contain.

Since the exporting State has primary responsibility for ensuring that the ammunition to be transferred is not diverted or re-exported to unauthorized end-users and/or end-uses, such guidance should be provided by the authorities of the exporting State. Alternatively, the exporting State may provide the applicant with national standardized end-use certificates. Different sorts of standardized end-use certificates may be used depending on the type of the transaction (transfers to state or private entities) and/or of the ammunition subject to transfer.

The number of officials and institutions of the exporting State authorized to issue and provide such documents should be kept to a minimum.

The importing State shall ensure that EUCs issued by its authorities contain the minimum amount of information required by this IATG.

The number of officials and institutions of the importing State authorized to stamp or sign such documents should be kept to a minimum.

5.2.3 Content of an end-user certificate

The content of an EUC should vary depending on the nature of the end-user, (state entity or private entity). This clause details the minimum elements each type of EUC shall, should and may contain.

5.2.3.1 Content of an end-user certificate for transfer to state entities

An end-user certificate for transfer to state entities shall contain the following elements:

a) the date of issue;

b) a detailed description of the ammunition to be exported 1) type, 2) model, 3) calibre, 4) quantity, 5) lot or batch numbers and 6) value;

c) whenever available, the contract number (or the order reference) and the date of its issuance;

d) the country of final destination of the goods to be exported;

e) the description of the end-use of the goods to be exported;

f) assurances that the ammunition will be used only by the end-user;

g) assurances that the ammunition will be used only for the stated end-use;
h) assurances that re-export of imported ammunition can only take place after receiving a written authorization from the exporting country, unless the exporting country decides to transfer that authority to the export licencing authorities of the importing country;

i) the details of the exporter, including name, position, business name, address, phone, fax, e-mail and website (if available);

j) information about the end-user, including name, position, institution/organisation, address, phone, fax, e-mail and website (if available);

k) the original signature of the end-user (or a representative of the end-user). A legally certified signature may be used when using an electronically issued EUC;

l) a certification by the relevant governmental authorities, according to national practice, as to the authenticity of the end-user, including the date, name, position, institution/organisation, address, phone, fax, e-mail, website (if available), and original signature of the authorizing official (a legally certified signature may be used when using an electronically issued EUC); and

m) a unique register number and the duration of the end-user certificate.

An end-user certificate for transfer to state entities should contain the following elements:

n) information on other parties (intermediate consignees/purchasers, brokers, transport agents) involved in the transaction, as may be required, including name, position, business name, address, phone, fax, e-mail and website (if available);

o) information on transit points (if any). If these elements are not known at the time of the EUC development, they should be notified prior to the export;

p) a commitment by the end-user and/or the importing State to provide the exporting State a delivery verification certificate (DVC); and

q) a clause allowing the exporting State to carry out, upon its request, on-site inspections of the transferred ammunition, particularly in the case of production capacity transfers.

An end-user certificate for transfer to state entities may contain the following elements:

r) the place of issue; and

s) the location of the end-use of the goods to be exported.

Regarding re-export, the exporting State may require more stringent requirements, such as:

t) assurances that re-export of imported ammunition can only take place after receiving a written authorization from the exporting State;

u) assurances that the imported ammunition will not be re-exported; or

v) assurances that the imported ammunition will not be diverted or relocated to another destination or location in the importing State.

5.2.3.2 Content of an end-user certificate for transfer to private entities

An end-user certificate for transfer to private entities shall contain the following elements:

a) the date of issue;

b) a detailed description of the ammunition to be exported 1) type, 2) model, 3) calibre, 4) quantity, 5) lot or batch numbers and 6) value;
c) the country of final destination of the goods to be exported;

d) the description of the end-use of the goods to be exported;

e) assurances that the ammunition will only be used by the end-user;

f) assurances that the ammunition will only be used for the stated end-use. In the case of an export to a firm that retails ammunition in a national (domestic) market, the end-use should be notified as ‘civilian market’;

g) assurances that re-export of imported ammunition can only take place after receiving a written authorization from the exporting country, unless the exporting country decides to transfer that authority to the export licencing authorities of the importing country;

h) the details of the exporter, including name, position, business name, address, phone, fax, e-mail and website (if available);

i) information about the end-user, including name, position, business name, address, phone, fax, e-mail and website (if available). In the case of an export to a firm, which retails ammunition on its national market, the firm should be regarded as the end-user;

j) the original signature of the end-user (a legally certified signature may be used when using an electronically issued EUC);

k) certification by the relevant governmental authorities, according to national practice, as to the authenticity of the end-user, including the date, name, position, business name, address, phone, fax, e-mail, website (if available), and authorized signature of the authorizing official (a legally certified signature may be used when using an electronically issued EUC); and

l) a unique register number and the duration of the end-user certificate.

An end-user certificate transfer to private entities should contain the following elements:

m) the contract number (or the order reference) and the date of its issuance;

n) information on other parties (intermediate consignees/purchasers, brokers, transport agents) involved in the transaction, as appropriate, including name, position, business name, address, phone, fax, e-mail and website (if available);

o) information on transit points (if any). If these elements are not known at the time of EUC delivery, they should be notified prior to the export;

p) a commitment by the end-user and/or the importing State to provide the exporting State with a delivery verification certificate (DVC); and

q) a clause allowing the exporting State to carry out, upon its request, on-site inspections of the transferred ammunition, particularly in the case of production capacity transfers.

An end-user certificate transfer to private entities may contain the following elements:

r) the place of issue; and

s) the location of the end-use of the goods to be exported (if relevant).

Regarding re-export, the exporting State may require more stringent requirements, such as:

t) assurances that re-export of imported ammunition can only take place after receiving a written authorization from the exporting State; or

u) assurances that the imported ammunition will not be re-exported.
5.2.4 Validity of an end-user certificate

a) an EUC shall not be used for more than one transaction;

b) the validity of an EUC may be limited to a reasonable period of time. States may limit the validity of EUCs to not more than one year, though this may be extended in certain situations;

c) the length of time for which an EUC remains valid shall be clearly indicated on the document;

d) upon expiry of the EUC, a new application shall be required.

5.2.5 Format of an end-user certificate

An EUC shall be designed in order to prevent forgery. When provided by State authorities, an EUC should be issued on a pre-printed form or on letterhead paper. As a minimum alternative, an EUC could be issued on a letterhead paper of the end-user.

An EUC may also be produced by the authorities on special paper, such as banknote-quality paper, with an individual reference number.

The exporting State shall only accept EUCs that meet those requirements.

The importing State shall only issue EUCs that meet those requirements.

5.2.6 Reference of an end-user certificate

An EUC shall be provided with a unique registration number issued by the relevant national authorities.

5.2.7 Delivery verification certificate (DVC)

The term ‘delivery verification certificate (DVC)’ applies to documents used to prove that the transferred ammunition has been effectively delivered to the importing State.

A DVC shall be either a standardised official document or an official document that contains a minimum amount of information. As an alternative, it may be a copy of the relevant customs documents, which should be certified by the importing State.

5.2.7.1 Delivery verification certificate requirements

The exporting State should require a DVC as proof that the ammunition has been delivered to the importing State. Such a requirement should be introduced into the EUC for the ammunition to be transferred. Consequently, the importing State should supply the exporting State with a DVC within a reasonable period of time.

The number of officials and institutions of the importing State authorized to stamp or sign such documents should be kept to a minimum.

5.2.7.2 Content of the delivery verification certificate

A DVC shall contain the following elements:

a) a detailed description of the ammunition to be exported 1) type, 2) model, 3) calibre, 4) quantity, 5) lot or batch numbers and 6) value;

b) the description of the end-use of the imported ammunition;
c) the details of the exporter, including name, position, business name, address, phone, fax, e-mail and website (if available);

d) information about the importer and the end-user, including name, position, business name, address, phone, fax, e-mail and website (if available). In the case of an export to a firm that retails the ammunition in its national market, the firm should be regarded as the end-user;

e) the original signature of the importer and/or the end-user (a legally certified signature may be used when using an electronically issued DVC);

f) a certification by the relevant governmental authorities, according to national practice, as to the receipt of the ammunition by the importer, including the date, name, position, business name, address, phone, fax, e-mail, website (if available), and authorized signature (a legally certified signature may be used when using an electronically issued DVC);

g) the contract number (or reference of the order) and the date of its issuance;

h) information on the means of transport of the transferred ammunition. It may include, inter alia, the arrival date, the number of the bills of lading and/or airway bill and/or CMR (international carriage), and the vessel/flight/vehicle number;

i) the date of issue; and

j) if applicable, a unique register number and validity of the DVC.

5.2.8 Format of a delivery verification certificate

A DVC should be issued by the authorities of the importing State on a pre-printed form or, at a minimum, on a letterhead paper. As an alternative, it may also be produced on special paper, such as bank-note-quality paper, with an individual reference number.

5.2.9 Reference of a delivery verification certificate

A DVC shall be provided with an individual register number issued by the relevant national authorities.

6. End-use control process

Adequate administrative procedures to ensure effective control over the export and transit of ammunition shall be put in place, and then effectively implemented in order to prevent the illicit trafficking or diversion of the ammunition to unauthorized recipients.

These procedures shall be part of the national control system over ammunition transfers.

6.1 Pre-transfer end-use controls

6.1.1 Pre-licencing risk assessment

6.1.1.1 Standard procedures

Prior to the approval of any ammunition export licence, an EUC shall be required by the exporting State authorities.

The exporting States shall take into account the risk that the ammunition may be diverted from the authorised end-use or end-user, or may be retransferred contrary to the States’ national transfer criteria.
Upon request by the exporting State, the importing State should provide information that could help the exporting State complete its risk assessment.

When assessing applications for licences to export technology or equipment for the purposes of ammunition production in third countries, the exporting State shall in particular take account of the potential use of the finished product in the country of production, and of the risk that the finished product might be diverted or exported to an undesirable end-user.

Travel plans, itineraries and details of transit routes may be required by the exporting State.

Before issuing an ammunition export licence, the exporting State shall verify that, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, transit States have, at a minimum, given written notice prior to shipment that they have no objection to the transit.

A verified and authenticated EUC shall be appended to all ammunition export licence applications.

End-use documentation should not be the sole basis for determining whether an export licence should be granted. States shall ensure that they have in place a broader system for assessing licence applications that includes a comprehensive assessment of the risks of diversion as well as the suitability of the end-use and end-user in light of national export criteria.

6.1.1.2 Simplified procedures and exemptions

States may adopt simplified procedures for controlling the export of ammunition in certain low risk situations. In such situations an EUC may not be required. Such situations may include:

a) temporary exports of ammunition for hunting or sport shooting, evaluation, exhibitions, manufacture and repairs;

b) exports of ammunition for use by the State’s own security and military forces; or

c) transfers to certain trusted end-users and destinations.

The range of such exemptions to the full export licensing requirements shall be kept to a minimum and should not exceed those listed above.

6.1.1.3 Strengthened procedures

Strengthened procedures should be applied to ammunition considered sensitive by the exporting State, such as Man-Portable Air Defence Systems (MANPADS).

In this case, export licences shall be delivered only after presentation of an official EUC certified by the authorities of the importing State. The EUC shall contain an undertaking by the importing State not to re-export the transferred SALW without the prior consent of the exporting State authorities.

6.1.2 Authentication

EUC authentication (or legalisation) is the formality by which the authorities of the exporting State certify the authenticity of the signature, the capacity in which the person certifying the document has acted and, where appropriate, the identity of the seal or stamp that it bears.

National systems should be established to authenticate the EUC.

The exporting State shall authenticate the EUC prior to the approval of any ammunition export licence. Its diplomatic or consular agents usually undertake the authentication process.

EUC authentication may be undertaken by using open source information such as telephone directories and internet, or by consular and diplomatic channels or national contact points.
Only the original EUC shall be accepted by the relevant authorities.

EUC authentication should be undertaken impartially, fairly and within a reasonable period of time.

Upon request, the importing State should assist the exporting State in the EUC authentication process.

6.1.3 Verification

The acceptance of EUCs at face value by exporting governments is, on its own, insufficient to prevent illicit transfers of ammunition. In order to ensure that provided EUCs are legitimate, governments considering licencing the export of ammunition need to take steps to verify their authenticity. However, even if an EUC is found to be genuine, exporting governments also need to be alert to the possibility that the provider of an EUC may be acting as an undeclared agent in acquiring arms and then diverting them to a proscribed and/or unauthorized end-user. Where governments consider this to be a risk, they should not grant an export licence.

6.1.3.1 Verification process

EUC verification is the process by which the authorities of an exporting State check the accuracy of the information contained in a EUC, especially regarding the risk of diversion and the end-user.

The exporting State shall verify the EUC prior to approval of any ammunition export licence.

Upon request, the importing State should assist the exporting State to verify the EUC by providing any relevant information.

The validity of the information provided in the EUC shall be assessed. In particular, the following elements shall be thoroughly checked:

- the identity and the legal status of the exporter;
- the identity and the legal status of the end-user;
- the veracity of the signature of the end-user;
- the identity and the legal status of the intermediate consignee, if applicable;
- the accuracy of the statements regarding the end-use and the end-user;
- the accuracy of the statement regarding re-export;
- the adequacy of information provided in the EUC concerning the transportation and other relevant documents; and
- the existence of a certification by the authorities of the recipient State.

The risk of diversion pertaining to the ammunition transfer shall be assessed. In particular, the following elements shall be taken into account:

- that proper authorisation has been provided by the importing State and, if relevant, by the transit State;
- the possibility that the EUC could be forged;
- the existence of any record of past involvement in illicit activities by the parties mentioned in the EUC and/or involved in the transaction;
- the relevance of the end-use with respect to the type and quantity of ammunition to be transferred;
m) the risk of diversion during the transfer, particularly taking into account the probable itinerary and transit points (if applicable);

n) the efficiency of end-user and end-use controls in the importing State; and

o) the procedures of stockpile management and security in the importing State.

Regarding the end-user, the following elements shall be taken into account:

p) the existence of any record of past involvement in illicit activities;

q) the likely involvement in corrupt practices, at any stage, of the supplier, brokers, other intermediaries or the recipient;

r) the validity of the end-user with respect to the type and quantity of ammunition to be transferred;

s) the ability and willingness to protect against unauthorized transfers, loss, theft, and diversion; and

t) the record of compliance with commitments and transparency in the field of non-proliferation, arms control and disarmament.

States may also maintain a list of problematic end-users to identify licence applications deserving closer scrutiny.

EUC verification may be undertaken by using open source information (such as telephone directories, internet, media and NGOs resources), or by diplomatic channels or national contact points. Additional information may be obtained, as appropriate, from diplomatic missions and other governmental institutions (such as customs, police, intelligence and other law enforcement services) or through exchange of views among States.

6.1.4 Denying an ammunition export licence on the basis of EUC information

An ammunition export licence shall be denied on the basis of EUC information if:

a) the validity of the EUC, and the information it contains, is questionable; and/or

b) it appears that there is a significant risk of diversion at any point in the transfer.

The applicant should receive a written decision for the refusal and may be given the possibility to appeal.

6.2 Controls during the transfer

The exporter should inform the exporting State, the importing State, and (where relevant) the transit State, when the consignment has been dispatched from its territory.

In the case of ammunition transfers considered sensitive, either by the exporting State or the importing State, the ammunition transfer may be required to take place under the supervision and escort of security forces or an appropriate control organisation assigned by relevant national authorities.

The exporting State should require the cooperation of the importing State in conducting inspections when the transferred ammunition is received.
6.3 Post-shipment controls

Appropriate procedures may be undertaken to permit the exporting State to ensure itself of the secure delivery of transferred ammunition. In order for such post-shipment controls to be carried out, an agreement should be previously inserted into the contract or the end-user certificate.

There should be two types of Post-shipment control:

a) the requirement for a delivery verification certificate (DVC); and

b) the requirement for post-delivery inspection.

6.3.1 Delivery verification certificate

An exporting States should require that the importing State and/or end-user provide a DVC to verify receipt of the ammunition shipment.

States should carefully verify the information contained in a DVC and its consistency with the corresponding EUC.

6.3.2 Post-delivery inspection

After the transfer, the exporting State, or an accredited control organization, may undertake a physical check of ammunition to examine and verify that the full quantity of ammunition subject to the EUC has not been diverted to destinations not listed in the EUC or for uses other than those specified in the export licence and EUC. Such controls shall only be undertaken with the authorization of the importing State.

Such controls should take place in the case of transfers of ammunition subject to strengthened procedures, such as MANPADS.

Data collected from post-shipment controls may help States assess subsequent licencing applications.

6.4 Controls on re-export

Exporting States shall seek to ensure that they are notified by the importing State prior to the re-export / re-transfer of a particular export of ammunition, unless the original exporting country decides to transfer that authority to the export licencing authorities of the importing country. This shall be accomplished through the insertion of a sub-clause within contracts for the sale or transfer of ammunition or within the end-user certificate.

Importers shall honour any contractually agreed re-export restrictions, including commitments not to re-export the ammunition without prior permission.

Importing States shall seek to ensure that they notify the exporting state before the re-export / re-transfer of a particular shipment of ammunition takes place, unless the exporting country decides to transfer that authority to the export licencing authorities of the importing country.

6.5 Exchange of information

Each State should coordinate the exchange of information, documentation and intelligence among its different national institutions and agencies involved in arms control, transfers, transportation, and air/sea/land traffic.
7. **Foreign licenced production**

States may decide that licencing agreements for ammunition production concluded with manufacturers located outside their territory (foreign licenced production or licenced production overseas) contain, where appropriate, a clause applying the same end-use controls requirements to any exports of ammunition manufactured under licence.

8. **Operational capacities**

National authorities in charge of end-user and end-use controls should be the same as the ones in charge of national controls over the international transfer of ammunition.

Officials should be given sufficient resources and training to make detailed assessment of end-use documentation, including in methods of detecting false documentation.

Officials should seek to obtain information on end-users and end-use, as appropriate, from diplomatic missions and other governmental institutions such as customs, police and other law enforcement services, as well as those providing intelligence information or through the exchange of views among States.

States and international and regional organisations should also consider assisting interested States in the development and implementation of appropriate national capacities to control the end-users and end-use of internationally transferred ammunition.

9. **Enforcement mechanisms**

Mechanisms and regulations shall be in place to ensure compliance with national controls over end-users and the end-use of internationally transferred ammunition. Such measures shall be part of enforcement mechanisms to ensure compliance with ammunition transfer controls.

These measures should include mechanisms to allow the investigation and prosecution of violations of ammunition transfer controls, as well as procedures to keep relevant companies informed of their obligations.

9.1 **Outreach to industry**

Industry outreach regarding end-user and end-use control should be part of appropriate educational programmes undertaken within the framework of national controls over the international transfer of ammunition.

Relevant companies and individuals shall be provided with unambiguous, precise and transparent information concerning their obligations under national ammunition transfer control requirements, particularly concerning end-user and end-use controls.

In this respect, information should include details of relevant legislation and procedures, end-use documentation, application forms (if applicable), end-use controls and possible sanctions for non-compliance.

Information may be gathered in a regularly updated handbook and/or website.

States may organize regular meetings with industry in order to inform companies about arms export policy and destinations of concern.
9.2 Penalties for non-compliance

Effective sanctions shall be established in national legislation that are sufficient to punish and deter violations of end-use controls. These sanctions may be based around a mix of civil and criminal penalties including fines, confiscation of proceeds from transactions and custodial sentences.

Sanctions shall apply to all relevant activities that take place on a State’s territory and should apply to both nationals and non-nationals.

With consideration for domestic legal constraints, sanctions should apply to activities carried out by nationals and legal residents of a State, regardless of whether those activities occur outside of the State’s territory.

Such measures should be in line with penalties for non-compliance with national controls over the international transfer of ammunition.

9.3 The role of custom authorities

Customs authorities should be responsible for the effective supervision and enforcement of end-use controls.

Adequate numbers of customs officials should be provided and they should be sufficiently trained to enforce these controls.

In the exporting State, appropriate mechanisms of co-operation and information exchange between authorities in charge of end-use controls and customs authorities should be in place. Among others, the custom authorities may be involved in the pre-licencing risk assessment with respect to diversion and as part of the EUC verification process.

In the importing State, the customs authorities shall verify the delivery of the transferred ammunition and certify the delivery by providing the relevant documents to the importing State authorities.

10. International cooperation and assistance

States should seek to prevent ammunition diversion by enhancing international cooperation and assistance. This may be conducted through exchanges of information and cooperation, sharing best practices, and by assistance programmes.

Such measures may be undertaken within the framework of international cooperation and assistance on ammunition transfers.

10.1 Cooperation in the end-use control process

The exporting State and the importing State should cooperate throughout the end-use control process in order to minimize the risk of ammunition diversion.

In particular, States should cooperate during, 1) pre-licencing risk assessment, 2) authentication of the EUC, 3) verification of the EUC, and 4) delivery and post-delivery verification.

10.2 Exchange of information and cooperation

States should exchange information on end-user and end-use controls, particularly on:

a) their national legislation and procedures on end-user and end-use controls;
b) the type and contents of their national end-use documentation;

c) cases of non-compliance with these controls;

d) cases of forgery of end-use documents;

e) verification measures; and

f) post-shipment controls.

States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in ammunition in all its aspects.

Where appropriate, States and international and regional organisations should cooperate, develop and strengthen partnerships to share specific resources and information on end-user and end-use control violations.

Where relevant, States should share information on officials authorized to certify and control end-use documents.

States may include on a voluntary basis national contact points for end-user and end-use controls in their existing list of ammunition control contact points. This information should be regularly updated.

These exchanges of information may be undertaken either confidentially or publicly. A State shall guarantee the confidentiality of information if requested to do so by the State providing the information. If such confidentiality cannot be maintained, the State that provided the information shall be notified prior to its disclosure.

### 10.3 Sharing of best practices

States should establish ad hoc regional mechanisms to exchange views and information on their end-user and end-use controls legislations and procedures, and to share and promote best practices in this respect.

Particularly, States implementing post-shipment controls may inform other States about their experience in this field and about knowledge of general interest gathered by post-shipment measures.

At sub-regional and regional levels, States should particularly seek to harmonise:

a) end-user and end-use control legislation;

b) end-user and end-use procedures; and

c) end-use documents or to establish standard elements for use in end-use documents.

### 10.4 Assistance

States and international and regional organisations should also consider assisting interested States in:

a) the development and implementation of appropriate systems of laws, regulations and administrative procedures relevant to controlling transfers of ammunition.

b) the provision of training and technical assistance;
c) the development of laws, regulations and administrative procedures relevant to controlling the brokering of ammunition; and

d) developing transfer licencing criteria application.
Annex A
(normative)
References

The following normative documents contain provisions, which, through reference in this text, constitute provisions of this part of the guide. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this part of the guide are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies. Members of ISO maintain registers of currently valid ISO or EN:

a) Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol);

b) IATG 01.40:2015[E] Terms, glossary and definitions. UNODA. 2015;

c) IATG 03.10:2015[E] Inventory management. UN ODA. 2015; and

d) IATG 03.30:2015[E] International transfer of ammunition module. UN ODA. 2015.

The latest version/edition of these references should be used. The UN Office for Disarmament Affairs (UN ODA) holds copies of all references3 used in this guide. A register of the latest version/edition of the International Ammunition Technical Guidelines is maintained by UN ODA, and can be read on the IATG website: www.un.org/disarmament/un-safeguard/. National authorities, employers and other interested bodies and organisations should obtain copies before commencing conventional ammunition stockpile management programmes.

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3 Where copyright permits.
Annex B
(informative)
References

The following informative documents contain provisions, which should also be consulted to provide further background information to the contents of this guide:

a) ISACS 03.21 National controls over the end-user and end-use of internationally transferred SALW. CASA;

b) Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition – Updated. Organisation of American States (OAS). 2006;

c) RMDS/G 03.30 Export Documentation for SALW. South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). 2006;


The latest version/edition of these references should be used. The UN Office for Disarmament Affairs (UN ODA) holds copies of all references4 used in this guide. A register of the latest version/edition of the International Ammunition Technical Guidelines is maintained by UN ODA, and can be read on the IATG website: www.un.org/disarmament/un-safeguard/. National authorities, employers and other interested bodies and organisations should obtain copies before commencing conventional ammunition stockpile management programmes.

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4 Where copyright permits.
Amendment record

Management of IATG amendments

The IATG guidelines are subject to formal review on a five-yearly basis, however this does not preclude amendments being made within these five-year periods for reasons of operational safety and efficiency or for editorial purposes.

As amendments are made to this IATG they will be given a number, and the date and general details of the amendment shown in the table below. The amendment will also be shown on the cover page of the IATG by the inclusion under the edition date of the phrase ‘incorporating amendment number(s) 1 etc.’

As the formal reviews of each IATG are completed new editions may be issued. Amendments up to the date of the new edition will be incorporated into the new edition and the amendment record table cleared. Recording of amendments will then start again until a further review is carried out.

The most recently amended, and thus extant, IATG will be the versions that are posted on the UN SaferGuard IATG website at www.un.org/disarmament/un-saferguard/.

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