



436th Plenary Meeting
FSC Journal No. 442, Agenda item 6

DECISION No. 5/04
STANDARD ELEMENTS OF END-USER CERTIFICATES AND
VERIFICATION PROCEDURES FOR SALW EXPORTS*

The Forum for Security Co-operation,

Willing to complement and thereby reinforce the implementation of the OSCE Document on Small Arms and Light Weapons (SALW), in particular with regard to export documentation,

Determined to contribute to reducing the risk of diversion of SALW into the illicit market,

Recognizing the need of strict export controls to prevent the destabilizing accumulation and uncontrolled spread of SALW along the lines set out in the OSCE Document on SALW, Section III A,

Conscious of the fact that the verification of the recipient is crucial to avoiding any diversion of the exported SALW and that any investigation, prior to approval, should involve all available information,

Reaffirming in this context the commitment of the participating States to observe, as one of the key standards underpinning export documentation, that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization issued by the receiving State,

Recognizing the usefulness of developing standard elements among the participating States for application to end-user certificates, while taking due account of their national legislation and national practice in this field,

Mindful also that the Best Practice Guide on Export Control of Small Arms and Light Weapons contains additional recommendations concerning end-user certificates, which participating States are encouraged to implement,

* As specified in the OSCE Document on Small Arms and Light Weapons.

Recognizing that the following standard elements could be useful to other United Nations Member States in their efforts to fully implement the United Nations Programme of Action and other international commitments on SALW,

Decides that:

1. The following standard elements will be included in an end-user certificate (EUC) provided prior to approval of an export licence for SALW (including SALW manufactured under foreign licence) or the transfer of technology related to the design, production, testing and upgrading of SALW:
 - A detailed description (type, quantity, characteristics) of the SALW or technology related to the design, production, testing and upgrading of SALW to be exported;
 - Contract number or order reference and date;
 - Final destination country;
 - A description of the end-use of the SALW (for example, use by the armed forces or internal security forces);
 - Exporter's details, at least name, address and business name;
 - End-user information, specifically, name, position, full address and original signature;
 - Assurances that the SALW will be used only by the end-user and for the stated end-use;
 - Assurances that re-export of imported SALW, can take place only after receiving a written authorization from the exporting country unless the exporting country decides to transfer that authority to the export licensing authorities of the importing country;
 - Information on other parties (intermediate consignees/purchasers) involved in the transaction, as appropriate, including, name, title and original signature of any consignee. As an alternative, information on the intermediate consignee and purchaser might be provided in writing during the authorizing procedure;
 - Certification by the relevant government authorities, according to national practice, as to the authenticity of the end-user. The certification must include the date, name, title and original signature of authorizing official;
 - The date of issue and, if applicable, register number and the duration of the EUC.

Additional information, such as a clause on post-shipment control, a commitment by the final consignee to provide the exporting country a Delivery Verification Certificate, may be included in an EUC.

2. Participating States will make every effort within their competence to ensure that licensing agreements for SALW production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.

3. Participating States will, as appropriate, verify bona fides of authorizing officials listed on the EUC and the authenticity of the EUC, for example through, consular legalization, diplomatic channels or national contact points.

Participating States will include on a voluntary basis national contact points for EUC authorization in their existing list of small arms contact points and timely update the information.

4. Participating States will further strengthen transparency and co-operation, *inter alia*, by:

— Maintaining and holding the related documentation confirming proper end-use, including information on the date of issue and duration of appropriate licences or authorizations, final destination country, end user, description and quantity of the SALW licensed for export for not less than ten years, with a view to improving the traceability of SALW;

— Exchanging information in a timely manner about fraudulent EUCs and diversion of exports.

5. The FSC Chair is tasked to request the good offices of the Secretary General for the transmission of the Standard Elements to the United Nations with a cover letter which will also provide introductory information of a general character on the decision.

The FSC may examine further measures to facilitate the verification of end-user certificates and prevent illicit SALW transfers, including the utilization of an appropriate common website within the OSCE which might include the sample format of end-user certificates issued by the participating States.

6. This decision takes effect on the date of its adoption.