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**ATT WORKING GROUP ON TRANSPARENCY AND REPORTING  
CO-CHAIRS' DRAFT REPORT TO CSP5**

**Introduction**

1. This report by the Co-chairs of the Working Group on Transparency and Reporting (WGTR) to the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty (ATT) reflects the work of the Co-chairs in the period between CSP4 and CSP5, submissions by WGTR participants and the discussions in the WGTR meetings of 31 January and 04 April 2019. It includes references to the documents that were discussed, presentations that were given and an overview of the outcomes of these meetings. Giving effect to these outcomes, the report subsequently provides the recommendations that the WGTR puts forward for adoption by CSP5.

2. Three documents are attached to this report:

- 1) [Annex A](#): an inventory of all comments and suggestions of WGTR participants regarding the reporting templates and the online reporting tool;
- 2) [Annex B](#): a proposal to update the 'FAQ'- type guidance document on the annual reporting obligation in light of the introduction of the online reporting tool; and
- 3) [Annex C](#): a proposed mandate for the WGTR for the period September 2019-August 2020.

**31 January WGTR meeting**

3. On 31 January 2019, the WGTR held its first of two meetings of the preparatory process towards CSP5.

4. The WGTR adopted the [draft annotated agenda for the meeting](#), that was based on the standing agenda items and the recurring and specific tasks for the WGTR endorsed by States Parties at CSP4. The WGTR also considered the [introductory paper of the co-chairs](#), which provided the background of the given tasks, summarized past proposals and discussions, set out elements for discussion and put a number of proposals for consideration by WGTR participants.

5. With regard to the **status of reporting**, the co-chairs urged States that have not filed their mandatory reports to live up to their legal commitment, and to share the obstacles that stop them from doing so. The co-chairs also called on the ATT Secretariat, the Bureau, civil society, regional organizations and other States Parties to do their share in ensuring that all States Parties comply with their reporting obligations.

6. With regard to **challenges concerning reporting**, the co-chairs firstly asked the ATT Secretariat to make the [national measures document](#) available in the reporting requirements section of the ATT website. The co-chairs raised the possibility of scheduling a discussion on the document for the 4 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.

7. Secondly, the co-chairs encouraged participants to express their interest in offering **basic support** to other States Parties on reporting. They undertook to discuss further with the ATT Secretariat how to announce those willing to offer such support.
8. Specifically with regard to the **outreach strategy on reporting**, adopted at CSP4, the co-chairs indicated that they would put the implementation of the strategy on the agenda of the 04 April WGTR meeting.
9. Regarding the **review of the effectiveness and clarity of the templates to submit initial and annual reports**, the co-chairs called on participants to submit any comments and suggestions for the possible amendment of the templates by e-mail to the co-chairs or the ATT Secretariat. The co-chairs undertook to prepare a general document with all submitted proposals for a discussion during the 04 April WGTR meeting. In addition, the co-chairs raised the possibility of scheduling a discussion on the comparability of data in annual reports for the 04 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.
10. With regard to **substantive reporting and transparency issues**, and specifically on the topic of **classification of conventional arms according to the "Harmonized System" (HS) of the World Customs Organisation (WCO)**, the co-chairs indicated that they would go back to the WCO and to their own customs authorities to discuss this more concretely, and to attempt to set out some elements that may be taken up during the 04 April WGTR meeting. In doing so, they undertook to also review ongoing efforts in export control regimes in order to avoid duplication of work, and encouraged participants to offer their assistance in this work by notifying the Secretariat.
11. With regard to **organizational means for information exchange** and specifically on the topic of the **three-tier approach to sharing information on diversion**, the co-chairs requested all participants that have remarks and suggestions on the set-up of the informal meeting among interested States Parties and signatory States to discuss concrete cases of diversion to share those by e-mail to the co-chairs or the ATT Secretariat. The co-chairs would then prepare a general document with all submitted proposals for a discussion during the 04 April WGTR meeting.
12. On the topic of **follow-up mechanisms to initial and annual reports**, the co-chairs did not find it necessary to keep this issue on the agenda of the WGTR, though proposals on this matter might still be considered in the future.
13. As regard to the **IT platform** and the **ATT website**, the co-chairs encouraged States Parties' and signatory States' representatives to **register online** for access to the restricted area, and called on States Parties representatives to subsequently verify their information in the national points of contact and national control lists databases. The co-chairs also requested the Secretariat to promote the participation of States on the restricted area, and to report on the progress during the 04 April WGTR meeting.
14. The co-chairs further encouraged participants to express their interest in participating in the **informal consultative group on the ATT website** by e-mail to the co-chairs or the ATT Secretariat. Concerning the information exchange platform, the co-chairs proposed to the group and to the Secretariat to discuss how to promote and streamline the use of the platform. The co-chairs would also consider using the platform for the planned consultation round on the annual reporting template after the 31 May reporting deadline.

15. On the topic of livestreaming ATT meetings, the co-chairs asked participants to prepare for a discussion during the 04 April WGTR meeting based on the input of the ATT Secretariat and the views that were expressed by participants. The co-chairs also requested the Secretariat to concretize possible options in terms of substance and budget, with a view to presenting these during the 04 April WGTR meeting.

#### **04 April WGTR meeting**

16. On 04 April 2019, the WGTR held its second of two meetings of the preparatory process towards CSP5.

17. The WGTR adopted the draft annotated agenda for the meeting, that included the standing agenda items endorsed by States Parties at CSP4. The provided tasks were a follow-up to discussions during the working group's 31 January meeting and took into account the shortened meeting time for the 04 April meeting. In that regard the agenda focused on the specific topics that are under consideration.

18. The WGTR also considered three documents:

- 1) the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments', recommended for consideration at CSP3;
- 2) a proposal to update the 'FAQ'- type guidance document on the annual reporting obligation; and
- 3) a draft proposed mandate for the WGTR for the period September 2019-August 2020.

19. With regard to the status of reporting, the co-chairs again urged States that have not filed their mandatory reports to fulfil their legal commitment, and to share information with other States on the obstacles that prevent them from doing so. The co-chairs also called again on the ATT Secretariat, the Bureau, civil society, international and regional organizations and other States Parties to do their share in ensuring that all States Parties comply with their reporting obligations.

20. With regard to challenges concerning reporting, and specifically on the topic of practical bilateral assistance with reporting, the co-chairs encouraged participants again to express their interest in offering such assistance to other States Parties (through States' designated reporters). The ATT Secretariat will report on the outcome and status of these efforts during CSP5.

21. Regarding the outreach strategy on reporting, the co-chairs announced that they will address the implementation of the strategy during CSP5 and that they have included it in the draft mandate for the WGTR beyond CSP5.

22. Concerning the review of the effectiveness and clarity of the templates to submit initial and annual reports, the co-chairs repeated that they would make an inventory of all comments and suggestions that they have received and will receive regarding the reporting templates and the online reporting functionality, and would attach this inventory to their report to CSP5. To facilitate this exchange, the co-chairs announced that, in cooperation with the ATT Secretariat, they would open a discussion on the information exchange platform in the restricted area of the ATT website, whilst also welcoming comments and suggestions submitted by e-mail to the ATT Secretariat at [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

23. With regard to **substantive reporting and transparency issues**, and specifically on the topic of **classification of conventional arms according to the "Harmonized System" (HS) of the World Customs Organisation (WCO)**, the co-chairs informed the WGTR that since the 31 January meeting no further action was undertaken and that the co-chairs and the ATT Secretariat would keep participants informed of developments in this regard.

24. With regard to **organizational means for information exchange** and specifically on the topic of the **three-tier approach to sharing information on diversion**, the co-chairs concluded that concerning the informal meeting among interested States Parties and signatory States to discuss concrete cases of diversion, there is general agreement to have an informal kick-off meeting in the margins of CSP5 in two sessions: one session for discussions among States and one session for broader discussions involving civil society experts. In view of the organisation of this kick-off meeting, the co-chairs invited all participants to share their suggestions on the set-up of these two sessions and on the topics to be discussed, by e-mail to ATT Secretariat.

25. With regard to the **IT platform** and the **ATT website**, the co-chairs firstly encouraged States Parties and signatory states representatives again to **register online** for access to the restricted area. Users of the online reporting functionality were called on to share their comments via the information exchange platform or via e-mail to the ATT Secretariat. The co-chairs also called on States Parties to provide comments on the **amendments that are proposed to the 'FAQ'-type guidance document on the annual reporting obligation**. Lastly, the ATT Secretariat was requested to explore options for developing instructions or guidance on the use of the information exchange platform.

26. The co-chairs also repeated their call to participants to express their interest in participating in **the new informal consultative group on the IT platform** by e-mail to the ATT Secretariat. The ATT Secretariat will report on the establishment of this group during CSP5.

27. On the topic of **livestreaming ATT meetings**, the co-chairs proposed not to include this task in the mandate of the WGTR in the period between CSP5 and CSP6, unless a participant submits a proposal for a more budget-friendly solution than the one presented to the meeting by the ATT Secretariat.

28. With regard to the **WGTR mandate in the period between CSP5 and CSP6**, the co-chairs invited participants to submit their comments on the **draft proposal** by e-mail to the ATT Secretariat at **info@thearmstradetreaty.org**.

### **Intersessional work**

29. Regarding the **review of the effectiveness and clarity of the templates to submit initial and annual reports**, the co-chairs received no further comments and suggestions regarding the reporting templates and the online reporting functionality. The inventory of the comments and suggestions that they received earlier is attached to this report as Annex A. A discussion on this inventory has been included in the draft mandate for the working group in the period between CSP5 and CSP6, which is attached to this report as Annex C.

30. With regard to **substantive reporting and transparency issues**, and specifically on the topic of **classification of conventional arms according to the "Harmonized System" (HS) of the World Customs Organisation (WCO)**, one of the co-chairs has initiated discussions with his national customs administration to attempt setting out some elements that could possibly included in a concept paper

for discussion during WGTR meetings after CSP5 (as was initially announced at the 31 January WGTR meeting).

31. With regard to **organizational means for information exchange** and specifically on the topic of the **three-tier approach to sharing information on diversion**, the co-chairs planned the informal kick-off meeting among States and the session involving all interested stakeholders in consultation with the WGETI Chair, the facilitator on diversion and the ATT Secretariat. Japan developed a concept paper on an “open format setting of information exchange” as a basis for the substantive content of the stakeholders session and also kindly offered to organize this session in cooperation with civil society. The relevant documents concerning the informal kick-off meeting and the stakeholders session will be distributed separately from this report because this an ad hoc meeting that is not under the umbrella of the WGTR, nor the WGETI.

32. With regard to the **IT platform** and the **ATT website**, the co-chairs did not receive any comments about the online reporting tool as such, but did receive comments on the **amendments that are proposed to the ‘FAQ’-type guidance document on the annual reporting obligation in light of the introduction of the online reporting tool**. For the purpose of clarity, all the proposed amendments appear in track changes, including the comments to those amendments (see Annex B). The co-chairs will be seeking endorsement by States Parties of the amendments at CSP5.

33. With regard to the **WGTR mandate in the period between CSP5 and CSP6**, the co-chairs did not receive any comments on their **draft proposal**.

### **Way forward**

34. The way forward for the work of the WGTR is included in the draft mandate for the working group in the period between CSP5 and CSP6, which is attached to this report as Annex C. The mandate includes *inter alia* important work on facilitatory documents and the further elaboration of reporting assistance measures. The mandated tasks concern relevant projects to enhance the quantity as well as the *quality* of reporting, because the focus on addressing the low reporting rate should not mean that important issues concerning the quality and transparency of reports are left untouched. Examples are the comparability and analysability of data in annual reports. The number of issues to be addressed, and their diversity, will not just require focussed discussions, but also WGTR participants that are willing to take ownership of certain issues in support of the work of the co-chairs.

35. To fix the problem of the low (annual) reporting rate, the abovementioned projects and discussions in the WGTR will not suffice, however, as the continuing downward trend demonstrates. The low reporting rate and the downward trend show that non-reporting is not only a question of a lack of expertise, procedures or capacity, which are the issues that the abovementioned projects attempt to address. In many instances, it is also a lack awareness of the importance of reporting and a lack of political will to prioritise reporting and to provide sufficient capacity. This also needs to be addressed. In that respect, there is also a responsibility for all ATT stakeholders, in particular States (that do report), regional organizations and ATT function holders, as well as the ATT Secretariat, to ensure that non-reporting States Parties do submit reports. In view of the urgency of the situation, all stakeholders need to consistently designate reporting as one of the cardinal obligations of the Treaty, and prioritize reporting in their ATT-related contacts with non-reporting States Parties. States Parties have already recognized that responsibility by the adoption of the **outreach strategy on reporting** at CSP4, but is clear that in order to increase the reporting rate more efforts are needed. This is reflected in the recommendations below.

**Recommendations to CSP5**

36. On the basis of WGTR mandate issued by CSP4 and on the strength of the work of the co-chairs in the period between CSP4 and CSP5, submissions by WGTR participants and the discussions during the two meetings held on 31 January and 04 April 2019, the WGTR recommends that CSP5:

- a. expresses its concern that for calendar year 2018, less than half of States Parties due to report had submitted an annual report to the Secretariat by the deadline of 31 May 2019, continuing a downward trend;
- b. recalls that submitting initial and annual reports is a legal obligation for all States Parties and that those States Parties that do not report are in breach of the Treaty;
- c. urges States Parties that are in arrears with their reporting to submit their reports to the Secretariat and requests the President to remind those States Parties of their obligations on a bilateral basis;
- d. calls on all relevant stakeholders to advocate for reporting in line with the outreach strategy on reporting that was adopted at CSP4;
- e. supports the development of the system of practical bilateral assistance with reporting (peer-to-peer);
- f. welcomes the introduction of the online reporting tool as an additional means to submit initial and annual reports;
- g. endorses the proposed amendments to the document “Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers” to reflect the introduction of the online reporting tool (Annex B);
- h. mandates the ATT Secretariat to draft instructions on the use of the information exchange platform;
- i. endorses the standing agenda-items and the recurring and specific tasks for the WGTR in the period between CSP5 and CSP6, as included in Annex C of the co-chairs’ report;
- j. welcomes the first informal meeting to discuss concrete cases of detected or suspected diversion that States Parties are dealing or have dealt with as a solid basis for further exchanges.

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**ANNEX A****INVENTORY OF ALL COMMENTS AND SUGGESTIONS OF WGTR PARTICIPANTS REGARDING THE REPORTING TEMPLATES AND THE ONLINE REPORTING TOOL****Introduction**

1. In order to facilitate reporting, CSP2 endorsed and recommended for use templates to submit initial reports and actual reports; these are available on the ATT website. During the preparatory process leading up to CSP3, it was decided to leave these templates unchanged for a number of years to provide some stability for reporting efforts. Therefore, the templates were not discussed at CSP3 or CSP4. However, considering the growing indications by States Parties and other ATT stakeholders of the complexity of the templates and considering the upcoming introduction of online reporting, a review of the effectiveness and clarity of the templates was included as a specific task in the mandate for the WGTR for the period between CSP4 and CSP5 (that States Parties endorsed at CSP4).

2. The task was addressed during the 31 January and 4 April WGTR meetings. During the 4 April WGTR meeting, the co-chairs indicated that they would make an inventory of all comments and suggestions that they have received and will receive regarding the reporting templates and the online reporting tool, and would attach this inventory to their report to CSP5. In their report of the 4 April WGTR meeting, the co-chairs also indicated that to facilitate further exchanges on the templates and the online reporting tool, the co-chairs, in cooperation with the ATT Secretariat, would open a discussion on the information exchange platform in the restricted area of the ATT website, whilst also welcoming comments and suggestions submitted by e-mail to the ATT Secretariat at [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

3. In line with their commitment, below the co-chairs have summarized all the comments and suggestions that they received by the end of June 2019. The comments and suggestions are categorized between comments and suggestions on the templates in general and specific comments and suggestions on the initial reporting template and the annual reporting template, respectively. A distinction is also made between formal comments and suggestions and substantive comments and suggestions.

**Comments and suggestions on the templates in general**

4. The most important formal issue that was raised is the status of the templates. At CSP2 States Parties endorsed the templates, but only recommended their use. States Parties are therefore not obliged to use the templates to fulfil their reporting requirements. This is considered problematic for at least two reasons:

- 1) The first reason concerns two interlinked elements that should be considered in this debate, i.e. the introduction of the online reporting tool and the intention to have a public searchable database that allows for queries and extracting data. First, the templates have been integrated in the online reporting tool, so States Parties that want to fill-out or complete the online reporting tool to submit their reports will have to use the templates (although they do have the option to upload their reports via the online reporting tool in other formats). Second, a

public searchable database would, in principle, require that States Parties submit the same types of data in the same format, in order to allow for consolidation of the data. Concerning the database that means that the only alternative to obliging States Parties to enter their data using the online reporting tool (and consequently the templates) would be for the ATT Secretariat to manually enter the data received in formats into the database manually.

- 2) A second reason concerns comparability of information. As explained in the answers to questions 1 and 22 in the 'FAQ'-type guidance document on the annual reporting obligation, the Treaty does not expressly list the information that States Parties need to include in their annual report, but the templates represent a common understanding – not a Treaty obligation – of what information States Parties should include *as a minimum* when they report. This ensures a minimal degree of comparability, although there are other comparability issues with the annual reporting template in particular.

5. An important substantive comment that was made is that the distinction between mandatory and voluntary obligations and questions has the wrong premise. The templates make it appear that on those elements of the Treaty where the treaty text does not oblige States Parties to take measures, but only encourages them to do so, States Parties could also choose whether or not to report. Yet, States Parties are required to report on all measures that they have taken, regardless of whether they concern hard Treaty obligations or not.

6. Another general substantive point that was raised concerning the two templates was that it should be considered whether the work in the working groups should be reflected in the templates, with references to endorsed documents.

7. A final general substantive point that was raised concerns the ambiguous language on some elements, e.g. on the question whether or not a report can be public, and the formulation of some elements as statements rather than questions, e.g. on brokering in the initial reporting template.

#### **Comments and suggestions on the initial reporting template**

8. The most important mixed formal-substantive point that was raised concerning the initial reporting template concerned its length and the assumption of full compliance at its core. The template should be more practical and include a cover page with general questions and include columns with explanations. Others commented that the length is not an issue and that the template needs to be comprehensive in asking questions, so that States Parties can identify and address gaps in their control system. In that respect, it can also serve as a basis for an application to the VTF.

9. An important formal point raised concerning the initial reporting template was the use of open versus closed questions. Some WGTR participants pointed out that closed questions usually get a higher response, but do not always allow for nuanced and comprehensive answers. Also States might be reluctant to submit an initial report if the closed questions format requires them to answer “no” to most questions, while implementation efforts are ongoing. A more open questions-focused format could allow States to better explain their implementation processes. In that sense it might already be useful to include an indication in the template that a “no” answer can (and should be) updated later, when the appropriate measures are adopted.

10. The latter also exposes another formal point concerning the initial reporting template, namely that there is not a single indication of the update requirement, nor a process or template to do so.

11. A substantive suggestion that was made was to use elements of the basic implementation guide that is under discussion in the WGETI in the initial reporting template.

12. A substantive problem that was raised was the lack of specificity in questions, with a suggestion to disaggregate existing questions.

13. Also a number of specific substantive omissions in the initial reporting template were flagged, such as questions on the interpretation of the concept of “overriding risk”, on measures concerning brokering (register? authorizations?) and questions relating to international assistance.

#### **Comments and suggestions on the annual reporting template**

14. The most important substantive issue that was raised about the annual reporting template concerns the possibility in the template to report either the quantity or the value of the weapons that were imported and exported. Just like the treaty-based possibility to report either authorized exports and imports or actual exports and imports, this renders comparing and matching the export and import data in annual reports virtually impossible. In that regard, it was suggested that the WGTR could have a discussion on how to address this issue, which could include a recommendation for States Parties to all report the same type of data, either authorized exports and imports or actual exports and imports.

15. Another specific substantive issue that was raised about the annual reporting template concerns the categorization of weapons within the categories as provided in the template. It was suggested that more or new guidance might be required.

16. A suggestion was made to include a tick box in the annual reporting template requesting the consent of States Parties for UNODA to use the relevant information in the State’s submission of the ATT annual report as a basis for its report to UNROCA.

#### **Other reporting templates?**

17. Next to comments on the existing templates, references were also made to a previous proposal to adopt a template for States Parties to report on effective measures they taken to address diversion, as they are encouraged to do in article 13 (2) of the Treaty. Such a proposal was submitted by Argentina during CSP1. It should be noted, however, that during the WGTR meeting of 08 March 2018, States Parties concluded that the issue of diversion is too complicated to be captured within a template format and that the co-chairs therefore decided to no longer include this proposal in the mandate and the agenda of the WGTR. It should also be noted that during CSP4, States Parties endorsed the three-tier approach to sharing information on diversion, subject to each State’s national laws, practices or policies: 1) policy-level exchanges on diversion in the sub-working group on Article 11 of the WGETI; 2) intersessional exchange of policy-related and relevant operational information via the information exchange portal that is under development; and 3) an informal meeting among interested States Parties (and possibly signatory States) to discuss concrete cases of detected or suspected diversion that they are dealing or have dealt with. In light of this three-tier approach, the additional development of a reporting template might be unneeded.

### **Way forward**

18. As indicated in their report of the 4 April 2019 WGTR meeting, this inventory is intended as a basis for a potential discussion on the templates and the online reporting tool in the WGTR meetings after CSP5. For that potential discussion, the co-chairs also call upon WGTR participants, including civil society, to continue sharing their comments and suggestions concerning the templates and the online reporting tool via the information exchange platform in the restricted area of the ATT website, or by e-mail to the ATT Secretariat at [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

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**ANNEX B**

**PROPOSAL TO UPDATE THE 'FAQ'- TYPE GUIDANCE DOCUMENT ON THE ANNUAL REPORTING  
OBLIGATION IN LIGHT OF THE INTRODUCTION OF THE ONLINE REPORTING TOOL**

**Working Group on Transparency and Reporting**

DRAFT

**Reporting Authorized or Actual Exports and Imports of Conventional Arms  
under the ATT**

**Questions & Answers**

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## I. INTRODUCTION

This document provides guidance in the form of questions and answers to facilitate the preparation of the mandatory annual report, concerning authorized or actual exports and imports of conventional arms, that States Parties to the Arms Trade Treaty are required to submit to the ATT Secretariat in accordance with Article 13 (3) of the Treaty.

This 'FAQ'-type guidance document was proposed by Belgium during the meeting of the Working Group on Transparency and Reporting of 6 April 2017 and was recognized by States Parties as a valuable tool to improve compliance with the mandatory annual reporting obligation of the Treaty. It was consequently identified by the Working Group as a potential deliverable for the Third Conference of States Parties.

The document was initially drafted by Belgium in consultation with interested States Parties, civil society, and the ATT Secretariat.

The questions in this document are predominantly based on input received by the drafters from States Parties themselves, UN Regional Centres for Peace, Disarmament and Development, international assistance providers, and civil society.

The answers draw on several sources, most notably the Treaty itself.

Some guidance is also taken from the "Explanatory notes" included in the reporting template for the annual report, which was endorsed and recommended for use by States Parties during the Second Conference of States Parties (also referred to as ATT reporting template).

By nature this is an open-ended document. Proposals for alterations and additional questions and answers may be made at any time, but should be considered in the Working Group on Transparency and Reporting.

## II. TREATY OBLIGATION AND OTHER RELEVANT ATT PROVISIONS

### A. Article 13 (3) – annual reporting obligation

Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

### B. Article 2 (1) – scope

This Treaty shall apply to all conventional arms within the following categories:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;
- (g) Missiles and missile launchers; and
- (h) Small arms and light weapons.

### C. Article 5 (3) – implementation

Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered in Article 2 (1) (a-g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered in Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.

### D. Article 12 (3) – content of national records

Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

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## IV. QUESTIONS AND ANSWERS

### A. Basic requirements of the annual reporting obligation

#### 1. What information should the ATT annual report contain?

The Treaty requires States Parties to report “*authorized or actual exports and imports*” (see [questions 9 and following](#)) of “*conventional arms covered under Article 2 (1)*” (see [questions 12 and following](#)). It does not expressly list the information that States Parties need to include in their annual report.

The Treaty does indicate that the annual report may contain the same information submitted to relevant United Nations frameworks, including the United Nations Register of Conventional Arms (hereinafter referred to as UNROCA). The UNROCA standardized reporting forms require States to enter, *as a minimum*:

- 1) the final importer or exporter State of the arms;
- 2) the number of items;
- 3) the State of origin of the arms (if not the exporter State); and
- 4) the intermediate location of the arms (if any).

In the optional “Remarks” column of the UNROCA standardized reporting forms, States *can* include a description of the arms and comments on the exports or imports.

States Parties using their UNROCA report to comply with the Treaty’s annual reporting obligation should make sure that its content complies with this obligation (see [question 36](#)).

The Treaty provides a list of information that States Parties are encouraged to include in their national *records* of authorized or actual exports (and, possibly, of imports and authorized transits and transshipments) It should be clear, however, that this list does NOT apply to the annual reporting obligation; it does indicate the importance of certain basic information that is also included in the UNROCA standardized reporting forms.

As explained in the answer to [question 2](#), the Second Conference of States Parties, recommended that States Parties use the template for reporting authorized or actual exports and imports. This reporting template is based on the UNROCA standardized reporting forms, but differs on certain elements (see [question 32](#)).

The reporting template provides for States Parties to report, *as a minimum*, the following information about their authorized or actual exports and imports:

- 1) whether the State Party in question is reporting authorised or actual exports and imports;
- 2) the number of items and/or the financial value of the exported and imported conventional arms; and
- 3) the final importing or exporting States of the conventional arms.

As in the UNROCA standardized reporting forms, the ATT reporting template provides States Parties with the option to include additional information: in particular, (1) a description of the conventional arms and (2) comments on the exports or imports.

The forms in the reporting template each also have a title page on which States Parties are requested to include general information concerning their report, namely the details of the national point of contact (see [question 38](#)), the date of submission, the content of the report, and whether information has been omitted from the report because it is ‘commercially sensitive’ or for ‘national security’ reasons ([questions 29 to 31](#)).

For further guidance on which information to enter in the report, see [questions 22 and following](#).

## 2. How should the ATT annual report be submitted to the Secretariat?

### 2.1 What delivery options are available?

The Treaty itself does not instruct States Parties how to submit their reports to the Secretariat.

On the ATT website an online tool for the submission of both initial and annual reports is available. In order to submit an annual report online, the representative of the State Party that is submitting the report must have [individual] access to the restricted area of the website. Information on how to obtain access to the restricted area of the website is available on the website itself: <https://www.thearmstradetreaty.org/registration-to-portal.html> or can be obtained from the Secretariat by emailing: [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org)

Alternatively, States Parties may submit their annual reports to the Secretariat by e-mail to [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org), by post or courier, or, if a higher degree of confidentiality is required, by hand through their Missions in Geneva (see further [questions 37 and following](#)). These submission options remain available to States Parties even after the introduction of online reporting tool.

In summary, States Parties may submit their annual reports in one of four ways: 1) via the online reporting tool on the ATT website; 2) via an email to [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org); 3) via post or courier; or 4) by hand-delivery to the ATT Secretariat offices.

### 2.2 What format should the annual report be in?

To facilitate compliance with the annual reporting obligation, during the Second Conference of States Parties, States Parties endorsed and recommended a reporting template that States Parties can opt to use to prepare and submit their report. This reporting template is available on the ATT website in Arabic, English, French, Russian and Spanish. The template has been integrated into the online reporting tool and is available in English, French or Spanish. For further guidance on the reporting template, see [question 34](#) and other questions throughout this document.

Alternatively, as the Treaty provides that the report may contain the same information submitted by the State Party to the UNROCA, States Parties can submit their UNROCA report to the Secretariat *if* its content complies with the annual reporting obligation of the Treaty. For further guidance on this, see questions [1](#), [32](#) and [36](#), notably as regards small arms and light weapons.

Lastly, States Parties can opt to submit a custom-made national report, or a report on conventional arms exports and imports that they submit to a regional organization. Its content will however need to comply with the annual reporting obligation of the Treaty.

## 3. When should the ATT annual report be submitted to the Secretariat?

The Treaty provides that each State Party shall submit its report to the Secretariat on an annual basis by 31 May. The report should include information on the authorized or actual exports and imports during the previous calendar year (e.g. the report submitted to the Secretariat by 31 May 2017 will contain information on authorized or actual exports and imports that took place during the period 1 January to 31 December 2016).

For further guidance on the procedure and the formalities of the annual reporting obligation, see [questions 37 and following](#).

## B. Scope of the annual reporting obligation

- i. “authorized or actual exports and imports”

4. *Article 13 (3) mentions exports and imports. Should States Parties also report on other transfers covered under Article 2 (2)?*

No. The annual reporting obligation only applies to exports and imports. So States Parties do not need to include information about transit, trans-shipment and brokering in their annual report.

5. *What is the definition of an export / import?*

The treaty does not include a definition of “export” or import”. States Parties that use the ATT reporting template for their annual report are asked to indicate their definition of the term “export” and “import” via a series of checkbox options, which include:

- 1) “physical transfer of items across a national border”;
- 2) “transfer of title” and “transfer of control”; and
- 3) “other”.

The three concrete options reflect the UNROCA practice that *“international arms transfers involve, in addition to the physical movement of equipment into or from national territory, the transfer of title to and control over the equipment”* (which is also included in Protocol II, as amended, of the Convention on Certain Conventional Weapons).

States Parties may naturally apply their general definitions of exports and imports in accordance with their customs legislation. The Glossary of International Customs Terms of the World Customs Organization (WCO), for example, defines exportation as *“the act of taking out or causing to be taken out any goods from the Customs territory”* and importation as *“the act of bringing or causing any goods to be brought into a Customs territory”*.

6. *Must gifts, loans and leases and other non-monetary transactions be reported?*

If gifts, loans and leases, and other non-monetary transactions are covered by a State Party’s definition of export or import, they should be reported. In particular, transactions such as gifts and financial leases should be considered for reporting, as these transactions normally involve both a physical transfer and a transfer of title or control (see also [question 5](#)).

More generally, the Treaty text could be read to cover some movements without transfer of title and control and even those free of charge. The Treaty explicitly exempts from its application *“the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership”*. If such movements did not fall within the intended scope of “exports”, there would have been no need to include an explicit exemption.

Liechtenstein, New Zealand and Switzerland attached an interpretative declaration to their ratifications of the Treaty, which reads as follows:

*“It is [our] understanding [...] that the terms “export”, “import”, “transit”, “transshipment” and “brokering” in Article 2, paragraph 2, include, in the light of the object and purpose of this Treaty and in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall within the scope of this Treaty.”*

7. *Must temporary exports and imports be reported?*

Temporary exports and imports imply that items are only exported or imported for a certain amount of time and intended to be subsequently returned to the same owner. The Treaty itself does not exclude such exports and imports from its scope, but States Parties need to make their own determination depending on their definitions of export and import (see [question 5](#)).

8. *Must exports and imports by private persons and companies and/or exports and imports by State actors be reported?*

The Treaty does not include a general exemption for certain categories of recipients or end-users. States Parties therefore need to report exports and imports regardless of the nature of the exporter or the importer, i.e. whether it is a private actor or a State actor such as the armed forces. This also includes government-to-government transfers.

Article 2 (3) of the Treaty does exempt one specific type of movement by (or on behalf of) a State Party from its definition of transfer, i.e. when conventional arms are moved by (or on behalf of) a State Party for its own use, provided that the conventional arms remain under that State Party's ownership. This concerns movements of conventional arms already owned by the State Party.

Concerning potential commercial sensitivity or national security issues, see [questions 29 to 31](#).

9. *What are authorized exports and imports?*

Authorized exports and imports imply that (the competent authorities of) the State Party in question in some way permitted the export or import to take place. This generally happens in the form of an export or import licence.

An authorization or licence does not *oblige* the importer or exporter to actually conduct the export or import in question, the conventional arms which are the object of the authorization might subsequently not (all) be physically moved from or into the national territory of the State Party during the same reporting period, and this might even never take place. Likewise, the title to and control over the conventional arms might not be transferred during the same reporting period, or might never be transferred.

It should be noted that as a consequence, if State Party A (the exporting State Party) reports authorized exports and State Party B (the importing State Party) reports actual imports, their respective reports on exports and imports in a given reporting period might not (fully) correspond (see also [question 11](#)).

10. *What are actual exports and imports?*

Actual exports and imports are those that have effectively taken place. Depending on the definitions of export and import of the State Party in question, this entails that the arms have been actually physically transferred across the national border and/or the title and control over the arms has been actually transferred.

11. *Do States Parties need to report both authorized exports/imports and actual exports/imports?*

The Treaty requires States Parties to report authorized OR actual exports and imports. States Parties can therefore choose to report either authorized exports and imports or actual exports and imports.

As indicated in the “Explanatory notes” of the ATT reporting template, they can make this choice for their report as a whole or per category of conventional arms. For reasons of transparency, it is advisable that States Parties clearly indicate in their report which approach they are using. For reasons of consistency and continuity, it is of course desirable that States Parties’ choices in this respect, once made, remain stable over time.

A State Party wishing to report both authorized and actual exports and imports may of course do so. Both sets of information are useful, as the information about authorized exports and imports demonstrates what a State Party has *permitted* to take place, while information about actual exports and imports demonstrates what has *actually* taken place. For States Parties that use the ATT reporting template for their annual report, this would entail submitting two tables, one for authorised exports and imports and another for actual exports and imports.

In certain cases, a State Party might have to report *actual* exports and imports because it does not have information about authorized exports and imports of all conventional arms or of certain categories of conventional arms. Concerning imports, this could be the case if the State Party in question does not require an import authorization for (certain categories of) conventional arms. Concerning both exports and imports, this might also be the case if the State Party in question applies a system of open or general licences, where at the time of authorization the number of items and the financial value are undetermined.

- ii. “conventional arms covered under Article 2 (1)”

*12. Article 13 (3) mentions conventional arms covered under Article 2 (1). What should be reported under categories (a-g)?*

The conventional arms listed in categories (a-g) are the following:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;
- (g) Missiles and missile launchers.

The treaty does not provide definitions for these categories. It does require in Article 5 (3), however, that national definitions shall not cover less than the descriptions used in the UNROCA at the time of entry into force of the Treaty (i.e. 24 December 2014). The descriptions used in the UNODA Standardized Reporting Forms for the UNROCA are included in [Annex 1 of this document](#).

Therefore, States Parties have two choices. First, a State Party can use the UNROCA category descriptions. Second, a State Party can use national definitions that at least cover all elements contained in the UNROCA category descriptions. This means that States Parties can use broader national definitions, but not narrower definitions.

For States Parties that use the ATT reporting template for their annual report, the template contains an Annex 2 that allows States Parties to include more specific information about specific (diverging or more detailed) national definitions of these categories (a-g). These specific national definitions included in Annex 2 should reflect those included in the State Party’s national control list for these categories (a-g).

Many relevant sources are available for use when formulating such national definitions, but also to establish whether certain items fall within one of these categories and within which exact category an item would need to be reported. A non-exhaustive list of such sources is included in [Annex 2 of this document](#).

*13. Category (h) of Article 2 (1) deals with small arms and light weapons. What should be reported under this category?*

The treaty does not provide a definition of small arms and light weapons (also referred to as SALW). It does require in Article 5 (3) that national definitions of small arms and light weapons should not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of the Treaty (i.e. 24 December 2014). The relevant instruments are not listed in the Treaty. Relevant UN instruments could be:

- 1) the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (hereinafter referred to as International Tracing Instrument); and
- 2) UNROCA's 2014 reporting template for SALW as additional information.

The descriptions of small arms and light weapons in these instruments are included in [Annex 3 of this document](#).

For States Parties that use the ATT reporting template for their annual report, the template contains the subcategories of small arms and light weapons that are included in the UNROCA standardized reporting form for the reporting on transfers of small arms and light weapons. The ATT reporting template also provides the option for States Parties to report on small arms and light weapons as aggregate categories. The template makes clear that other UN descriptions can be used.

*14. Should small arms and light weapons that are not made or modified to military specifications be reported?*

Neither Article 2 (1) (h) itself, nor the relevant UN instruments mentioned in the answer to question 13, the International Tracing Instrument in particular, explicitly differentiate between conventional arms that are made or modified to military specifications and arms that are made or modified to civilian specification in its definition of small arms and light weapons. Therefore States Parties must make their own determination.

*15. Should States Parties report on conventional arms other than those covered under Article 2 (1)?*

The annual reporting *obligation* in Article 13 (3) clearly applies only to conventional arms covered under Article 2 (1).

However, in Article 5 (3) of the Treaty, States Parties are *encouraged* to apply the provisions of the Treaty to the broadest range of conventional arms. This also applies to the provision on annual reporting. States Parties are thus *encouraged* to include in their annual report information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1). In that sense, States Parties could consider including information concerning *all conventional arms in their national control list*, but are not required to do so.

For States Parties that use the ATT reporting template for their annual report, the template contains a section on "Voluntary National Categories" that allows States Parties to report information about

authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1).

16. *Article 13 (3) does not refer to ammunition/munitions and parts and components, mentioned in Articles 3 and 4 of the Treaty respectively. Should authorized or actual exports and imports of these items be reported?*

As explained in the answer to [question 15](#), the reporting *obligation* in Article 13 (3) only applies to conventional arms covered under Article 2 (1), but States Parties are *encouraged* to include in their annual report information about authorized or actual exports and imports of other conventional arms. In that sense, States Parties could also consider including information concerning ammunition/munitions and parts and components, but are not required to do so.

In this respect, it should also be clear that ammunition/munitions and parts and components are not included in the category of small arms and light weapons.

17. *Conventional arms are sometimes exported/imported complete but in disassembled parts and components (known as "kits"). Should authorized or actual exports and imports of these items be reported?*

As explained in the answer to [question 15](#), the Treaty provides no *obligation* and only an *encouragement* to include information concerning parts and components in the annual report. States Parties must therefore make their own determination.

Bearing in mind the object and purpose of the Treaty, States Parties could nonetheless consider reporting exports and imports of *complete* conventional arms covered under Article 2 (1) that are exported/imported in disassembled parts and components.

States Parties that use the ATT reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that they are reporting complete, but disassembled conventional arms. Of course, this is voluntary information.

18. *Should exports and imports of second-hand arms and surplus arms be reported?*

Yes. As the Treaty does not distinguish between new, second-hand or surplus arms, States Parties should report authorized or actual exports and imports regardless of whether the arms in question are new, second-hand, or surplus.

19. *How should items exported by a State other than the State of origin be reported?*

States Parties should report such exports as normal exports, but clarify that the arms originate from another State. Both the UNROCA standardized reporting form and the ATT reporting template endorsed and recommended for use during the Second Conference of States Parties contain a dedicated column to report this information.

20. *How should the transfers of items to an intermediate location be reported?*

If, for example, a State Party exports air-to-air missiles to State A for installation on combat aircraft to be exported to State B, the State Party in question should report the export of missiles to State B and

clarify in its report that State A is the intermediate location. Both the UNROCA standardized reporting form and the ATT reporting template contain a dedicated column to report this information.

*21. Which State should report the export of a conventional arm that was co-produced by two or more countries?*

The export should be reported by the final exporting State of the complete conventional arm. States Parties that use the ATT reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that they are reporting co-produced conventional arms. Of course, this is voluntary information.

## C. Information to be reported

22. *Which information about their authorized or actual exports and imports do States Parties need to include in their report as a minimum?*

As explained in the answer to [question 1](#), the Treaty does not expressly list the information that States Parties need to include in their annual report, but some guidance is given by the Treaty's reference to "information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms".

In that respect, the ATT reporting template takes as its starting point the information contained in the UNROCA standardized reporting forms, and includes as core information the following data:

- 1) the number of items or the financial value of the exported and imported conventional arms<sup>1</sup>; and
- 2) the final importing or exporting States of the conventional arms.

This represents a common understanding – not a Treaty obligation – of what information States Parties should include as a minimum when they report their authorized or actual exports and imports (or both, see [question 11](#)).

States Parties should consider providing this information broken down by category of conventional arms on which they are reporting, as well as by country of origin or destination (see [question 23](#)).

It should be noted that the option of reporting financial value is not included in the UNROCA standardized reporting forms (see questions [24](#) and [32](#)). It was introduced in the ATT reporting template in light of the more binding nature of the ATT's reporting requirement, in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

23. *Do States Parties need to break down the information about exports and imports per country?*

The Treaty does not specify this, but in line with the UNROCA practice and taking into account the Treaty's purpose in Article 1 of promoting transparency, States Parties are strongly encouraged to break down the relevant data per country to or from which exports and imports were authorized or effected.

24. *Do States Parties need to report both the number of items and the financial value of the authorized or actual exports and imports?*

As the Treaty does not specify this, it is for States Parties to decide whether to include the number of items or the financial value.

The ATT reporting template, gives States Parties the option to provide information the volume of exports and imports expressed either as the number of items or as a financial value. This differs from the approach in the UNROCA, which only requests UN Member States to provide information on the number of items of conventional arms that were exported and imported (see [question 32](#)). The option of reporting financial value was introduced in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

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<sup>1</sup> If a State Party opts to report the financial value of the authorized or actual exports and imports, it should indicate which currency is used.

As indicated in the “Explanatory notes” of the ATT reporting template, States Parties can choose to provide information on either the number of items or the financial value for every category in their report as a whole or use number of items for some categories and financial value for others. For reasons of consistency and continuity, it is desirable that States Parties’ choices in this respect, once made, remain stable over time.

A State Party may report on both the number of items and the financial value if it wishes to do so.

*25. Do States Parties need to include details on the designation, model or type of the arms?*

The Treaty does not require States Parties to include details on the designation, model or type of the arms.

In line with the UNROCA practice, the ATT reporting template contains a column titled “Description of item”, under the heading “Remarks”. States Parties may use this column to describe the conventional arms that are exported or imported by entering the designation, type, model or any other information considered relevant. This information is voluntary.

*26. Do States Parties need to include details on the consignees and end-users of the arms?*

The Treaty does not require States Parties to include details on the consignees and end-users of the arms.

In line with UNROCA practice, the ATT reporting template contains a column titled “Comments on the transfer”, under the heading “Remarks”. States Parties may use this column to explain or clarify the nature of the consignee(s) and end-user(s) of the arms. This information is voluntary.

*27. Concerning small arms and light weapons, do States Parties need to report data such as calibres and serial numbers?*

The Treaty does not require States Parties to include data on individual conventional arms in their report, including small arms and light weapons.

In some cases, it could be relevant to exchange such information among the importing, transit, trans-shipment and exporting States Parties involved in a certain transfer, particularly to mitigate the risk of diversion. However, this goes beyond the annual reporting obligation contained in Article 13 (3) of the Treaty.

*28. Do States Parties need to include the nature of export and imports in their report?*

The Treaty does not require States Parties to include details on the nature of exports and imports.

In line with UNROCA practice, the ATT reporting template contains a column titled “Comments on the transfer”, under the heading “Remarks”. States Parties may use this column to explain or clarify the nature of the transfer - for instance, if it is temporary (e.g. for exhibitions or repairs), or if it is industrial in nature (e.g. intended for integration into a larger system). This information is voluntary .

*29. Can States Parties exclude commercially sensitive or national security information from their report?*

Yes, Article 13 (3) expressly allows States Parties to exclude commercially sensitive or national security information from their report. However, this exception should be read in line with the Treaty purpose in Article 1 of promoting transparency. In this light, blanket omissions would not seem appropriate.

For States Parties that use the ATT reporting template for their annual report, the choice is available between providing the number of items or financial value of the exported/imported items. This is in order to alleviate concerns regarding commercial sensitivities and national security.

*30. Do States Parties need to indicate that commercially sensitive or national security information is excluded from their report?*

The Treaty does not provide guidance regarding the omission of information on the grounds that it is commercially sensitive or has national security implications. However, States Parties that use the ATT reporting template for their annual report are asked to indicate voluntarily whether any commercially sensitive and/or national security information has been withheld.

This disclosure is useful to avoid unnecessary questions regarding discrepancies between national reports.

*31. Are there criteria to determine whether information is commercially sensitive or concerns national security?*

No, The Treaty does not provide any criteria. It is at the discretion of States Parties to determine whether certain information is commercially sensitive or may affect national security. However, in exercising their discretion, States Parties should take into account the Treaty's purpose in Article 1 of promoting transparency. States Parties should therefore assess on a case-by-case basis whether or not an omission is in the public interest.

*32. Do the UNROCA standardized reporting forms and the ATT reporting template request States to provide the same information?*

No. While the ATT reporting template is based on the UNROCA standardized reporting forms, it differs on certain elements:

- 1) in accordance with the Treaty, the ATT reporting template allows States Parties to report either authorized or actual exports and imports. The UNROCA requests States to report on actual exports and imports only (see [questions 9 and following](#));
- 2) in accordance with the Treaty, the ATT reporting template includes small arms and light weapons as a mandatory category. At the time of entry into force of the ATT, the UNROCA only invited States to provide information about exports and imports of small arms and light weapons in their report as part of additional background information, on the basis of a separate reporting form (see also [question 36](#));
- 3) unlike the UNROCA, and in accordance with the Treaty, the ATT reporting template contains a section on "Voluntary National Categories". This is to permit States Parties to include information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1), as encouraged under Article 5 (3) of the Treaty (see [questions 15 and 16](#)).

- 4) the ATT reporting template allows States Parties to choose to report the volume of exports and imports as either the number of items or as a the financial value. Under the UNROCA, States are requested to report the number of items (see [question 24](#)).

The ATT reporting template also includes a number of general questions that are not included in the UNROCA standardized reporting forms, i.e.:

- 1) the voluntary question on whether commercially sensitive or national security information is omitted from the report (see [questions 29 to 31](#)); and
- 2) the mandatory question on whether the export/import reports should be restricted to States Parties or can also be made publicly available (see [question 41](#)).

*33. Do States Parties that have not authorised any exports and/or imports or that have not had any actual exports and/or imports have to report to the ATT Secretariat?*

Yes. States Parties that do not have any authorized or actual exports and/or imports to report should submit a “nil report” to the ATT Secretariat, clearly stating that no exports and/or imports have taken place in any of the categories during the reporting period. Nil reporting is important, because it enables States Parties to demonstrate their compliance with the Treaty’s annual reporting obligation even if they have no transfers to report in a given year.

For States Parties that use the ATT reporting template for their annual report, the template contains forms for nil reports for both exports and imports (as does the UNROCA).

If States Parties do not have any exports and/or imports to report in only *certain categories* of conventional arms, they should indicate this by entering the word “nil” in the appropriate columns of their report.

## **D. Form of the report and utilization of reporting templates**

### *34. Does the Treaty itself prescribe a standardized reporting form or reporting template?*

The Treaty itself does not prescribe a standardized reporting form or reporting template.

However, during the Second Conference of States Parties, States Parties endorsed and recommended a reporting template that States Parties can use to prepare and submit their annual report. This reporting template is available on the ATT website in Arabic, English, French, Russian and Spanish. The template has been integrated into the online reporting tool and is available in English, French or Spanish.

The ATT reporting template contains the following four reporting forms:

- 1) annual report on exports of conventional arms;
- 2) annual report on imports of conventional arms;
- 3) nil report on exports of conventional arms; and
- 4) nil report on imports of conventional arms.

It also includes a title page, explanatory notes, and annexes with the 2014 UNROCA descriptions of seven categories of conventional arms, as well as a table that allows States Parties to include more information about specific (diverging or more detailed) national definitions of these categories.

Further information about the reporting template is included in answers to a number of questions throughout this document.

### *35. Is it compulsory to use the reporting template that was endorsed during the Second Conference of States Parties ?*

It is not compulsory to use the ATT reporting template, but it used was recommended by the Second Conference of States Parties.

### *36. Can States Parties use their submission to the UNROCA to comply with the annual reporting obligation?*

States Parties can use their submission to the UNROCA to comply with the annual reporting obligation, as the Treaty itself provides that the ATT annual report may contain the same information submitted by the State Party to the UNROCA.

States Parties using their UNROCA report should make sure, however, that its content complies with the annual reporting obligation of the Treaty. This concerns in particular the reporting on exports and imports of small arms and light weapons, as the Treaty places a legal obligation on States Parties to report on these. Under the 2014 UNROCA, States were only invited to include additional voluntary information about exports and imports of small arms and light weapons in their report (see also [question 32](#)).

## **E. Procedures and formalities of the annual reporting obligation**

*37. What is the procedure that is followed annually to request States Parties to report to the ATT Secretariat?*

Each year, the ATT Secretariat issues a letter to all States Parties approximately two months before the deadline for the submission of annual reports (31 May), providing an initial reminder that annual reports are due to be submitted to the Secretariat on or before 31 May. One month before the annual reports are due, States Parties receive an [automatically generated] email reminder that annual reports are due on or before 31 May. Both the initial reminder and the final reminder email – which are sent to all States Parties – include information on how to submit annual reports.

Copies of the initial reminder letter and final reminder email, as well as the ATT reporting template, can also be obtained directly from the ATT Secretariat (see [question 44](#) for contact information).

*38. Which authority should submit the report to the ATT Secretariat?*

States Parties should designate competent national authorities responsible for compliance with Treaty obligations, and notify the Secretariat of the details in accordance with Article 5 (5) of the Treaty. This could include a specially designated authority directly responsible for compliance with the annual reporting obligation.

States Parties that use the ATT reporting template for their annual report are requested to enter the details of their responsible national point of contact on the title page.

*39. What happens to the annual reports once they are submitted to the ATT Secretariat?*

*39.1 Reports submitted by email, post, courier or by hand delivery*

The ATT Secretariat takes the following steps with respect to each annual report submitted by a State Party by email, post, courier or by hand delivery:

1. The Secretariat acknowledges receipt of the annual report by sending an email to the State that submitted the report, and confirms the instructions provided by the State Party as to whether it wishes its annual report to be made available on the public area *and* the restricted area of the website (available to States Parties only), or on the restricted area of the website only (see [question 41](#));
2. The Secretariat keeps a copy of the Annual Report in printed form as well as in electronic form on a secure database; and
3. The Secretariat then uploads the Annual Report onto the ATT website on the public and/or restricted area of the website, depending on the submitting State's instructions.

*39.2 Reports submitted via the online reporting tool*

Where a State Party submits its annual report via the online reporting tool:

1. The State representative who submitted the annual report will receive an automatically generated email confirming that the annual report has been successfully submitted to the ATT Secretariat;
2. The Secretariat keeps a copy of the Annual Report in printed form as well as in electronic form on a secure database; and
3. The Secretariat then uploads the Annual Report onto the ATT website on the public and/or restricted area of the website, depending on the submitting State's instructions.

40. *Does the technical infrastructure of the ATT Secretariat (email address, ATT website) provide a high standard of protection against hacker attacks?*

The ATT Secretariat has reasonable measures in place to protect the ATT website and the IT platform against cyber attack.

41. *Will the annual reports of States Parties be made publicly available?*

The Treaty provides that “reports shall be made available, and distributed to States Parties by the Secretariat”.

States Parties must decide on the degree of availability of their annual reports, and whether this entails making them available to the public, as most States Parties have done. In making this choice, States Parties should take into account the Treaty’s purpose in Article 1 of promoting transparency and carefully consider the balance between legitimate concerns regarding public availability and the public interest of transparency. States Parties should also consider that the Treaty already allows States Parties to exclude commercially sensitive or national security information from their ATT annual report (see [questions 29 to 31](#)).

In practice, upon receipt of the report, the ATT Secretariat will publish the report on the public part of the ATT website, unless the State Party indicates explicitly that the report should only be available to States Parties. In the latter case, the report will be published on the restricted part of the website. Making the report available to other States Parties is in itself a clear treaty obligation.

For States Parties that use the ATT reporting template for their ATT annual report, every form of the template contains a tick-box that allows States Parties to indicate that their report is available only to other States Parties. This is included in the forms on exports and imports separately. This would permit a State Party to decide, for example, to allow public availability of its report on exports, but not its report on imports, or *vice versa*.

42. *Does a State Party need the consent of the importing or exporting States before it: a) reports its exports and imports; and b) makes this information publicly available?*

No, the Treaty *obliges* States Parties to report their authorized or actual exports and imports, and does not make this conditional on the consent of the importing and exporting States.

Concerning transparency, reporting States Parties also do not have to seek consent of the importing and exporting States. They should make their own determination whether to make their reports publicly available (see [question 41](#)).

Concerning potential commercial sensitivity or national security issues, see [questions 29 to 31](#).

43. *What should a State Party do if, after submitting information for a certain calendar year, it determines that the information was incomplete or contained a technical error?*

If a State Party determines that an annual report that it has submitted contains incomplete or incorrect information, it should contact the Secretariat by email. If the original annual report was submitted by email, post, courier or by hand delivery, the State Party should indicate that the report previously submitted is no longer valid, and attach a revised, updated report. If the original report was submitted via the online reporting tool, the State Party should ask the ATT Secretariat to ‘unblock’ its

report to enable it to amend the report online. This is necessary because once a State Party has ‘submitted’ a report via the online reporting tool, it can no longer access the report – to edit or amend it – and if the State attempts to re-enter the online reporting template, it will receive an on-screen message indicating that the report has already been submitted and that it must contact the ATT Secretariat to re-open or ‘unblock’ the report for editing.

The State Party should instruct the Secretariat to upload the revised report on the ATT website, and retain the revised report in its records to replace the previously submitted report (see [question 44](#)). There is no cut-off date for such corrections, although they should be submitted as early as possible to ensure that information made available to the public and/or States Parties is as accurate and up-to-date as possible.

*44. If a State Party has a question on the annual reporting obligation and its implementation, how can it contact the ATT Secretariat?*

A State Party can contact the ATT Secretariat with questions regarding the annual reporting obligation, or any ATT-related matter, by sending an email to: [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

**F. Enforcement of the annual reporting obligation**

*45. Does the Treaty provide for sanctions or other measures in case of non-compliance with the annual reporting obligation?*

The Treaty does not provide for any specific sanctions or other measures in a case of non-compliance with the annual reporting obligation.

The Conference of States Parties is a forum to discuss compliance with the annual reporting obligation in general, as the Conference has a mandate to review the implementation of the Treaty, to consider and adopt recommendations on implementation and operation of the Treaty, and to perform any other function consistent with the Treaty which is conferred on it by States Parties.

In addition, it is in principle possible for individual States Parties to make use of the Treaty's article on dispute settlement (Article 19), which provides that States Parties shall consult and, by mutual consent, cooperate to pursue settlement of any dispute that may arise between them on the interpretation or application of the Treaty. It is, however, to be hoped that such an option represents a last resort only.

Ultimately, the Treaty relies on national implementation of its obligations.

*46. Are there any consequences if incorrect information is submitted? (accidentally or knowingly)?*

If incorrect information was submitted accidentally, a State Party is encouraged to follow the procedure described in the answer to [question 43](#).

If incorrect information was submitted knowingly, see the answer to [question 45](#).

**V. ANNEX 1: UNROCA CATEGORIES A-G****December 2014 UNODA Standardized Reporting Forms for the UNROCA<sup>2</sup>****I. Battle tanks** (*category a*) in Article 2 (1) of the Treaty)

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

**II. Armoured combat vehicles** (*category b*) in Article 2 (1) of the Treaty)

Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.

**III. Large-calibre artillery systems** (*category c*) in Article 2 (1) of the Treaty)

Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.

**IV. Combat aircraft** (*category d*) in Article 2 (1) of the Treaty)<sup>3</sup>

- a) Manned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions;
- b) Unmanned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction.

<sup>2</sup> These descriptions can be consulted in the report of the 2013 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/68/140), available at <http://undocs.org/A/68/140>. The current UNROCA descriptions of categories (a-g) can be consulted at <https://www.unroca.org/categories>.

<sup>3</sup> The ATT reporting template reflects the December 2014 UNROCA standardized reporting forms. There was at that time a lack of clarity as to the question of separate reporting of the two types of unmanned aerial vehicles (sub-categories IV.b) and V.b) in the ATT reporting template). This was not resolved until the 2016 Group of Governmental Experts reviewed the operation of the UNROCA. Even then, only the category unmanned fixed wing or variable-geometry wing aircraft was agreed as suitable for separate reporting. States Parties must therefore make their own determination whether to report the two types of unmanned aerial vehicles included in the template separately, or together with their manned equivalents.

The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped or modified as described above.

**V. Attack helicopters** (*category e*) in Article 2 (1) of the Treaty)

- a) Manned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions;
- b) Unmanned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons.

**VI. Warships** (*category f*) in Article 2 (1) of the Treaty)

Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

**VII. Missiles and missile launchers<sup>4</sup>** (*category g*) in Article 2 (1) of the Treaty)

- a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles.
- b) Man-Portable Air-Defence Systems (MANPADS)<sup>5</sup>.

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<sup>4</sup> Multiple-launch rocket systems are covered by the definition of category III.

<sup>5</sup> MANPADS should be reported if the MANPAD system is supplied as a complete unit, i.e. the missile and launcher/Grip Stock form an integral unit. In addition, individual launching mechanisms or grip-stocks should also be reported. Individual missiles, not supplied with a launching mechanism or grip stock need not be reported.

**VI. ANNEX 2: RELEVANT SOURCES CONCERNING DEFINITIONS AND CATEGORIZATION OF CONVENTIONAL ARMS**

The following non-exhaustive list of sources concerning definitions and categorization of conventional arms is taken from module 4 of the ATT-BAP Annual Report Guidance Booklet – “Conventional Arms Identification and Categorization”:

- [UNROCA and reports of the UN Groups of Governmental Experts \(GGE\) on the Continuing Operation of the UNROCA and its Further Development](#)
- [Conventional Forces in Europe Treaty \(CFE Treaty\)](#)
- [The Wassenaar Arrangement’s Munitions List](#)
- [Wassenaar Arrangement specific information exchange on arms](#)
- [Common Military List of the European Union](#)
- [South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons \(SEESAC\) Weapons Categorization Tool](#)

The module also refers to the comprehensive discussion of definitions and categorization of conventional arms in *The Arms Trade Treaty: A Commentary*, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.

## VII. ANNEX 3: UN DESCRIPTIONS OF SALW

### A. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

For the purposes of this instrument, “small arms and light weapons” will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) “Small arms” are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

### B. United Nations Register of Conventional Arms

The UNROCA does not contain definitions of small arms and light weapons, but the following categories of small arms and light weapons are provided in the standardized reporting forms:<sup>6</sup>

Small arms:

- 1) revolvers and self-loading pistols;
- 2) rifles and carbines;
- 3) sub-machine guns;
- 4) assault rifles;
- 5) light machine guns;
- 6) other.

Light weapons:

- 1) heavy machine guns;
- 2) hand-held under-barrel and mounted grenade launchers;
- 3) portable anti-tank guns;
- 4) recoilless rifles;
- 5) portable launchers of anti-tank missile and rocket systems;
- 6) mortars of calibres less than 75mm;
- 7) other.

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<sup>6</sup> These categories can be consulted in the report of the 2016 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/71/259), available at <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/10/A-71-259-GGE-Register.pdf> and at <https://www.unroca.org/about>.

## ANNEX C

## PROPOSED MANDATE FOR THE WGTR FOR THE PERIOD SEPTEMBER 2019-AUGUST 2020

In accordance with its Terms of Reference and Rule 42(2) of the ATT Rules of Procedure, the Working Group would like to propose for consideration by CSP5, the following tasks for further work in the period between CSP5 and CSP6:

1. The WGTR shall continue to conduct exchanges concerning the fulfilment of the reporting obligations in article 13 of the ATT and the broader issue of transparency in the international trade in conventional arms. In its meetings, the WGTR shall, as a minimum, deal with the following standing agenda items and the recurrent and specific tasks outlined below:

- a. State of play of compliance with reporting obligations;*
- b. Challenges concerning reporting;*
- c. Substantive reporting and transparency issues;*
- d. Organizational means for information exchange;*
- e. Harnessing information generated by mandatory reporting;*
- f. IT platform: reporting and transparency functionalities;*
- g. WGTR mandate in the period between CSP5 and CSP6.*

2. As regard to the **state of play of compliance with reporting obligations**, at every meeting the WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.

3. As regard to **challenges concerning reporting**, the WGTR will as a minimum:

- a. give participants the opportunity to discuss challenges to submitting timely and accurate initial and annual reports and to discuss means to support States Parties in addressing those challenges, with a view to providing recommendations to CSP6;*
- b. give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation;*
- c. discuss initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4;*
- d. taking into account the inventory of comments and suggestions regarding the reporting templates and the online reporting tool (Annex A to the co-chairs' report to CSP5), and with respect for article 13 of the Treaty, consider adjustments to the reporting templates deemed necessary to address uncertainties and inconsistencies to ensure compatibility between the online reporting tool and the proposed public searchable database that allows for queries and extracting data;*
- e. discuss the further development of the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments'.*

4. As regard to **substantive reporting and transparency issues**, the WGTR will as a minimum:

- a. give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR;*
- b. monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System" (HS) of the World Customs Organisation (WCO);*

*c. discuss the issue of the comparability of data in annual reports.*

5. As regard to **organizational means for information exchange**, the WGTR will as a minimum:

*a. give participants the opportunity to discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level;*

*b. follow-up of implementation of the three-tier approach to sharing information on diversion, in particular the informal meeting among interested States Parties and signatory States to discuss concrete cases of detected or suspected diversion.*

6. As regard to **harnessing information generated by mandatory reporting**, the WGTR will give participants the opportunity to present or propose projects to harness information from the initial and annual reports in a manner that allows follow-up on these reports, taking into account the functionalities on the IT platform that are under development.

7. As regard to the **reporting and transparency functionalities of the IT platform**, the WGTR will as a minimum:

*a. monitor and assess the use of the online reporting tool and the information exchange platform on the ATT website, and assist the ATT Secretariat in the development of a functionality that makes the information generated, especially through the annual reports, available in a searchable database that allows for queries and extracting data. This will be done through the informal consultative group of WGTR participants established at CSP5, that will report back to the WGTR in order to feed its work;*

*b. give participants the opportunity to propose future changes and improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty.*

8. As regard to the **WGTR mandate in the period between CSP6 and CSP7**, the WGTR will prepare a proposal for consideration by CSP6, which will include as a minimum the standing agenda items and the recurrent tasks outlined above.

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