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SMALL-ARMS-CONTROL
IMPLEMENTATION COMPENDIUM

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National controls over the manufacture of small arms and light weapons

The Modular Small-arms-control Implementation Compendium
MOSAIC
Good practices for safer societies.

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Foreword

What is MOSAIC?

MOSAIC translates into practice the objectives of key global agreements aiming to prevent the illicit trade, destabilizing accumulation and misuse of small arms and light weapons, including:

- the Programme of Action on the illicit trade in small arms and light weapons
- the International Tracing Instrument
- the Firearms Protocol supplementing the UN Convention against Transnational Organized Crime
- the Arms Trade Treaty.

MOSAIC modules are based on good practices, codes of conduct and standard operating procedures that have been developed at (sub-)regional levels. They were developed by the UN, benefitting from the very best technical advice from experts around the world.

MOSAIC is a completely voluntary toolkit.

MOSAIC supports the achievement of the Sustainable Development Goals, including Goal 16 to promote peaceful, just and inclusive societies and its target 16.4 that includes a significant reduction in illicit arms flows.

Who developed MOSAIC?

Governments often call upon the UN system to provide advice and support on issues related to small arms and light weapons control — including on legislative, programmatic and operational matters.

UN agencies decided that the best way to ensure that the United Nations as a whole could consistently deliver high-quality advice and support in response to such requests, was to develop international guidance on small arms and light weapons control, similar to the standards the UN developed in the areas of mine action (International Mine Action Standards – IMAS); disarmament, demobilization and reintegration (Integrated DDR Standards – IDDRS); and ammunition (International Ammunition Technical Guidelines – IATG).

The compendium is the result of a decade of coordinated work within the UN system, involving 24 partner entities with expertise ranging from development and weapons management to gender and public health.

An external expert reference group of over 300 specialists, from NGOs to industry, completed the sturdy process of establishing each module.

Who can use MOSAIC?

MOSAIC can be used by any government or organization. Properly basing small-arms control endeavours on MOSAIC modules, reduces the risk of weapons falling into the hands of criminals, armed groups, terrorists and others who would misuse them.

MOSAIC. Good practices for safer societies.

Introduction

Effective domestic regulation of the manufacture of small arms, light weapons, their essential parts and components and their ammunition – whether they are manufactured by means of large-scale

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industrial production or small-scale craft production – is an essential element of an effective national small arms and light weapons control regime. The primary aims of such controls are to

a) prevent illicit manufacturing of small arms and light weapons, their essential parts and components and their ammunition;

b) ensure that all small arms and light weapons are adequately marked and recorded at the time of manufacture so that they can be traced to their point of diversion if recovered under illicit circumstances; and

c) prevent theft and loss of weapons and ammunition from manufacturers' stocks by requiring adequate security and recordkeeping at manufacturing premises.

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National controls over the manufacture of small arms and light weapons

1 Scope

This document provides guidance on regulating the manufacture of small arms and light weapons, their essential parts and components and their ammunition at the national level. It specifies methods and means of preventing illicit manufacturing, as well as elements and procedures for licensing manufacturers, whether they be individuals or companies.

This document is applicable to

a) regulatory authorities seeking guidance on drafting legislation and regulations to combat illicit manufacturing in accordance with international norms and obligations; and

b) licensing authorities seeking guidance on licensing and monitoring procedures.

This document does not cover

c) technical aspects of manufacturing small arms, light weapons, their essential parts and components or their ammunition, other than marking at the time of manufacture;

d) quality control or proofing of manufactured weapons or ammunition; nor

e) manufacture of weapons in one country under a licence issued in another country (licensed production), which is covered in MOSAIC 03.20, *National controls over the international transfer of small arms and light weapons*.

This document covers only the broad principles of marking and recordkeeping at the time of manufacture. More detailed guidance on this can be found in MOSAIC 05.30, *Marking and recordkeeping*.

2 Normative references

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

MOSAIC 05.20, *Stockpile management: Weapons*

MOSAIC 05.30, *Marking and recordkeeping*

MOSAIC 05.50, *Destruction: Weapons*

IATG 05.20, Types of buildings for explosives facilities

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IATG 10.10, *Demilitarization and Destruction of Conventional Ammunition*

ILO R164, *Occupational Safety and Health Recommendation*, International Labour Organization

Code of practice on safety and health in the use of machinery, International Labour Organization

Code of practice on safety in the use of chemicals at work, International Labour Organization

3 Terms and definitions

For the purposes of this document, the terms and definitions given in MOSAIC 01.20, *Glossary of terms, definitions and abbreviated terms*, and the following apply.

In all MOSAIC modules, the words 'shall', 'should', 'may' and 'can' are used to express provisions in accordance with their usage in International Organization for Standardization (ISO) standards.

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

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

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

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

4 United Nations Framework

4.1 General

This document provides practical guidance on the implementation of commitments related to regulating the manufacture of small arms and light weapons that are contained in United Nations multilateral instruments related to small arms and light weapons control.

4.2 UN Programme of Action

In the United Nations *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN Programme of Action), all UN Member States commit themselves

a) "To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction […] in order to prevent illegal manufacture of […] small arms and light weapons…" (section II, paragraph 2);

b) "To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture […] of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes" (section II, paragraph 3);

c) "To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to

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prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture […] of small arms and light weapons" (section II, paragraph 4);

d) "To identify, where applicable, groups and individuals engaged in the illegal manufacture […] of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals" (section II, paragraph 6);

e) "To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process…" (section II, paragraph 7);

f) "To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture […] of any unmarked or inadequately marked small arms and light weapons" (section II, paragraph 8);

g) "To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture […] of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities" (section II, paragraph 9); and

h) "To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the […] manufacture of small arms and light weapons […] and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof…" (section III, paragraph 26).

4.3 International Tracing Instrument

In the *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (International Tracing Instrument), all UN Member States commit themselves to

a) "At the time of manufacture of each small arm or light weapon under their jurisdiction or control, either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre" (paragraph 8.a);

b) "Encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings" (paragraph 8.e); and

c) From the time of the adoption of this instrument, records pertaining to marked small arms and light weapons will, to the extent possible, be kept indefinitely, but in any case a State will ensure the maintenance of […] Manufacturing records for at least 30 years…" (paragraph 12);

4.4 UN Firearms Protocol

States party to the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, *supplementing the United Nations Convention against Transnational Organized Crime* (UN Firearms Protocol) are required to

a) "adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally: (a) Illicit manufacturing of firearms, their parts and components and ammunition" […] (Article 5.1);

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b) “adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured […]” (Article 6.1);

c) “adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured […] firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded. (Article 6.2);

d) “At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; (Article 8.1.a);

e) “encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings” (Article 8.2);

f) “In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of […] firearms, their parts and components and ammunition, each State Party shall take appropriate measures […] To require the security of firearms, their parts and components and ammunition at the time of manufacture…” (Article 11);

g) “exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as: (a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of […] firearms, their parts and components and ammunition; (b) The means of concealment used in the illicit manufacturing of […] firearms, their parts and components and ammunition and ways of detecting them; […] (d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of […] firearms, their parts and components and ammunition” (Article 12.2);

h) “provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other’s abilities to prevent, detect and investigate the illicit manufacturing of […] firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities” (Article 12.3);

i) “cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of […] firearms, their parts and components and ammunition” (Article 13.1);

j) “seek the support and cooperation of manufacturers […] of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article” (Article 13.3);

k) “cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of […] firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention” (Article 14);

l) “exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers […] of firearms, their parts and components and ammunition” (Article 12.1);

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5 Licensing procedure

5.1 General

For the purposes of this document, manufacturing is the making, producing or assembling of

a) a complete small arm or light weapon;

b) a frame or receiver for a small arm or light weapon;

c) a pressure-bearing part or component of a small arm or light weapon (e.g. barrel, slide, cylinder, bolt, breech block, etc.); or

d) ammunition for a small arm or light weapon.

Manufacturing includes

e) reactivating a deactivated small arm or light weapon; and

f) substantially modifying the function of a small arm or light weapon (e.g. converting a semi-automatic weapon to fully-automatic).

NOTE In theory, it should not be possible to reactivate a correctly deactivated small arms and light weapons. In practice, there have been cases of reactivation. Therefore, it should be treated as a form of (unlawful) manufacture with corresponding offences and sanctions established by law.

Manufacturing does not include

g) repair, restoration, maintenance or cosmetic enhancement or alteration of a small arm or light weapon; nor

h) the non-commercial reloading of ammunition (e.g. by hunters and sport shooters) where this is permitted by domestic law.

5.2 Industrial and craft manufacturing

The licensing requirements set out in this clause shall apply irrespective of the scale of manufacture; i.e. they shall apply equally to large-scale (industrial) manufacture and to small-scale (craft) manufacture.

Where small-scale craft manufacturers exist, they shall either be made to

a) comply with the licensing requirements as set out in this clause; or

b) cease their manufacturing operations.

5.3 Prohibition on manufacturing without a licence or authorization

5.3.1 Small arms and light weapons

National legislation shall prohibit any person, natural or legal, from manufacturing a small arm or light weapon without a licence or authorization granted by a competent authority of the State.

Manufacturers that are licensed to manufacture complete small arms or light weapons need not in addition be licensed or authorized to produce the individual pressure-bearing parts and components that go into producing a complete weapon.

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5.3.2 Parts and components

5.3.2.1 Frame/receiver

National legislation shall prohibit any person, natural or legal, from manufacturing a frame or receiver of a small arm or light weapon without a licence or authorization granted by a competent authority of the State.

NOTE The frame or receiver is the most essential component of a small arm or light weapon and may, for legal purposes, be considered to be the weapon.

5.3.2.2 Other parts and components

National legislation should prohibit any person, natural or legal, from manufacturing other pressure-bearing parts and components of a small arm or light weapon without a licence or authorization granted by a competent authority of the State. Pressure-bearing parts and components include the

a) barrel;

b) slide;

c) cylinder;

d) bolt; and

e) breech block.

5.3.3 Ammunition

National legislation shall prohibit any person, natural or legal, from manufacturing ammunition for a small arm or light weapon without a licence or authorization granted by a competent authority of the State.

An exception may be made for the non-commercial reloading of ammunition (e.g. by hunters and sport shooters) where this is permitted by domestic law.

5.4 Licensing Authority

5.4.1 Creation and function

Laws, regulations, or administrative procedures shall establish a licensing system for the manufacture of small arms and light weapons.

Laws, regulations, or administrative procedures shall identify a national licensing authority responsible for and mandated with assessing applications and granting licences or authorisations to manufacture

a) complete small arms and light weapons;

b) frames or receivers for small arms and light weapons; and

c) ammunition for small arms and light weapons.

National legislation or regulations should also mandate the licensing authority to grant licenses or authorizations to manufacture pressure-bearing parts and components of small arms or light weapons (see Clause 5.3.2.2).

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5.4.2 Monitoring of compliance

The licensing authority shall monitor compliance with the conditions of the licences and authorizations it issues, including by carrying out periodic inspections of manufacturing facilities and records, or ensuring that such inspections are carried out.

5.4.3 Recordkeeping by the licensing authority

5.4.3.1 Recordkeeping and security of records

The licensing authority shall maintain secure, accurate, and up to date records of

a) licensed manufacturers; and

b) manufacturing licenses issued.

Records should be maintained in a centralized location, in electronic format. Access permissions that are appropriate to the roles of personnel should be in place for electronic records. Records shall regularly be backed up, and backups should be kept in both hard copy and electronic formats, at a separate location in order to minimize the risk of data loss in the event of fire or other catastrophic event.

5.4.3.2 Content of records

5.4.3.2.1 Records of licences

The records maintained by the licensing authority should include the following information for all licensed manufacturers:

a) name and address;

b) date of issuance of the licence;

c) date of expiration of the licence;

d) unique licence number;

e) licensed activities, including the

    1) types of small arms, light weapons and/or ammunition (and, if applicable, pressure-bearing parts and components) that the manufacturer is licensed to manufacture; and

    2) the quantity range of small arms or light weapons that the manufacture produces, i.e

        - less than 100,
        - from 100 to 1,000, or
        - more than 1,000;

f) information on licence modifications, including extensions and changes to licence conditions;

g) grounds for and dates of any suspensions and/or revocations of the licence;

h) information obtained through inspections (see Clause 8.1); and

i) Information supplied by manufacturers, including

    1) as part of licensing applications, in accordance with Clause 5.6;

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2) as part of notification and reporting obligations, in accordance with Clause 7.6; and

3) when the manufacturer goes out of business, in accordance with Clause 7.3.

5.4.3.2.2 Records on seized and destroyed weapons and ammunition

Small arms, light weapons or their ammunition that are manufactured without a licence or authorization from the licensing authority shall be destroyed, and records kept of their destruction, in accordance with MOSAIC 05.50, *Destruction: Weapons* and IATG 10.10, *Demilitarization and Destruction of Conventional Ammunition*, respectively.

It is recognised that such small arms and light weapons are likely to be necessary as evidence if any criminal proceedings are to follow. Accordingly, the destruction provisions, especially the timeframe, need to take account of this priority.

A State may consider other methods of disposal in relevant cases.

Records shall also be kept of small arms, light weapons or their ammunition that have been seized, in accordance with Clause 8.3, on suspicion of having been manufactured without a licence or authorization.

5.4.3.3 Transparency of records

Subject to domestic privacy, anti-trust and security laws, records maintained by the licensing authority may be made available to the public.

5.4.3.4 Duration or records

The licensing authority shall maintain its records for at least 30 years and should maintain them indefinitely.

5.5 Licensing criteria

Laws, regulations, or administrative procedures shall establish minimum criteria that a person, natural or legal, has to fulfil to be eligible to obtain a manufacturing licence or authorization.

The national licensing authority shall assess whether these criteria are met. If not, laws, regulations or administrative procedures shall require the licensing authority to deny an application for a manufacturing licence or authorization.

A decision to approve or deny an application to grant a manufacturing licence should be provided to the applicant in writing. If denied, the reasons for denial should be included. It should be possible for the applicant to appeal a negative decision by providing additional information relevant to the grounds for denial.

5.5.1 Age

Natural persons shall have achieved the age of majority in the State where they are seeking a manufacturing licence.

5.5.2 Suitable facilities, premises and practices

Applicants should have use of facilities and follow practices that are suitable for the safe manufacture of weapons and/or ammunition, in accordance with international labour recommendations and codes of practice, in particular those relating to occupational safety and health, including the

a) Occupational Safety and Health Recommendation, International Labour Organization;

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b) Code of practice on safety and health in the use of machinery, International Labour Organization; and

c) Code of practice on safety in the use of chemicals at work, International Labour Organization.

Applicants should have use of premises suitable for the safe and secure storage of manufactured weapons and ammunition, in accordance with, as applicable,

d) MOSAIC 05.20, Stockpile management: Weapons; and

e) IATG 05.20, Types of buildings for explosives facilities.

During the course of the licence application process, the licensing authority shall assess whether the intended premises for the manufacturing activities are suitable, in all regards, for the processes that are to take place there.

5.5.3 Qualifications

Applicants shall have the necessary technical capabilities and qualifications in line with domestic laws, regulations and administrative procedures as they relate to the manufacture of small arms, light weapons, their parts, components and ammunition, as applicable.

Only applicants that possess the necessary technical, financial, managerial and administrative capacity to engage safely and securely in manufacturing activities, in accordance with their business plan, shall be licensed.

5.5.4 Background checks

All applicants for manufacturing licences should undergo a background check in order to verify that they are capable of engaging in manufacturing activities without posing a threat to public safety or security. Background checks should verify that the applicant

a) does not have a criminal record;

b) does not have a history of relevant mental illness or mental disability; and

c) is of good character.

NOTE 1 The character of the applicant may be ascertained, for example, by interviewing and/or obtaining references from persons of responsible social standing who are acquainted with the applicant. The assessment of character needs to be on an objective basis and in accordance with national laws and regulations.

NOTE 2 Where the applicant is a legal person (e.g. a corporate body), as opposed to natural person (e.g. an individual), the representative of the legal person who is listed on the licence application, as well as the legal person itself, should be subject to a background check.

NOTE 3 Relevant mental illnesses or mental disabilities would be those that would pose a threat to the public or the applicant's safety or security.

5.6 Application requirements

5.6.1 Natural person

Laws, regulations, or administrative procedures should require a natural person (i.e. an individual) applying for a manufacturing licence to provide

a) proof of the identity of the applicant and of all persons the applicant proposes initially to employ in the manufacturing business, including

    1) names,

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2) physical addresses, and

3) recent photographs;

b) information about the types of small arms, light weapons, pressure-bearing parts and components, and/or ammunition to be manufactured; and

c) information about the expected quantity range of small arms or light weapons to be manufactured per year, i.e.

1) less than 100;

2) from 100 to 1,000; or

3) More than 1,000.

5.6.2 Legal person

Laws, regulations, or administrative procedures should require a legal person (e.g. a company) applying for a licence to manufacture small arms, light weapons and/or their ammunition to provide

a) original or certified copies of the company's founding documents, articles of incorporation or other proof of licensed business;

b) information about the types of weapons, parts, components and/or ammunition to be manufactured;

c) information about the expected quantity range of small arms or light weapons to be manufactured per year, i.e.

d) less than 100;

e) from 100 to 1,000; or

f) More than 1,000.

d) proof that the company meets State standards for protection of proprietary and State classified information, as applicable; and

e) information about foreign control and/or ownership in the applicant company, as applicable.

An applicant that is a legal person may also be required to provide

f) the identity of the company's officers;

g) the identity of the person who will be responsible for the day to day management of the manufacturing facility (responsible person);

h) proof of the identity of the responsible person, including

1) name,

2) physical address, and

3) recent photograph;

5.7 Particulars of a manufacturing licence

The following information should be included in a licence to operate as a manufacturer:

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a) name of the manufacturer, i.e., name of the natural person or legal person holding the licence;

b) corporate status and place of registration of the manufacturer, if a legal person;

c) date of issuance of the licence;

d) date of expiration of the licence;

e) licensed activity or activities, including types of weapons and/or ammunition that may be produced; and

f) name of the licensing authority.

The following information may also be included in a licence to operate as a manufacturer:

g) photograph of the licensee;

h) signature of the licensee;

i) physical address of the manufacturing facility;

j) any restrictions that may apply to the licence, in accordance with Clause 6; and

k) any conditions that may apply to the licence, in accordance with Clause 7.

5.8 Licence renewal

Laws, regulations or administrative procedures may permit a manufacturer to apply to renew a manufacturing licence before the term of the licence expires (see Clause 6.2).

The decision of the licensing authority on whether or not to renew a licence should be based on an assessment of the following criteria:

a) the manufacturer’s compliance with the terms of its existing licence;

b) changes in the circumstances of the manufacturer since the previous application, including changes to any of the elements contained in Clause 5.6; in particular

    a. changes which would substantially amend any renewed authority to manufacture small arms and light weapons and/or ammunition (e.g. changes in types and quantities of weapons under a renewed licence);

NOTE 1 Authority here refers to the formal permission and legal right granted to a manufacturer to produce small arms and light weapons in compliance with regulatory standards. In most cases, this is the licence.

    b. changes which may affect the ability of the national authority to grant a renewal (e.g. a change in ownership of a legal entity); and

g) changes to licensing laws and administrative procedures that may have come into effect since the manufacturer obtained its existing licence.

When denying an application to renew a manufacturing licence, the licensing authority should inform the applicant in writing of the grounds for denial. The applicant should have the opportunity of appealing the decision of the licensing authority by providing additional information relevant to the grounds for denial.

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5.9 Licence suspension and revocation

5.9.1 General

The licensing authority shall have the mandate to suspend or revoke a manufacturing licence prior to its expiry if the licensee is no longer compliant with domestic law and/or licensing criteria.

5.9.2 Suspension

If the licensing authority has reasonable grounds to believe that one or more conditions of a manufacturing licence has been violated, it shall either conduct an investigation or recommend that a competent authority conduct an investigation to establish the facts.

The mandate of the licensing authority may allow it to

a) suspend the manufacturing licence while conducting the investigation, thus requiring the manufacturer to suspend production; or

b) conduct the investigation while allowing the manufacturer to continue production under the close supervision of the licensing authority.

Such steps depend on the nature and seriousness of the circumstances.

If the licensing authority decides to suspend a manufacturing licence, it should do so for the shortest possible time needed to conduct its investigation, after which the licence should either be revoked or the suspension lifted.

5.9.3 Revocation

A manufacturing licence shall be revoked by the licensing authority in case of cessation of business by the licensee (e.g. through bankruptcy, dissolution of the corporate entity, etc.).

A manufacturing licence should be revoked by the licensing authority in case of

a) a conviction of the licence holder of a crime;

b) a violation of one or more conditions of the manufacturing licence;

c) changes in circumstances that result in the licensee no longer meeting the criteria set out in Clause 5.5; or

d) the provision of false, misleading or incomplete information on a licence application.

6 Licensing restrictions

6.1 General

Licensing authorities shall impose restrictions on manufacturing licences.

6.2 Term of licence

A licence to manufacture small arms, light weapons, their parts, components or ammunition shall be valid for a limited time only, i.e. they shall have an expiration date.

The period of validity of a manufacturing licence should not exceed 5 years.

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6.3 Types of weapons and ammunition

The manufacturing licence shall specify the types of weapons and/or ammunition that may be produced (see Clause 5.7).

The licensing authority may impose additional restrictions (e.g. in the form of closer supervision, stricter reporting requirements, etc.) on licences to produce certain sensitive types of weapons or ammunition, e.g. weapons designed exclusively for use by armed forces, weapons whose possession by civilians is prohibited by domestic law, etc.

6.4 Sale and transfer

A manufacturing licence may include restrictions on whom a manufacturer is authorized to sell or transfer weapons and/or ammunition to.

EXAMPLE A licence may restrict a manufacturer to only selling weapons to armed forces of the State; or to only exporting weapons.

6.5 Activities

A manufacturing licence may include restrictions on the activities a manufacturer may engage in.

EXAMPLE Manufacturers may be prohibited from reactivating weapons that have been deactivated, or from converting weapons from one form or state into another, e.g. from semi-automatic to automatic action.

6.6 Location of manufacturing

A licence should only authorize a manufacturer to carry out manufacturing activities at the premises specified in the licence, which shall be assessed by the licensing authority during the course of licence application process, in accordance with Clause 5.5.2.

6.7 Non-transferability

A manufacturing licence shall not be transferable from the licensee to another person, whether natural or legal, without the written authorization of the licensing authority.

When considering an application to transfer a manufacturing licence, the licensing authority should assess the eligibility of the person, whether natural or legal, to whom the licence is to be transferred according to the criteria set out in Clause 5.5.

7 Licensing conditions

7.1 General

National laws, regulations, or administrative procedures shall require that a manufacturing licence remains valid only if the manufacturer continues to comply with licensing conditions.

7.2 Marking at the time of manufacture

Licensing conditions shall include that manufacturers mark small arms and light weapons, their pressure-bearing parts and components and/or ammunition that they manufacture in accordance with MOSAIC 05.30, *Marking and recordkeeping*.

In addition, laws, regulations or administrative procedures should require manufacturers to develop measures against the removal or alteration of markings applied by them at the time of manufacture.

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7.3 Recordkeeping by manufacturers

Licensing conditions shall include that manufacturers maintain records of all small arms, light weapons, their parts, components and/or ammunition that they manufacture in accordance with MOSAIC 05.30, *Marking and recordkeeping*.

In addition, licensing conditions should include that manufacturers maintain records of the specialized machinery they use in the manufacture of

a) frames and receivers of small arms and light weapons;

b) pressure-bearing components of small arms and light weapons – e.g. barrel, bolt, cylinder, slide, breech block); and

c) ammunition for small arms and light weapons.

EXAMPLE Examples of such specialized equipment include lathes, drilling and rifling machines, and bullet assembly machines.

Records held by manufacturers that are going out of business shall be transferred to and maintained by the National Authority on small arms and light weapons (see MOSAIC 03.40) or, where one does not yet exist, by the designated competent authority of the State.

7.4 Responding to tracing requests

Licensing conditions shall include that manufacturers respond promptly to tracing requests directed to them by their national focal point on tracing small arms and light weapons or other competent authority of the State. As a general guide, manufacturers should provide the information requested within 7 days of the request being received.

NOTE Further guidance on tracing can be found in MOSAIC 05.31, *Tracing illicit small arms and light weapons*.

7.5 Secure storage

Licensing conditions shall include that manufacturers store all small arms, light weapons, their parts, components and/or ammunition that they manufacture in accordance with MOSAIC 05.20, *Stockpile management: Weapons*.

In addition, manufacturers shall securely store

a) specialized machinery used in the manufacture of small arms, light weapons, their parts, components and ammunition (e.g. lathes, drilling and rifling machines, bullet assembly machines, etc.), as well as their technical documentation; and

b) any defective small arms, light weapons, their parts, components or ammunition that they may produce, pending their destruction.

Licensing conditions shall require manufacturers to permit, and cooperate fully with, inspections carried out by the licensing authority (or such other body as may be designated by it) of the licensee's facilities, particularly in respect to the safe and secure storage of weapons and ammunition.

7.6 Notification and reporting

Licensing conditions shall require manufacturers to notify the licensing authority as soon as possible – and in any case within 7 days – of

a) discovery of theft, loss or unintentional destruction of weapons or ammunition stored at the manufacturer's premises; or

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b) a change of address.

Manufacturers may also be required to report on their activities and/or to submit records kept in accordance with Clause 7.3 to the licensing authority for verification at regular, specified intervals.

7.7 Employees

Licensing conditions should require manufacturers to ensure that all employees who have access to completed, manufactured weapons or ammunition are eligible to hold a licence to possess a small arm under the relevant national law.

8 Enforcement powers

8.1 Inspection

In order to deter, detect and disrupt illicit manufacturing of weapons or ammunition, the licensing authority should conduct inspections of manufacturing facilities and records in order to verify their compliance with the conditions of their licence and with relevant national legislation.

Such inspections should take place on an irregular basis and with the minimum provision of notice as may be required by law.

8.2 Permanent confiscation

Small arms, light weapons, their parts, components or ammunition that have been Illicitly manufactured shall be permanently confiscated by the relevant national authority.

NOTE The criminal procedure provisions that are necessary to implement confiscation orders would generally be set out in separate legislation such as a Proceeds of Crime Act and would not be included within a Firearms Act.

8.3 Temporary seizure

Small arms, light weapons, their parts, components or ammunition that are suspected of having been illicitly manufactured may be seized temporarily by the relevant national authority in order to conduct an investigation into the suspected illicit nature of the items.

Temporary seizure may be warranted if

a) a manufacturing licence is suspended, revoked or cancelled, or if it expires;

b) the holder of a manufacturing licence is convicted of an offence set out in Clause 9.1; or

c) the licensing authority has grounds to believe that an offence, as set out in Clause 9.1, has been or is about to be committed and that the items to be seized are either evidence of this or are themselves the subject matter of the offence involved;

Seized items that are found not to have been illicitly manufactured shall be promptly returned to their owner. In such cases, reasonable compensation should be paid if the seizure resulted in a financial loss to the owner.

Seized items that are found to have been illicitly manufactured shall be confiscated in accordance with Clause 8.2.

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8.4 Disposal

Small arms, light weapons, their parts, components or ammunition that have been illicitly manufactured shall be promptly disposed of. Destruction should be the preferred method of disposal, in accordance with MOSAIC 05.50, *Destruction: Weapons*, and IATG 10.10, *Demilitarization and Destruction of Conventional Ammunition*.

A method of disposal other than destruction may be used. If so,

a) weapons shall be first marked and recorded in accordance with MOSAIC 05.30, *Marking and recordkeeping*; and

b) the following details shall be recorded in addition:

    1) date of disposal,

    2) method of disposal, and

    3) details of the recipient.

NOTE 1 In some cases, retention may be desirable for forming part of a reference collection for the enforcement authorities, or for information sharing and ongoing examination of materials and techniques.

9 Offences and sanctions

9.1 Criminal offences

The following activities shall be established as criminal offences under domestic law;

a) manufacture of a complete small arm or light weapon without a valid licence or authorization granted by a competent authority of the State;

b) manufacture of a frame or receiver of a small arm or light weapon without a valid licence or authorization granted by a competent authority of the State;

c) manufacture of ammunition for a small arm or light weapon without a valid licence or authorization granted by a competent authority of the State (with the exception of non-commercial reloading of ammunition – e.g. by hunters and sport shooters – where permitted by domestic law);

d) manufacture of small arms, light weapons or their ammunition, using illicitly trafficked or acquired parts or components;

e) any attempt to commit the offences set out under a) to d) above;

    NOTE In light of the fact that a number of steps involved in manufacturing small arms, light weapons, their frames, receivers and ammunition are not specific to weapons or ammunition (i.e. the machinery, tools and equipment may also be used in the production of other items), proof of an “attempt to manufacture” shall go beyond the mere possession of non-specialist machinery, tools and equipment.

f) failure to mark small arms or light weapons at the time of manufacture, in accordance with national marking requirements;

g) participation as an accomplice in any of the offences set out under a) to d) above;

h) organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the offences set out under a) to d) above

The following activities should be established as criminal offences under domestic law:

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i) manufacture of a pressure-bearing part or component of a small arm or light weapon (see Clause 5.3.2) without a licence or authorization granted by a competent authority of the State;

j) failure to mark a pressure-bearing part or component of a small arm or light weapon at the time of manufacture in accordance with national marking requirements; and

k) failure to mark ammunition at the time of manufacture, in accordance with Clause 7.2.

9.2 Penalties for violations

Appropriate civil, administrative or criminal penalties should be established for offences outlined under Clause 9.1.

Such penalties may consist of fines (for minor and administrative offences) and/or imprisonment (for more serious and criminal offences). Such penalties may be contained in national legislation on manufacturing or, in the case of criminal penalties, in the Criminal Code of the State.

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