

QUESTIONNAIRE

Question	Sources	Question	YES	NO
1	PoA I.14	Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?	X	
2		List laws and/or administrative procedures regulating SALW brokering in your country. <i>- Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security</i>		
3	CGE Report para 63(i)	Are those laws and procedures part of the national export control system?	X	
4	FSC.DEC/8/04	Does your country have a definition of brokering activities of persons and entities?	X	
4(a)		If yes, provide the definition. <i>- a brokering service – activities taken up by natural or legal persons and consisting in:</i> <i>a) negotiating, business consulting, and assistance in conclusion of contracts, as well as any form of participation in activities related to export, import, transit or conclusion of any lease, donation, loan, or bailment agreement, as well to any contributions in kind, which may in particular refer to the transfer of items of strategic importance from one country to another;</i> <i>b) purchase, sale or organisation of any transfer, and in particular forwarding, of items of strategic importance from one country to another;</i>		
5		Does your country require brokers to register before they can apply for brokering licences?		X
6		Does your country require a licence to engage in brokering activities?	X	
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing a brokering licence?	X	
8	PoA II.14	Does your country keep a register of SALW brokers/traders?		X
9	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the broker?	X	
10		Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?	X	
11		Does your country control brokering activities outside your territory carried out by non-citizen residents who are established on your country's territory?	X	
12	BPG, Brokering, V(1)	What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction? <i>- Subject to provisions are the Polish persons (natural and legal) and the foreign ones if they are established in Poland.</i>		
13	BPG,	Does your country have a requirement for end-use documentation	X	

	Brokering, V(5(i))	that must be met before each brokering activity is authorized?		
13(a)		If so, describe - <i>Export license and import license or EUC or IIC are required to accompany license application for brokering.</i>		
14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction?	X	
15	CGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?	X	
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?		X
17		What are the criteria for granting a licence, permit or other authorization? - <i>Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security</i> - <i>COUNCIL COMMON POSITION 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment</i> - <i>COUNCIL COMMON POSITION 2003/468/CFSP of 23 June 2003 on the control of arms brokering</i>		
18	BPG, Brokering, V(3)	Is ex post facto licencing possible?		X
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?	X	
19(a)		If so, describe those measures. - <i>Validation of documentation by the Polish diplomatic missions.</i>		
20	FSC.DEC/8/04	Does your country keep records of all issued licences or written authorizations?	X	
20(a)		If yes, how long are the records kept for?		
		a) 10 years - in a written form	X	
		b) Indefinitely - in electronic licensing system	X	
		c) Other		
21	BPG, Brokering, V(4(ii))	Does your country require brokers to report regularly on their activities?		X
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country?	X	
23		Does your country share with other States such information on such matters as the disbarment of brokers and revocation of registration?		X
24		Does your country regulate activities that are closely associated with the brokering of SALW?	X	
24(a)		If so which of the following activities are regulated (check relevant boxes)? - <i>See 4(a) (definition of brokering services)</i>		
		a) acting as dealers or agents in SALW	X	
		b) Providing technical assistance	X	
		c) Training	X	
		d) Transport	X	
		e) Freight forwarding	X	
		f) Storage	X	
		g) Finance	X	
		h) Insurance	X	
		i) Maintenance	X	
		j) Security	X	
		k) Other services	X	
25		Are these activities regulated by legislation on brokering or any	X	

		other legislation?		
26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities? <i>1) Administrative sanctions</i> <i>- Any legal person carrying out trade without a valid authorisation shall be liable to a financial penalty of up to PLN 200,000 imposed by the trade control authority by a relevant administrative decision.</i> <i>2) Criminal penalty</i> <i>- Any person pursuing or committing trade without a relevant authorisation or contrary to conditions set forth in the authorisation, however unintentionally, shall be punished by imprisonment for a term of 1 year to 10 years.</i> <i>- If a person is convicted of the referred above offences, the court may issue a forfeiture order in respect of items of strategic importance or other items used or designated for use in order to commit an offence, or resulting either directly or indirectly from such offence, including cash and securities, even if these items are not the offender's property.</i>		
27	PoA II.14	Does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?		X
28		What kind of assistance do you require? - <i>None</i>		
29		Has your country developed a project proposal for assistance?		X
29(a)		Does your country require training on controlling brokering activities in SALW?		X
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?		X
31		Is your country content for these replies to be published on the OSCE website?	X	