

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION
AND LIMITATION OF ARMAMENTS

NATIONAL CONTROL

OF THE

MANUFACTURE OF AND TRADE IN ARMS

Information as to Present Position collected by the Secretariat
in accordance with the Resolution adopted on May 31st, 1937,
by the Bureau of the Conference

Geneva, 1938.

Official No. : Conf. D. 184.

Geneva, April 14th, 1938.

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CORRIGENDA

Page

- 28, footnote 2, first line: read " *by private persons* ".
45, fifth line should read: " *by a Secretary of State* ".
77, third line from bottom: insert word " *order* " at end.
92, ninth line: for " *experts* " read " *staffs* ".
112, third line: read " *to certain countries* ".
113, left, fourth line from bottom: for " *breach-* " read " *breech-* ".
189, footnote: " *290* " should read " *190* ".
191, first footnote, first line: add " *powers* " after the word " *extensive* ".
200, second line: " *therefore* " should read " *theretofore* ".
204, line 22: " *of* " should read " *or* ".
214, line 13 should read: " *Decree of December 30th, 1937 (Journal officiel 1938, page 442)* ".
line 17: after " *gas* " add " *used in warfare* ".
224, line 12 from bottom: " *passed* " should read " *considered* ".
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INTRODUCTION.

1. BACKGROUND OF STUDY.

The present compilation is in fulfilment of the resolution adopted on May 31st, 1937, by the Bureau of the Conference for the Reduction and Limitation of Armaments, the pertinent portions of which read as follows :

“
“ Considering . . . that in certain countries legislative measures have been taken setting up a national system of supervision for the manufacture of and trade in arms; . . .

“ Decides :

“
“ To instruct the Secretariat to collect and communicate to the members of the Bureau any useful information obtainable as to the present position in regard to the national control of the manufacture of and trade in arms in the principal countries.”¹

2. COUNTRIES INCLUDED.

In selecting the “ principal countries ” referred to in the Bureau’s instructions, the Secretariat has used the criterion of approximate relative importance either as arms-manufacturing² or as arms-exporting States. In view of the circumstances in which the enquiry was decided upon and its general object, account has been taken, in addition, of certain countries which, while not playing a major rôle as regards the quantity of their arms manufacture or arms exports, have recently enacted arms control legislation of significance as illustrating present

¹ On September 30th, 1937, the Assembly adopted a resolution recommending “ the Members of the League, each in so far as it is concerned and to the extent that this has not already been done, to examine the possibility of adopting internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, on the basis of the work done by the Special Committee of the Disarmament Conference ”, and asking “ Governments to inform the Secretary-General of the League of Nations of the action taken on this recommendation ”. The replies from the Governments of Belgium, the United Kingdom, Bulgaria, Canada, Colombia, Denmark, Ecuador, Egypt, France, Hungary, Ireland, New Zealand, Norway, Spain, Sweden, Switzerland, the Union of Soviet Socialist Republics and the United States of America are reproduced in document Conf. D.183, and subsequent replies will be published later. The information given in these replies dovetails, to some extent, with the data on the fourteen countries included in the present study, and covers, in addition, a number of other countries.

² In view of the Secretariat’s inability to obtain any authoritative information concerning Japan, it has not been possible to include a study of that country’s system of national control.

tendencies. The countries which are represented in this study are therefore the following:¹

Belgium	Netherlands
United Kingdom	Norway
Czechoslovakia	Poland
Denmark	Sweden
France	Switzerland
Germany	Union of Soviet Socialist Republics
Italy	United States of America

3. DOCUMENTATION USED.

For each of these countries, a monograph has been prepared containing a selection of legislative extracts, preceded by a brief summary. Only legislation which, so far as could be determined, is still in force has been included. The term "legislation" has been taken in the more general sense as covering, not only laws, but also regulatory decrees and ordinances. On the other hand, an effort has been made not to burden the collection with undue detail, and many administrative provisions concerning details of application as well as penal clauses have been omitted.²

Such official documents as reports accompanying proposed legislation, Parliamentary reports, Ministerial declarations and draft legislation not yet adopted have been ignored, except in one or two instances where, for explanatory purposes, it has seemed important to refer to them either in a footnote or in the summary.

Although existing legislation embodies the principles and structure of national control, it does not, of course, provide a full picture of the actual functioning of this control. The available documentation on this subject—both official and unofficial—has proved to be so limited that an attempt to take it into account in this study would have widened the discrepancy already evident in the amount of information available for different countries. The question of the operation in practice of national arms control has therefore been left for possible future study.³ In any event, it is hoped that this limited compilation will prove useful

¹ The situation in the colonies or dependencies, if any, of these countries has not been investigated.

² Since the titles and the classification clearly indicate that only a limited number of provisions are quoted for each item of legislation, it has seemed unnecessary to indicate the omissions by appropriate signs except where sentences or paragraphs within one and the same article have been omitted; nor has it been considered necessary to indicate in each case the omission of a particular article or provision referred to in an extract.

³ As to France and the United Kingdom, however, see Annexes III and IV.

as a first study of the subject of existing systems of national control of arms manufacture and trade, and that it may in due time serve as a basis for a more comprehensive and conclusive enquiry.

4. INFORMAL ASSISTANCE OF GOVERNMENTS.

With a view to ensuring that no important legislation should be overlooked or provisions included which were no longer in force, the Secretariat approached the various Governments for their informal collaboration in furnishing the necessary documentation or, failing that, in checking the material gathered by the Secretariat. In the majority of cases, this assistance was freely given and greatly facilitated the Secretariat's work. The French Government sent an official communication giving a detailed summary of national arms control in France; it is reproduced as Annex III. In one or two instances, the Secretariat's informal requests were not productive of results. The present work can therefore lay no claim to completeness with respect to each national system examined. It is believed, nevertheless, that the main legislative provisions have been covered and that, in the majority of instances, it has also been possible to include some of the more important detailed regulations.

5. SCOPE OF STUDY.

In each monograph, the extracts have been arranged in groups under the following classification :¹

A. Arms and ammunition : (1) manufacture; (2) export, import and transit; (3) internal trade; (4) definitions;

B. Explosives.

Emphasis has been placed on manufacture and international trade, and extracts in this field are given in greater detail. Internal trade has been dealt with along more general lines with a view to illustrating its position in the system of national control. Provisions dealing exclusively with possession, storage, safe-keeping, carrying or transport of arms have been omitted. Legislation on the inspection, testing and stamping of arms from the point of view of their quality and their conformity to certain norms has also been considered as outside the scope of this study.

The definitions of arms and ammunition have been placed in a special section, partly on account of their frequent length which would have rendered the main

¹ Within each group, a chronological order has been observed.

sections more cumbersome, and partly so as to facilitate comparison of the differing lists of war materials. Inasmuch as the existing arms control systems normally apply both to war materials in the narrower sense and to other arms and ammunition, no attempt has been made to separate the one from the other in this collection.

Explosives—usually including explosives capable of use as war material—generally are regulated by special legislation; they have therefore been treated here under separate headings. Detailed regulations on the subject of explosives have, as a rule, been ignored.

As regards material of defence against gas attacks, the new and steadily expanding legislation on this subject is so large that it seemed best to include only a few instances for illustrative purposes in a separate annex.¹

In recent years, there has been a growing tendency to widen national control beyond the confines of the armaments industry proper and to subject heavy industry, or industry as a whole, to State regulation and supervision, partly in the interests of national defence and partly for social and economic reasons. The present study does not take account of legislation of this type except where—as in the case of the Union of Soviet Socialist Republics—control of the armament industry is integrated with the more general control.

Finally, it must be emphasised that the Bureau's instructions have been interpreted as having in view only permanent systems of peace-time control and not legislation designed to meet conditions of mobilisation, international or civil war, or collective action. This has automatically eliminated the large field of industrial mobilisation, as well as embargoes on arms designed to prevent the outbreak of hostilities or to end them.²

6. INTERNATIONAL OBLIGATIONS.

At this point, it may be of value briefly to deal with the present status as regards international agreements concerning trade in arms.³ Such agreements

¹ See Annex I.

² Certain border-line cases have been included, nevertheless, where reference is made to the existence of "extraordinary and abnormal circumstances", or "danger to the vital interests of the country", or to "conditions of domestic violence", not necessarily amounting to civil war.

³ No account will be taken here of bilateral agreements or agreements between a limited number of States, such as the Treaty of March 11th, 1926, between the United States of America and Cuba (see monograph on the United States of America under "2. External Trade"), or the Abyssinian Arms Traffic Treaty of August 21st, 1930, between Abyssinia, France, Italy and the United Kingdom.

have existed since 1887, notably the Brussels Convention of 1890 which is still in force. The principal aim of these early agreements was the establishment of a special control over the importation of arms into certain parts of the world in which serious disturbances might be occasioned by unrestricted trade.

On September 10th, 1919, an International Convention for the control of trade in arms and ammunition was signed at St. Germain by representatives of the "Allied and Associated Powers" with the object of replacing the earlier agreements on the subject.¹ In addition to continuing and expanding the control of the trade in arms in certain specific geographical zones, this Convention sought to regulate the international arms trade in general by means of a system of licences and publicity. It did not come into force, however, principally on account of the failure of the United States of America to ratify it.

Under Article 23, paragraph (*d*), of the Covenant, the League of Nations is entrusted "with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest."²

On June 17th, 1925, a new Convention³ was signed at a Conference under the auspices of the League of Nations; this Convention perpetuates, though with important modifications and exceptions, the general system of licences and publicity, as well as the special system relating to particular parts of the world. It divides arms, ammunition and material of war into five categories, covering—briefly—(1) arms designed and intended for warfare, (2) arms capable of use for military and other purposes, (3) war vessels, (4) aircraft, (5) other arms. This Convention, although ratified by seventeen States, has not come into force, since some of the ratifications were made conditional upon ratification by certain other Governments which have not yet done so.⁴

At the Conference for the Reduction and Limitation of Armaments, the Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms and Implements of War prepared a series of draft texts designed to

¹ See document C.758.M.258.1924.IX, page 29.

² The private manufacture of arms is dealt with in Article 8 of the Covenant, paragraph 5 of which reads as follows: "The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety."

³ Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War (document A.16.1925.IX).

⁴ See document A.6(*a*).1937, Annex I.

extend and strengthen the system of supervision envisaged by the 1925 Convention.¹ Some of the draft articles were unanimously approved by the Committee, others were favoured by a majority, and still others by a minority of the delegations. No further action has yet been taken.²

While the various agreements intended to replace the 1890 Convention have thus not come into force, the 1925 Convention and the draft texts referred to above have exercised considerable influence on national legislation, both with respect to the licensing methods adopted by a number of countries as well as with regard to the categories of arms to be covered. For purposes of comparison, it has therefore seemed useful to annex to the present compilation the text of Article 4 of the Conference draft, which contains five proposed categories of arms as follows: (1) military armaments, (2) naval armaments, (3) air armaments, (4) arms and ammunition capable of use for both military and other purposes, (5) non-military aircraft. The observations made by various delegations concerning this article are also reproduced.³

7. GENERAL SUMMARY.

In the following paragraphs, a brief summary of national arms control legislation as presented in the individual monographs is given. The same subdivision by subject-matter is followed as in the monographs themselves.

A. ARMS AND MUNITIONS.

1. MANUFACTURE.

A system of authorisations, licences or permits⁴ for arms manufacture is in force in Czechoslovakia, Denmark, France, Germany (fire-arms and ammunition),

¹ See Conference Documents, Vol. III, page 785 (document Conf. D.168).

² In a resolution adopted on September 30th, 1937, the Assembly of the League of Nations " recommends the Members of the League, each in so far as it is concerned and to the extent that this has not already been done, to examine the possibility of adopting internal measures with a view to the effective supervision of the manufacture of and trade in arms, ammunition and implements of war, on the basis of the work done by the Special Committee of the Disarmament Conference;

" And asks Governments to inform the Secretary-General of the League of Nations of the action taken on this recommendation."

The replies have been published in document Conf. D.183.

³ See Annex II.

⁴ In translating from languages other than French and English, certain difficulties were encountered as to the proper application of such terms as " permit ", " licence ", " authorisation "; in case of doubt, the more general term " authorisation " has been used.

Italy, the Netherlands, Poland (concessions), Sweden and Switzerland. Systems of centralised supervision, control and inspection ¹ are in force—in varying degrees—in Czechoslovakia, Denmark, France, Italy, Norway and Sweden.

The arms industry has, in addition, been partially nationalised in France. In the Union of Soviet Socialist Republics, the arms industry is completely nationalised.

In Belgium, a prior declaration to the local authorities is required by arms manufacturers; a permit is necessary only for arms manufactured for the army. In the United Kingdom, fire-arms and ammunition manufacturers must register with the police; in the United States of America, arms manufacturers must register with the Secretary of State.

2. EXTERNAL TRADE.

A system of authorisations, licences or permits for arms exports is in effect for all the countries covered in this study with the exception of Poland and the Union of Soviet Socialist Republics. Poland requires export permits for specifically military arms and the Union of Soviet Socialist Republics has a State monopoly of foreign trade.

A system of import licences or permits is in force in Czechoslovakia, Denmark, France, Germany, Italy, the Netherlands (fire-arms and ammunition), Norway, Sweden (fire-arms and ammunition), Switzerland, the United Kingdom (fire-arms and ammunition and instruments of chemical warfare) and the United States of America. In Belgium and Poland, war material imports are subject to certain restrictions.

3. INTERNAL TRADE.

A system of licences or permits for internal trade in arms is in force in Czechoslovakia (concessions), Denmark, France, Germany (fire-arms and ammunition), Italy, Norway, Poland (concessions), Sweden (fire-arms) and Switzerland. Belgium requires a prior declaration to the local authorities. The United Kingdom and the United States of America have systems of registration of fire-arms dealers. In the Union of Soviet Socialist Republics, the arms trade is under the direction of the central Government.

4. DEFINITIONS.

There is a great variation in the terminology and classification used in the legislation of different countries, as well as within the legislation of one and the

¹ Not including such inspection as is involved in the testing of arms from the point of view of their conformity to standards of safety or national defence.

same country. The general tendency is towards the establishment of exhaustive lists of arms, although in some instances—such as Poland—more general and less detailed definitions are adopted. Some of the recent legislation controlling arms exports or imports is based, with greater or lesser modifications of detail, on the list of arms embodied in Article 4 of the draft texts drawn up at the Conference for the Reduction and Limitation of Armaments (document Conf.D.168)¹ and reproduced in Annex II of this compilation; this is notably true in the case of Belgium, Czechoslovakia, France and the United States of America.

B. EXPLOSIVES.

Special legislation on explosives—usually ante-dating by many years the legislation dealing with arms and ammunition, and sometimes going back into the eighteenth and nineteenth centuries—is in force in all of the countries under consideration. The object of this legislation is mainly to ensure against accidents and crimes. The State as a rule exercises a very stringent control over manufacture of and trade in explosives; Czechoslovakia, France and Switzerland—in addition to the Union of Soviet Socialist Republics—have State powder monopolies. In the United States of America, supervision of explosives manufacture and trade is vested in the several States, although the Federal Government is empowered to engage in the production of nitrates and other products needed for munitions.

¹ Conference Documents, Vol. III, page 785.

BELGIUM.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

There are no legislative texts specifically regulating the manufacture of arms and ammunition, but there are a number of provisions relating to arms traffic which also deal with manufacture.¹

The basic law on arms control is that of January 3rd, 1933, supplemented by the Royal Decree of June 14th of the same year. Under this legislation, arms and ammunition manufacturers—and also traders, distributors, etc.—can engage in their respective businesses only upon making a declaration to the local administration, giving the nature and situation of the undertakings in question. The local administration enters the declaration in a special register and delivers a certificate thereof to the applicant. The manufacturers and dealers, moreover, are required to keep registers of arms or ammunition sold or ceded.

A certain number of “prohibited arms”—the original list of such arms contained in the Law of 1933 has been extended by a number of subsequent decrees—must not be manufactured at all, although exceptions are admitted in the case of manufacture for export. The provisions of the law do not, however, apply to orders on behalf of the State or public administrations.

2. EXTERNAL TRADE.

While the Law and Decree of 1933, referred to in the preceding section, do not regulate arms exports, they limit arms and ammunition imports to persons having satisfied the legal requirements relating to manufacturers, traders or holders of arms or having obtained—in the case of defensive arms—a special authorisation to import.

¹ The Secretariat has been informed by the Belgian Government that private arms manufacture is permitted without special authorisation except in the case of material the patent for which belongs to the Belgian army. The prior authorisation of the Minister of National Defence is required on each occasion when such material is to be manufactured privately.

Under the Law of June 30th, 1931, as amended on July 30th, 1934, the Government may, if the interests of the country are imperilled, regulate the import, export and transit of *all* merchandise, including arms.

The export and transit of arms, ammunition and materials of war, or such as are capable of use in war, are subject, under the Royal Decree of August 19th, 1936, adopted in virtue of this law, to the production of a special authorisation of the Ministry of Economic Affairs.

3. INTERNAL TRADE.

As in the case of arms manufacture, the trade in arms is subject, under the 1933 legislation, to a declaration made before the local authorities, who, upon request, will issue a certificate of inscription. Arms and ammunition may, moreover, be sold or ceded only to arms manufacturers or artisans, or to persons having obtained an authorisation to acquire or to hold arms in accordance with the law. Arms merchants—like manufacturers—are required to keep special registers of arms and ammunition sold or ceded.

Trade in “prohibited arms” is, of course, forbidden, with the exceptions mentioned in Section 1 above.

4. DEFINITIONS.

The 1933 legislation distinguishes between prohibited, defensive, military and sporting arms. The list annexed to the Royal Order of August 19th, 1936, concerning arms exports, is modelled, in part, on Article 4 of the draft prepared at the Conference for the Reduction and Limitation of Armaments (document Conf.D.168), except that Category III includes *all* aircraft and aircraft engines, whether military or otherwise, while Category V is composed of instruments of chemical warfare, powder and explosives.

5. PREPARATION OF COMPREHENSIVE ARMS CONTROL LEGISLATION.

By Decree of May 22nd, 1937, the Belgian Government nominated a Royal Commissioner on arms control. He is charged with presenting to the Government, before December 1st, 1937, detailed proposals on the measures which should be taken in order to ensure the control of the manufacture of and commerce in arms, ammunition and instruments of war.¹ The regime to be proposed must ensure

¹ The Secretariat has not, to date, been informed as to the results of the work of the Royal Commissioner.

the preponderance of the general interests of the nation over private interests and exclude all bureaucratic *étatisme*. The objects to be achieved are (a) to meet the needs of national defence, (b) to facilitate Belgium's contribution to the maintenance of international peace, (c) to safeguard internal peace and (d) to limit profits.

B. EXPLOSIVES.

Control of the manufacture, transport, etc., of explosives is assured by the Law of October 15th, 1881, amended by the Law of May 22nd, 1886, under which the Government is given general authority to issue the necessary regulations by means of decree and on the basis of revocable authorisations. The basic regulations are contained in the Royal Decree of October 29th, 1894.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

LAW OF JANUARY 3RD, 1933, AMENDED BY THE LAW OF MAY 4TH, 1936 (Recueil des lois 1933, page 1266, and 1936, page 2218).

Article 1.—Permits to manufacture, repair or trade in any kind of fire-arms or parts of fire-arms, or to manufacture or trade in ammunition, shall be issued only to those who have made a declaration in the capacity of arms or ammunition manufacturer or arms artisan, in accordance with the following article.

**Declaration
by the
manufac-
turer, dealer
or artisan.**

Article 2.—The person concerned shall make his declaration to the communal administration of the place in which the factory, store or workshop is situated.

The administration shall enter the declaration in a special register and shall deliver a certificate thereof to the applicant.

Article 4.—No person shall manufacture, repair, expose for sale, sell, distribute, import, transport, stock or carry prohibited arms.¹

**Prohibited
arms.**

.....
The stipulated prohibition shall not apply, under conditions to be laid down by the Government, to hinged breech-loading guns manufactured for

¹ See below, Section 4 : Definitions.

export or other prohibited arms the manufacture of which for export may be authorised by Royal Decree.

Article 22 : [see below under " 3. Internal Trade "].

* * *

ROYAL DECREE OF JUNE 14TH, 1933 (Recueil des lois 1933, page 1278).

Declaration
by the
manufac-
turer, dealer
or artisan
(Articles 1
and 2 of the
Law of
January 3rd,
1933).

Article 1.—The declaration by the arms or ammunition manufacturer or dealer or arms artisan shall be made to the communal administration of the place in which the factory, store or workshop or any branch thereof is situated, within two months of the entry into force of the present decree or of the opening of the factory, store or workshop.

It shall contain :

- (a) The name(s) and surname of the declarant, or his trade name or style, and his address;
- (b) The nature of the industry or trade;
- (c) The situation of the factory, store or workshop.

Article 2.—The communal administrations shall keep a register of declarations made in accordance with the previous article. Such register shall be modelled on Form No. 1.

They shall deliver to the declarants, on request, certificates of inscription modelled on Form No. 2.

Breech-
loading
rifles.

Article 3.—Any manufacturer making hinged breech-loading guns for export must first make a declaration thereof to the communal administration of the place in which the factory is situated.

Such declaration shall contain the particulars mentioned in Article 1, paragraph 2.

Article 4.—The manufacturer shall keep a register modelled on Form No. 3.

Such register shall contain one folio for each type of arm.

Article 5.—The communal administrations shall enter in the register mentioned in Article 2, paragraph 1, the declarations made in accordance with Article 3.

They shall deliver certificates of inscription to the declarants on request.

Articles 31-34 : [see below under " 3. Internal Trade "].

* * *

ROYAL DECREE OF APRIL 12TH, 1936 (Recueil des lois 1936, page 2048).

Walking-
stick guns.

Article 1.—The prohibition mentioned in Article 4 of the Law of January 3rd, 1933, relating to the manufacture of, trade in and carrying of arms and the trade in ammunition shall not apply to walking-stick guns manufactured for export.

Article 2.—The measures of control and supervision laid down in Articles 3, 4 and 5 of the Royal Decree of June 14th, 1933, relating to the manufacture of hinged breech-loading guns for export shall be applicable to the manufacture of walking-stick guns for export.

* * *

ROYAL DECREE OF DECEMBER 21ST, 1936 (Recueil des lois 1936, page 4464).

Article 2.—The prohibition mentioned in Article 4 of the Law of January 3rd, 1933, relating to the manufacture of, trade in and carrying of arms and the trade in ammunition shall not apply to bombs and grenades manufactured for export.

**Bombs and
grenades.**

Article 3.—The measures of control and supervision laid down in Articles 3, 4 and 5 of the Royal Decree of June 14th, 1933, relating to the manufacture of hinged breech-loading guns for export shall be applicable to the manufacture of bombs and grenades for export.

2. EXTERNAL TRADE.

DECREE OF OCTOBER 18TH, 1920 (Moniteur belge 1920, page 8771).

Article 1.—The export of fire-arms, spare parts thereof and ammunition manufactured for use in the said arms shall be conditional upon the production of a licence whenever they are intended for the following specified areas :

**Export of
fire-arms
to certain
specified
areas.**

(a) The whole of the Continent of Africa with the exception of Algeria, Libya and the Union of South Africa.

Within this area are included the islands situated within 100 nautical miles of the coast together with Prince's Island (Principe), St. Thomas Island (São Thome) and the Islands of Annobon and Socotra.

(b) Trans-Caucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 1st, 1914.

(c) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

Article 2.—The licences referred to in the previous article shall be delivered, on behalf of the Minister of Economic Affairs, by the Director of the Firearms Testing Bench (Banc d'Épreuves des Armes à Feu) at Liège, who is entrusted with the special service established for that purpose. Such licences may be obtained in all cases for the export of flintlock or hammer small-arms, smooth-bore sporting guns and ammunition manufactured for use therein.

* * *

LAW OF JUNE 30TH, 1931, AMENDED BY THE LAW OF JULY 30TH, 1934 (Recueil des lois 1931, page 1298, and 1934, page 1084).

All goods. *Article 1.*—If, under extraordinary or abnormal circumstances, the vital interests of the country should be imperilled, the King may, by a decree passed in the Council of Ministers, regulate the import, export and transit of all goods, and fix special duties to be levied at the time of delivery of the authorisations granted by application of the said regulations.¹

* * *

LAW OF JANUARY 3RD, 1933 (Recueil des lois 1933, page 1266).

Article 4 : [see above under “ 1. Manufacture ”].

Article 5 : [see below under “ 3. Internal Trade ”].

Defensive
fire-arms.

Article 6.—Persons not having made a declaration in the capacity of arms manufacturer or dealer or arms artisan may import defensive fire-arms only if in possession of authorisation to acquire such arms, in accordance with Article 5, or of an import permit.

Article 8 : [see below under “ 3. Internal Trade ”].

Military
fire-arms.

Article 9.—The importation of military fire-arms is permitted only to arms manufacturers or dealers, arms artisans and persons provided with authorisation to possess the arm imported as laid down in Article 11.²

* * *

ROYAL DECREE OF JUNE 14TH, 1933 (Recueil des lois 1933, page 1278).

Defensive
fire-arms
(Article 6
of the Law of
January 3rd,
1933).

Article 12.—The import of a defensive fire-arm by a private person, with the exception of arms acquired or registered in Belgium and accompanied by the certificate of authorisation to acquire arms, referred to in Article 10³ above, or the certificate referred to in Article 27 below, shall be subject to an authorisation which shall be delivered by the police commissary (commissaire de police) of his place of domicile, and, in communes where there is no commissary, by the chief of police (commandant de gendarmerie), or, if the person be not domiciled in Belgium, by the Minister of Justice.

Article 13.—1. The rules laid down for authorisation of acquisition in Article 6, paragraph 2, and Articles 7, 8 and 10³ of the present decree, shall apply to the import authorisations referred to in the previous article.

¹ See Royal Decree of August 19th, 1936, below.

² *Article 11.*—The possession of military fire-arms is prohibited to private individuals unless authorised by the Governor of the Province.

³ See below under “ 3. Internal Trade ”.

2. The Customs officials shall sign the authorisation, which shall state :
- (a) The name of the Customs office;
 - (b) The date of import;
 - (c) The characteristic features of the arm, notably its make, bore and number.

3. Within a month of import, notice thereof shall be given by the Customs service to the authority which has delivered the authorisation.

The notice, dated and signed, shall mention, besides the particulars referred to in paragraph 2 of the present article, the name(s), surname and address of the holder of the authorisation.

Article 22.—1. The import of a military fire-arm by a private person, except arms which he has been authorised to hold in Belgium and which are accompanied by a document to that effect, is subject to an authorisation to possess arms, which shall specifically state that it has been delivered with a view to such importation.

Military
fire-arms
(Article 9
of the Law of
January 3rd,
1933).

2. The rules referred to in paragraph 2 of the previous article¹ shall apply to such authorisation.

3. The Customs officials shall sign the authorisation, which shall state :
- (a) The name of the Customs office;
 - (b) The date of import;
 - (c) The characteristic features of the arm, notably its make, bore and number.

4. Within a month of import, notice thereof shall be given by the Customs service to the Governor who has delivered the authorisation.

The notice, dated and signed, shall mention, besides the particulars referred to in paragraph 3 of the present article, the name(s), surname and address of the holder of the authorisation.

* * *

ROYAL DECREE OF AUGUST 19TH, 1936² (Recueil des lois 1936, page 3410).

Article 1.—The export and transit of arms, ammunition and stocks and supplies of war, or such as are capable of use in war, given in the annexed list, are subject to the production of a special authorisation delivered on behalf of the Belgian Minister of Economic Affairs.

Export
and transit
of arms,
ammunition
and stocks
and supplies
of war, or
capable of
use in war.

Article 3.—The Minister for Foreign Affairs and Foreign Trade, the Finance Minister and the Minister of Economic Affairs of Belgium shall be entrusted, each so far as he is concerned, with the execution of the present decree, which shall enter into force on the day of its publication in the "Moniteur belge".

¹ See below under "3. Internal Trade".

² Adopted in virtue of the Law of June 30th, 1931.

3. INTERNAL TRADE.

LAW OF JANUARY 3RD, 1933, AMENDED BY THE LAW OF MAY 4TH, 1936 (Recueil des lois 1933, page 1266, and 1936, page 2218).

Articles 1, 2 and 4: [see above under "1. Manufacture"].

**Defensive
arms.**

Article 5.—Except in case of direct export by the seller or ceder, no one may sell or cede a defensive fire-arm, except to arms manufacturers or dealers, arms artisans or persons holding an authorisation to acquire arms. Such authorisation is issued to them by the police commissary (commissaire de police), or, if there be no commissary, by the chief of police (commandant de gendarmerie) of the place of domicile of the acquirer, or, if the latter be not domiciled in Belgium, by the police commissary or chief of police of the place of domicile of the seller or ceder.

If the acquirer is not domiciled in Belgium, the authorisation may be confined to the purchase of the arm, to the exclusion of ammunition. In such case, the authorisation certificate shall mention that it is not valid for the acquisition of ammunition.

If the authorisation is refused, the applicant may appeal to the Public Prosecutor, who may grant the authorisation.

Any sale or cession of defensive arms to private persons under the age of 18 years is prohibited.

**Military
arms.**

Article 8.—Except in case of direct export by the seller or ceder, it is forbidden to sell or cede a military fire-arm, except to arms manufacturers or dealers, arms artisans or persons holding the authorisation referred to in Articles 11¹ and 12.²

**Ammu-
nition.**

Article 15.—It is forbidden to sell or cede to private persons ammunition for defensive or military arms, except for arms for which they hold the authorisation referred to in Articles 5 or 11, or which are registered as provided in Article 14,³ and on presentation of the document.

It is also forbidden to sell or cede ammunition for defensive arms to persons holding an authorisation certificate which, in accordance with Article 5, paragraph 2, is not valid for the acquisition of ammunition.

Exceptions.

Article 22.—The provisions of the present law shall not apply to orders for arms or ammunition for the Government or public authorities.

Neither shall they apply to officials of the public authorities or forces carrying when on duty, or holding for purposes of duty, arms included in their regulation equipment.

¹ See note to Article 9 above under "2. External Trade".

² *Article 12.*—All collective exercises in the handling of military arms for private persons shall be prohibited. Nevertheless, the Governor of the Province may permit them on specified days and in specified places, stating the place where the arms and ammunition are to be kept meanwhile.

³ *Note by the Secretariat.*—Article 14 applies to persons possessing or having procured a defensive or military fire-arm otherwise than as provided in Article 5.

Article 25.—A Royal Decree will prescribe measures for recording sales or cessions of fire-arms or ammunition effected by manufacturers and dealers or arms artisans either to private persons or to one another.

Record
of sales
or cessions.

* * *

ROYAL DECREE OF JUNE 14TH, 1933 (Recueil des lois 1933, page 1278).

Articles 1 and 2 : [see above under "1. Manufacture"].

Fire-arms
for
self-defence
(Article 5
of the Law of
January 3rd,
1933).

Article 6.—Requests for permission to purchase a fire-arm for self-defence shall be made to the police commissary or, in communes where no such commissary exists, to the commandant of the gendarmerie for the district where the purchaser is domiciled. Where the domicile is out of Belgium, the request shall be made to the police commissary or commandant of gendarmerie for the district in which the seller or transferrer is domiciled.

Requests shall specify the applicant's name(s) and surname, place and date of birth, occupation and address.

Article 7.—Permits shall be granted by means of a booklet with detachable leaves and counterfoils similar to Model No. 4.

Article 8.—Permits shall only be valid for three months from the date of issue.

Failing purchase within that period, the permit shall be returned within eight days to the authority which issued it.

Article 9.—The seller or transferrer shall sign the permit and indicate thereon :

- (a) His name(s) and surname or style, or the trade name of his firm;
- (b) His address or that of the undertaking at which the sale or transfer took place;
- (c) The date of the sale or transfer;
- (d) Particulars of the fire-arm, including its make, calibre and number.

Article 10.—The permit shall be signed and retained by the purchaser, who shall be bound to produce it to the authorities on request.

Article 11.—During the month in which the sale or transfer takes place, the seller or transferrer shall give notice thereof to the authority which issued the permit.

Such notice, dated and signed, shall specify, in addition to the information enumerated in Article 9, the name(s), surname and address of the purchaser.

Military
fire-arms
(Article 8
of the Law of
January 3rd,
1933).

Article 21.—1. An authorisation to possess fire-arms may not be used for acquiring military fire-arms, unless it explicitly mentions that it was delivered for that purpose.

2. It may be used for acquiring such arms, only within three months following its date of delivery.

If there has been no acquisition by the expiry of that period, the authorisation shall be returned to the Governor who delivered it.

3. The seller or ceder shall sign the authorisation and shall state thereon :

- (a) His name(s) and surname, or trade name or style;
- (b) His address or that of the establishment where the sale or cession takes place;
- (c) The date of sale or cession;
- (d) The characteristic features of the arm, in particular its make, bore and number.

4. Within a month of the sale or cession, notice thereof shall be given by the seller or ceder to the Governor who delivered the authorisation.

The notice, dated and signed, shall mention, besides the particulars referred to in paragraph 3 of the present article, the name(s), surname and address of the acquirer.

Record
of sales
or cessions
(Article 25
of the Law of
January 3rd,
1933).

Article 31.—Fire-arms manufacturers and dealers and arms artisans selling or ceding to dealers, but not to private persons, shall enter the defensive or military arms which they sell or cede in a register modelled on Form No. 10 annexed hereto.¹

Article 32.—Fire-arms manufacturers and dealers and arms artisans selling or ceding to private persons shall enter each defensive or military arm they acquire, manufacture, sell or cede in a register modelled on Form No. 11 annexed hereto.¹

Article 33.—Ammunition manufacturers or dealers selling or ceding to dealers, but not to private persons, shall enter the ammunition for defensive or military arms which they acquire, manufacture, sell or cede in a register modelled on Form No. 12 annexed hereto.

In this register, they may keep one folio for each kind of ammunition.¹

Article 34.—Ammunition manufacturers or dealers selling or ceding to private persons shall enter the ammunition for defensive or military arms which they acquire, manufacture, sell or cede in a register modelled on Form No. 13 annexed hereto.

One folio shall be kept for each kind of ammunition.¹

¹ Text as amended by Royal Decree of January 9th, 1934 (Recueil des Lois 1934, page 522).

4. DEFINITIONS.

LAW OF JANUARY 3RD, 1933 (Recueil des Lois 1933, page 1266).

Article 3.—By prohibited arms are understood daggers and dagger-shaped knives other than hunting-knives, sword-sticks and walking-stick guns; life-preservers; hinged breech-loading guns of a calibre larger than 20; guns the barrel or butt of which can be dismantled into several sections, and any hidden or secret weapons of offence not regarded as defensive or military arms.

Prohibited
arms.

By defensive arms are to be understood pistols, revolvers and automatic pistols.

Defensive
arms.

By military arms are to be understood all rifled fire-arms (except pistols and revolvers) or side-arms suitable for the armament of troops.

Military
arms.

By sporting arms are to be understood those which cannot be classified in any of the above categories.

Sporting
arms.

A Royal Decree will classify arms of doubtful type in one or other of the above-mentioned categories.¹

* * *

LIST ANNEXED TO THE ROYAL DECREE OF AUGUST 19TH, 1936² (Recueil des lois 1936, page 3410).

Category I.

1. Rifles and carbines, and their barrels, bayonets, sabres and lances;³
2. Machine-guns, automatic rifles and machine-pistols of all calibres and their barrels;
3. Guns, howitzers and mortars of all calibres and their mountings, barrels and recoil mechanisms;
4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above and prepared propellant charges for these arms;

¹ *Note by the Secretariat.*—Prohibited arms include appliances for firing gas-cartridges, not taking the ordinary form of a pocket fire-arm, pistol or revolver (fountain-pen, stylograph, key, penknife, etc.); tear-gas bombs; bombs and grenades of all kinds.

Defensive arms include clubs; alarm-guns normally firing a blank revolver- or pistol-cartridge but also capable of firing ball-cartridges for the same arms; Verrey pistols, normally firing a cartridge loaded with a compound which melts to form a coloured light, but capable of receiving a ball, buckshot or small shot cartridge; humane killers.

Military arms include machine-pistols.

Sporting arms include alarm-guns normally firing a blank cartridge but also capable of firing a sporting cartridge of either small shot or buckshot.

(See : Royal Decrees of July 14th, August 23rd, November 11th and December 26th, 1933; April 23rd and August 11th, 1934; December 21st, 1936.—Recueil des lois 1933, pages 1662, 2130, 3226 and 3582; 1934, pages 882 and 1696; 1936, page 4464.)

² See above under "2. External Trade".

³ Amended by Royal Decree of February 17th, 1937 (Moniteur belge 1937, page 1054).

5. Grenades, bombs, torpedoes and mines—filled or unfilled—and apparatus for their use or discharge;

6. Tanks, armoured vehicles and armoured trains, armour-plate of all kinds.

Category II.

Vessels of war and other ships of all kinds, including aircraft carriers and submarines.

Category III.

1. Aircraft, assembled or dismantled, both heavier than and lighter than air and their air-screws, fuselages, gun-mounts, hulls, tail units and under-carriage units.

2. Aircraft engines.

Category IV.

Revolvers and automatic pistols weighing over 630 grammes and ammunition therefor.

Category V.

1. Flame-throwers and all other projectors used for chemical or incendiary warfare.

2. Mustard gas, Lewisite, dichlorethylarsine, dichloromethylarsine and all other products intended for chemical or incendiary warfare.

3. Gunpowder and explosives.

B. EXPLOSIVES.

LAW OF OCTOBER 15TH, 1881, AMENDED BY THE LAW OF MAY 22ND, 1886 (Recueil des lois 1881, page 521, and 1886, page 240).

Article 1.—The Government is empowered to lay down by Royal Decree¹ the necessary measures for regulating, in the interest of public safety, the manufacture, deposit, sale, transport by land or water, method of use, possession and carriage of ordinary powders and all other explosive substances and death-dealing devices acting by explosion.

It may render them subject to an authorisation the conditions of which it shall decide and which may be withdrawn at any time.

The existing authorisations may also be withdrawn.

See Royal Decree of October 29th, 1894 (Recueil des lois 1894, page 679).

UNITED KINGDOM.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The Fire-arms Act of February 18th, 1937, which supersedes the Acts of 1920,¹ 1934 and 1936, subjects every person who wishes to engage in manufacture of or trade in fire-arms and ammunition to registration as a fire-arms dealer with the chief officer of police, who issues to him a certificate of registration, renewable once a year. Every fire-arms dealer must keep a register of all transactions and permit the police to inspect such register as well as stock on hand.

The construction and export of warships by private firms is governed by the Naval Treaties Acts, 1922 and 1937.² Their object is to ensure compliance with the provisions of treaty obligations concerning naval armaments—at the present time, of the London Naval Treaty of 1936, which replaces the Treaties of 1922 and 1930. The construction or delivery of any warship, or adaptation of a ship for use as a vessel of war, is subject to licence of the Admiralty; such licence can be refused only if necessary to ensure compliance with the treaty. The United Kingdom Government has informed the Secretariat that, as regards British naval vessels, no prior application for licence to build or deliver is required.

Any person engaged in the above activities must furnish the Admiralty with such designs and particulars as may be required to meet the obligations of the treaty and must permit any persons so empowered by the Admiralty to enter the premises in question, in order to ascertain whether there is any violation of these obligations.

¹ With the exception of one section on illegal drilling.

² Apart from the Foreign Enlistment Act, 1870, which relates to the supply of ships to belligerents, the United Kingdom being neutral.

2. EXTERNAL TRADE.¹

The importation and exportation respectively of arms, ammunition and gunpowder may be prohibited by Proclamation or Order-in-Council, under the Customs Consolidation Act of 1876, the Customs and Inland Revenue Act of 1879, the Exportation of Arms Act of 1900 and the Finance Act of 1921. Orders-in-Council have been issued under these Acts providing for the prohibition of the importation of fire-arms and ammunition (1921) and of instruments of chemical warfare (1937), and of the exportation of war materials as listed (1931) and of poison gas (1937); in all these cases, the prohibition does not apply to such imports or exports as are expressly permitted by licence given on behalf of the Board of Trade and subject to the conditions of such licence. The free importation or exportation of certain articles which, although covered by the Orders-in-Council, are not considered as war materials, is authorised by means of the issuance by the Board of Trade of open general licences which are subject to modification or revocation by the Board at any time without any reason being given.

It may be noted that munitions of war are excluded from the operation of the export credits guarantee system under the Export Guarantees Act of July 30th, 1937 (the Trade Facilities Act of 1921, which the 1937 Act replaces, included the same principle).

3. INTERNAL TRADE.

The provisions of the Fire-arms Act of 1937 concerning registration, the maintenance of registers of transactions and inspection apply to traders in fire-arms and ammunition as well as to manufacturers.

4. DEFINITIONS.

The list to which the Arms Export Prohibition Order of 1931 applies consists of twenty items covering all types of war materials—including, for instance, both civil and military aircraft. Poison gases are covered in a separate Export Prohibition Order adopted in 1937.

B. EXPLOSIVES.

Gunpowders and explosives may be manufactured only under licence. The Government may, by Order-in-Council, prohibit or restrict the manufacture, importation, storage, etc., of specially dangerous explosives. Gunpowder and

¹ A more detailed analysis of the United Kingdom system of export licences appears in Annex IV, page 234.

explosives factories, magazines and stores are subject to inspection by Government inspectors, who may not include any persons directly or indirectly connected with explosives enterprises (Explosives Act of 1875).

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

FIRE-ARMS ACT, 1937 (FEBRUARY 18TH) (1 Edw. VIII & 1 Geo. VI, c. 12).

Section 7.—(1) Subject to the provisions of this section, no person shall by way of trade or business :

- (a) Manufacture, sell, transfer, repair, test or prove; or
- (b) Expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof;

any fire-arm or ammunition to which this part of this Act applies, unless he is registered as a fire-arms dealer. . . .

Prohibition of manufacture of or dealing in fire-arms or ammunition without registration.

Section 8.—(1) For the purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of fire-arms dealers and, subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a fire-arms dealer and furnishes him with the prescribed particulars.

Registration of fire-arms dealers.

Section 9.—(1) The chief officer of police shall grant or cause to be granted to any person who is registered under the last foregoing section a certificate of registration.

Certificates of registration.

(2) On or before the first day of June in each year, every person for the time being registered as a fire-arms dealer in any area shall :

- (a) Surrender to the chief officer of police for that area his certificate of registration; and
- (b) Apply in the prescribed form for a new certificate of registration; and
- (c) Pay a fee of one pound;

and thereupon that officer shall, subject to the provisions of subsection (3) of the last foregoing section, grant him a new certificate of registration.

Section 12.—(1) Every person who by way of trade or business manufactures, sells or transfers fire-arms or ammunition to which this part of this Act applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the second schedule to this Act.

Register of transactions in fire-arms.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such person as aforesaid shall on demand allow any officer of police, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand, and shall on request :

(a) By any officer of police duly authorised in writing in that behalf by the chief officer of police; or

(b) By an officer of Customs and excise; or

(c) In England, by any officer of the county council duly authorised in writing in that behalf;

produce for inspection the register so required to be kept as aforesaid.

Provided that, in each case where a written authority is required by this subsection, the authority shall be produced on demand.

Prohibited
weapons
and
ammuni-
tion.

Section 17.—(1) It shall not be lawful for any person without the authority of the Admiralty, the Army Council or the Air Council to manufacture, sell, transfer, purchase, acquire or have in his possession :

(a) Any fire-arm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or

(b) Any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; or

(c) Any ammunition containing, or designed or adapted to contain, any such noxious thing.

* * *

TREATIES OF WASHINGTON ACT, 1922, AS MODIFIED BY LONDON NAVAL TREATY ACT, 1937 (12 & 13 Geo. V, c. 21, and 1 Edw. VIII & 1 Geo. VI, c. 65).

Restriction
on
building,
etc.,
vessels
of war.

Section 1.—(1) No person shall, without a licence from the Admiralty :

(a) Within any part of His Majesty's Dominions to which this Act applies, build any vessel of war, or alter, arm or equip any ship so as to adapt her for use as a vessel of war; or

(b) Despatch or deliver, or allow to be despatched or delivered, from any place within any part of His Majesty's Dominions to which this Act applies any ship which has been so built, altered, armed or equipped as aforesaid either entirely or partly within His Majesty's Dominions.

Provided that a licence for any such purpose shall not be refused by the Admiralty unless it appears to the Admiralty necessary to do so for the purpose of securing the observance of the obligations imposed by the Treaty

of the twenty-fifth day of March nineteen hundred and thirty-six, and where a licence is granted subject to conditions, the conditions shall be such only as may appear necessary to the Admiralty for the purpose aforesaid.¹

(2) An application for a licence under this section shall be accompanied by such designs and particulars as the Admiralty may require.²

¹ *Note by the Secretariat.*—Article 18 of the London Naval Treaty, 1936, provides that if the construction, modernisation or reconstruction of any vessel coming within the categories or sub-categories mentioned in Article 12 (a)—namely, capital ships, aircraft-carriers, light surface vessels or submarines—which is for the order of a Power not a party to the Treaty, is undertaken within the jurisdiction of any High Contracting Party, he shall promptly inform all the other High Contracting Parties of the date of the signing of the contract, and shall also give as soon as possible in respect of the vessel certain other information as follows :

- (a) Name or designation;
 Category and sub-category;
 Standard displacement in tons and metric tons;
 Length at water-line at standard displacement;
 Extreme beam at or below water-line at standard displacement;
 Mean draught at standard displacement;
 Designed horse-power;
 Designed speed;
 Type of machinery;
 Type of fuel;
 Number and calibre of all guns of 3-in. (76-mm.) calibre and above;
 Approximate number of guns of less than 3-in. (76-mm.) calibre;
 Number of torpedo-tubes;
 Whether designed to lay mines;
 Approximate number of aircraft for which provision is to be made.
- (b) Date of laying-down of the keel.
- (c) Date of completion, with the particulars at (a) above, as they relate to the vessel on completion.

² The information supplied to the Secretariat by the United Kingdom Government includes the following :

“ 5. The licensing system in respect of vessels of war building in this country for non-contracting parties (including the adaptation of vessels as ships of war) is administered by the Admiralty as follows :

“ (a) Upon the signature of a contract for the construction of a vessel of war or the adaptation of a ship for use as a vessel of war, the firm in question is required to submit an application for a licence, giving the principal characteristics of the proposed vessel. The particulars thus furnished enable the Admiralty to decide whether a licence may properly be issued.

“ (b) It is a condition of the licence for the construction of a vessel of war for a non-contracting power that the firm shall supply at the earliest possible date the information prescribed by the Treaty for communication (through the Foreign Office) to the other signatory Powers to the Treaty.

“ (c) The firm is also required to supply the Admiralty with drawings showing the general arrangement of the ship (or the work to be done) for the information of the Admiralty Overseer responsible for the inspection, and to afford him all necessary facilities for the purpose of such inspection.

“ (d) The application for licence to deliver is forwarded to the Admiralty through the Overseer, and the granting of the licence is conditional upon his giving a certificate that the work has been carried out generally in conformity with the general arrangement drawings.

(3) The Admiralty may, by warrant, empower any person to enter any dockyard, shipyard or other place and to make enquiries respecting any ship being built, altered, armed or equipped therein, with a view to ascertaining whether any ship is being built, altered, armed or equipped contrary to this Act, and to search any such ship.

(4) If any question arises as to whether a ship is a vessel of war, or whether any alteration, arming or equipment of a ship is such as to adapt her for use as a vessel of war, the question shall be referred to and determined by the Admiralty, whose decision shall be final.

* * *

LONDON NAVAL TREATY ACT, 1937 (JULY 30TH) (1 Edw. VIII & 1 Geo. VI, c. 65).

Furnishing
of
designs
and
particulars
to
Admiralty.

(2) Any person who, in pursuance of a licence granted before the commencement of this Act by the Admiralty under the said section one,¹ is engaged in building any vessel of war or in altering, arming or equipping any ship so as to adapt her for use as a vessel of war, or is about to despatch or deliver or allow to be despatched or delivered from any place within any part of His Majesty's Dominions to which the said Act applies, any ship which has been so built, altered, armed or equipped as aforesaid, either entirely or partly within His Majesty's Dominions, shall, upon written demand, furnish to the Admiralty such designs and particulars as may be required by the Admiralty for the purpose of securing the observance of the obligations imposed by the said Treaty of the twenty-fifth day of March nineteen hundred and thirty-six; and if any person fails to comply with the provisions of this subsection, he shall be deemed to have failed to comply with the provisions of the said section one.

"It has not been found necessary to attach any special conditions to a delivery licence. Condition I (4) of the building licence requires the firm to supply, on completion of the vessel, the date of its completion and its principal dimensions at the time of completion for communication to the signatory Powers. Steps are taken to ensure that this condition is complied with and the information given by the firm on completion of the work is supplied to the Foreign Office for communication to the signatory Powers as required by the Treaties.

"6. A copy of each licence, whether for building or delivery, is supplied to the Board of Customs and Excise for information.

"7. As regards British naval vessels, the firms are not required to make prior application for licences to build and deliver.

"8. It may also be mentioned that Article 22 of the London Naval Treaty, 1936 (which replaces Article 18 of the Washington Treaty), imposes a restriction on the disposal of war vessels which does not involve legislation. This article provides that no High Contracting Party shall by gift, sale or any mode of transfer dispose of any of his surface vessels of war or submarines (excluding auxiliary vessels) in such a manner that such vessel may become a surface vessel of war or a submarine in any foreign navy. In pursuance of this obligation, it has been the practice of the Admiralty to sell for demolition by recognised shipbreakers. Exceptionally when any obsolete or surplus vessels have been sold, after demilitarisation, for further use, the purchaser has been required to give a substantial bond or other guarantee that the vessel will remain under the British flag and will not be re-sold without the consent of the Admiralty."

¹ *I.e.*, of the Treaties of Washington Act, 1922, quoted above.

2. EXTERNAL TRADE.

CUSTOMS CONSOLIDATION ACT, 1876 (39 & 40 Vic., c. 36).

43.—The importation of arms, ammunition, gunpowder or any other goods may be prohibited by proclamation or Order-in-Council.¹ Import prohibitions.

* * *

CUSTOMS AND INLAND REVENUE ACT, 1879 (42 and 43 Vic., c. 21).

Section 8.—The following goods may by proclamation or Order-in-Council² be prohibited either to be exported or carried coastwise: Arms, ammunition and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food for man. . . .³ Export prohibitions.

* * *

EXPORTATION OF ARMS ACT, 1900 (63 & 64 Vic., c. 44).

It shall be lawful for Her Majesty by proclamation to prohibit the exportation of all or any of the following articles—namely, arms, ammunition, military and naval stores, and any article which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition or military or naval stores—to any country or place therein named, whenever Her Majesty shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores being used against Her Majesty's subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with Her Majesty's forces.⁴ Power to prohibit export of arms, etc.

* * *

¹ For import prohibition orders under this Act, see below, pages 40 and 42.

² For export prohibition orders under this Act, see below, pages 40 and 44.

³ *Note by the Secretariat.*—The 1879 Act was amended by the Finance Act, 1921 (11 & 12 Geo. V, c. 32) as follows:

“17. (1) Section eight of the Customs and Inland Revenue Act, 1879 (which gives power to prohibit the exportation and carriage coastwise of certain goods), shall extend to weapons and munitions of war of every description and fire-arms not being weapons of war, and ammunition for such fire-arms, as it applies to the goods therein mentioned.

“(2) The said section, as amended by this section, shall extend so as to give power to prohibit the shipment as ships' stores, whether on vessels proceeding to foreign ports or on coastwise voyages, of any of the goods to which the said section applies, and the provision in the said section relating to a penalty shall have effect accordingly subject to the necessary modifications.”

⁴ *Note by the Secretariat.*—This section is extended to cover the exportation of articles of every description during the existence of a state of war in which His Majesty is engaged by the Customs (Exportation Restriction) Act, 1914 (c. 2).

ARMS AND AMMUNITION (IMPORTATION PROHIBITION) ORDER-IN-COUNCIL, 1921¹
(Statutory Rules and Orders, 1921, No. 374).

**Import
of fire-arms
and ammu-
nition.**

As from the date of this Order, the following goods shall be, and the same are hereby, prohibited to be imported into the United Kingdom :

Fire-arms, lethal, and other lethal weapons from which a missile can be discharged, including parts of such fire-arms or weapons.

Ammunition, including grenades, bombs and other similar missiles, whether such missiles are capable of use with a fire-arm or not, and components of such ammunition.

Provided always, and it is hereby declared that this prohibition shall not apply to any such goods as are imported under a licence given by or on behalf of the Board of Trade, and subject to the provisions and conditions of such licence.²

* * *

ARMS EXPORT PROHIBITION ORDER, 1931 (MAY 19TH)³
(Statutory Rules and Orders, 1931, No. 413).

**Export
of war
materials.**

1.—As from June 1st, 1931, the following articles shall be, and the same are hereby, prohibited to be exported from the United Kingdom, or to be shipped as ship's stores on vessels proceeding to foreign ports—that is to say :

[There follows a list of war materials reproduced under " 4. Definitions " below.]

Provided always, and it is hereby declared, that this Order shall not apply to any exportation or shipment as ship's stores which shall be expressly

¹ Under the Customs Consolidation Act, 1876 (see above, page 39).

² *Note by the Secretariat.*—Some of the items included in this order—notably shot- and air-guns and ammunition therefor, as well as personal fire-arms (on a fire-arms certificate) and ammunition therefor—may be imported without special licence, on the basis of " open general import licences " issued by the Board of Trade. As an example, there is given below an extract from Open General Import Licence, No. G.L.172, of June 8th, 1937 :

" The Board of Trade, in pursuance of the powers enabling them in that behalf, do hereby, with effect from July 1st, 1937, authorise and permit the importation into Great Britain or Northern Ireland, by the holder of a valid fire-arm certificate issued under Section 1 (1) of the Fire-arms Act, 1920, or under Section 2 of the Fire-arms Act, 1937, of the fire-arms and ammunition which are authorised by the said fire-arm certificate to be held in Great Britain or Northern Ireland upon the following conditions :

" (1) That the fire-arms certificate shall be produced by the holder with the fire-arms and ammunition to the Customs authorities at the port of entry at the time of importation;

" (2) That this licence may be modified or revoked at any time by the Board of Trade without reason given."

³ Under the Customs and Inland Revenue Act, 1879, and the Finance Act, 1921 (see above, page 39).

permitted by a licence given by the Board of Trade, and in accordance with the conditions (if any) of such licence.¹

* * *

ARMS EXPORT PROHIBITION ORDER, 1937 (JUNE 8TH)²
(Statutory Rules and Orders, 1937, No. 525).

Section 1.—As from June 15th, 1937, the following articles shall be, and the same are hereby, prohibited to be exported from the United Kingdom, or to be shipped as ship's stores on vessels proceeding to foreign ports—that is to say :

Export
of poison
gas.

[There follows a list of noxious substances, reproduced under "4. Definitions" below.]

Provided always, and it is hereby declared, that this Order shall not apply to any exportation or shipment as ship's stores which shall be expressly permitted by a licence given by the Board of Trade, and in accordance with the conditions (if any) of such licence.

* * *

¹ *Note by the Secretariat.*—Certain types of material—including aircraft (assembled or dismantled) and aircraft engines, shot-guns and ammunition therefor, certain industrial explosives, personal fire-arms (on a fire-arms certificate) and ammunition therefor—may be exported freely, except to certain specified areas, on the basis of "open general export licences" issued by the Board of Trade. By way of example, there is reproduced below the text of Open General Export Licence No. G.L.168, of July 14th, 1937 :

"1. In pursuance of the powers conferred upon them by the Arms Export Prohibition Order, 1931, the Board of Trade do hereby, with effect from August 9th, 1937, license and permit the exportation from any port in Great Britain or Northern Ireland (including any aerodrome approved by the Secretary of State as a Customs aerodrome under Schedule VIII of the Air Navigation (Consolidation) Order, 1923) to all destinations (other than Ethiopia, Spain, Spanish possessions or the Spanish Zone of Morocco) of the following goods, namely :

"(1) Aircraft, assembled or dismantled; and

"(2) Aircraft engines :

"Provided that this licence shall not apply to aircraft which :

"(a) Are included in the Air Ministry list of military types *; or

* The Air Ministry list of military types may be inspected at the Air Ministry or at the Board of Trade.

"(b) Are fitted with equipment (not being aircraft engines) which is prohibited by Order-in-Council to be exported from the United Kingdom except under an export licence given by the Board of Trade.

"2. This licence is subject to the following conditions :

"(i) That the owner or shipper of the said goods, if so required by the Commissioners of His Majesty's Customs and Excise, shall produce to them, within such time as they may allow, proof to their satisfaction that the said goods were duly delivered at a destination to which this licence applies;

"(ii) That this licence shall be deemed void and of no effect in the event of non-compliance with condition (i) as set out above;

"(iii) That this licence may be modified or revoked at any time by the Board of Trade without reason given;

"(iv) That nothing in this licence shall affect the powers of the Commissioners of His Majesty's Customs and Excise under any Act relating to the Customs or to the export of prohibited goods."

² Under the Customs and Inland Revenue Act, 1879, and the Finance Act of 1921 (see above, page 39).

ARMS IMPORT PROHIBITION ORDER, 1937 (JUNE 8TH)¹
(Statutory Rules and Orders, 1937, No. 526).

Import
of poison
gas.

1.—As from July 1st, 1937, the following goods shall be, and the same are hereby, prohibited to be imported into the United Kingdom :

(i) Weapons of all descriptions designed or adapted for the discharge of any noxious liquid, gas or other thing, including component parts of any such weapon;

(ii) Ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing, and component parts of any such ammunition;

(iii) Accessories to any lethal fire-arm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

Provided always, and it is hereby declared, that this prohibition shall not apply to any such goods as are imported under a licence given by or on behalf of the Board of Trade, and subject to the provisions and conditions of such licence.

* * *

EXPORT GUARANTEES ACT, 1937 [JULY 30TH] (1 Edw. VIII & 1 Geo. VI, c. 61).

1.—(1) For the purpose of establishing or of encouraging trade, or any branch of trade, between the United Kingdom and any country, the Board of Trade, where, after consultation with an advisory committee constituted by them for the purposes of this Act, it appears to the Board advisable to do so, may, with the consent of the Treasury, make arrangements for giving to, or for the benefit of, any person, firm or company carrying on business in the United Kingdom guarantees in connection with the export to any country of goods not being munitions of war.

3. INTERNAL TRADE.

FIRE-ARMS ACT, 1937 (FEBRUARY 18TH)—(1 Edw. VIII & 1 Geo. VI, c. 12).

Sections 7, 8 and 9 : [see under " 1. Manufacture ", page 35].

Restrictions
on sale,
repair, etc.

Section 11.—(1) No person shall sell or transfer to any other person in the United Kingdom, other than a registered fire-arms dealer, any fire-arm or ammunition to which this part of this Act applies, unless that other person produces a fire-arm certificate authorising him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase or acquire it without holding such a certificate :

Provided that this sub-section shall not prevent :

(a) A person parting with the possession of a fire-arm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this

¹ Under the Customs Consolidation Act, 1876 (see above, page 39).

Act entitled to have possession of the fire-arm or ammunition without holding such a certificate; or

(b) The delivery of a fire-arm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment as such.

(2) Every person who sells, lets on hire, gives or lends a fire-arm or ammunition to which this part of this Act applies to any other person in the United Kingdom, other than a registered fire-arms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the fire-arm or ammunition without holding a fire-arm certificate, comply with any instructions contained in the certificate produced, and in the case of a fire-arm shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the chief officer of police by whom the certificate was issued.

Sections 12 and 17 : [see under " 1. Manufacture ", pages 35 and 36].

4. DEFINITIONS.

ARMS EXPORT PROHIBITION ORDER, 1931 (MAY 19TH) (Statutory Rules and Orders 1931, No. 413).

1.—As from June 1st, 1931, the following articles shall be, and the same are hereby, prohibited to be exported from the United Kingdom, or to be shipped as ship's stores on vessels proceeding to foreign ports—that is to say :

Export
of arms.

- (i) Cannon and other ordnance and component parts thereof;
- (ii) Carriages and mountings and accessories for mountings for cannon and other ordnance and component parts thereof;
- (iii) Cartridges, charges of all kinds, and component parts thereof;
- (iv) Explosives of every description;
- (v) Fire-arms of every description and component parts thereof;
- (vi) Grenades and component parts thereof;
- (vii) Machine-guns, interrupter gears, mountings for machine-guns and component parts thereof;
- (viii) Projectiles of all kinds (except air-gun pellets) and component parts thereof;
- (ix) Mines, land or sea, and component parts thereof;
- (x) Depth charges, apparatus for the discharge of depth charges, and component parts thereof;
- (xi) Bombs, bombing apparatus, and component parts thereof;
- (xii) Flame-throwers and component parts thereof;
- (xiii) Fuses and component parts thereof;
- (xiv) Torpedoes and component parts thereof;
- (xv) Torpedo tubes, or other apparatus for discharging torpedoes;
- (xvi) Fire-control and gun-sighting apparatus, and component parts thereof;

(xvii) Appliances for use with arms and apparatus exclusively designed and intended for land, sea or aerial warfare;

(xviii) Bayonets, swords and lances, and component parts thereof;

(xix) Tanks and armoured cars, and component parts thereof;

(xx) Aircraft, assembled or dismantled, and aircraft engines.

Provided always . . . [see under "2. External Trade", page 40].

* * *

ARMS EXPORT PROHIBITION ORDER, 1937 (JUNE 8TH)
(London Gazette, June 8th, 1937).

Export
of poison
gas.

Section 1.—As from June 15th, 1937, the following articles shall be, and the same are hereby, prohibited to be exported from the United Kingdom, or to be shipped as ship's stores on vessels proceeding to foreign ports—that is to say :

Mustard gas (dichlorethyl sulphide);
Lewisite (chlorvinylchlorarsine and dichlordivinylchlorarsine);
Methyldichlorarsine;
Diphenylchlorarsine;
Diphenylcyanarsine;
Diphenylaminechlorarsine;
Phenyldichlorarsine;
Ethyldichlorarsine;
Phenyldibromarsine;
Ethyldibromarsine;
Monochlormethylchlorformate;
Trichlormethylchlorformate (diphosgene);
Dichlordimethyl ether;
Dibromdimethyl ether;
Cyanogen chloride;
Ethyl bromacetate;
Ethyl iodacetate;
Brombenzylcyanide;
Bromacetone;
Brom-methylethyl ketone;
Chlorpicrin.

Provided always . . . [see above under "2. External Trade", page 42].

* * *

FIRE-ARMS ACT, 1937 (FEBRUARY 18TH) (1 Edw. VIII & 1. Geo. VI, c. 12).

Fire-arms
and ammu-
nition to
which
Part I
applies.

Section 16.—(1) This part¹ of this Act applies to all fire-arms as defined in section thirty-two of this Act, except the following weapons and component

¹ *I.e.*, Part I.—The provisions of the Act reproduced under "1. Manufacture" and "3. Internal Trade", pages 35 and 42, are all taken from Part I.

parts thereof and accessories thereto—namely :

(a) A smooth-bore gun having a barrel not less than twenty inches in length;

(b) An air-gun, air-rifle or air-pistol not being of a type declared by rules made by Secretary of State under this Act to be specially dangerous.

(2) This part of this Act applies to all ammunition as defined in section thirty-two of this Act, except the following articles—namely :

(a) Cartridges containing five or more shot, none of which exceeds nine twenty-fifths of an inch in diameter;

(b) Ammunition for an air-gun or air-rifle or air-pistol;

(c) Blank cartridges not exceeding one inch in diameter.

(3) For the purpose of this section, the diameter of a cartridge shall be measured immediately in front of the rim or cannellure of the base of the cartridge.

Section 32.—(1) . . . “ammunition”, except where otherwise expressly provided, means ammunition for any fire-arm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with such a fire-arm or not, and prohibited ammunition;

. . . “fire-arm”, except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

B. EXPLOSIVES.

EXPLOSIVES ACT, 1876 (38 & 39 Vic., c. 17).

Part I.—Gunpowder.

4. The manufacture of gunpowder shall not, nor shall any process of such manufacture, be carried on except at a factory for gunpowder either lawfully existing or licensed for the same under this Act.

Provided that nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment and not for practical use or for sale.

6. A new factory or magazine for gunpowder shall not be established except on the site and in the manner specified in a licence for the same granted under this Act.

Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.

Application for licence for new factory or magazine.

An applicant for such a licence shall submit to the Secretary of State the draft of a licence accompanied by a plan (drawn to scale) of the proposed factory or magazine, and the site thereof (which plan shall be deemed to form part of and to be in this Act included in the expression "the licence").

The draft licence shall contain the terms which the applicant proposes to have inserted in the licence, and shall specify such of the following matters as are applicable—namely [there follows a detailed list of items to be specified].

The Secretary of State, after examination of the proposal, may reject the application altogether or may approve of the draft licence, with or without modification or addition, and grant to the applicant permission to apply to the local authority for their assent to the establishment of the factory or magazine on the proposed site.

Alteration of terms of licence and enlargement of factory or magazine.

12. Where the occupier of any gunpowder factory or magazine desires that any alteration should be made in the terms of his licence, or any material alteration made in the factory or magazine by enlarging or adding to the site or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, he may apply for an amending licence.

If he satisfy the Secretary of State that the alteration may be properly permitted, having regard to the safety of the persons employed in the factory or magazine, and will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or magazine from any building or work outside and in the neighbourhood of the factory or magazine, or increase the amount of gunpowder allowed to be kept in the factory magazine or in any building in the magazine, the Secretary of State may grant the amending licence of his own authority, but, save as aforesaid, the provisions of this Act with respect to the application for and grant of a new licence shall apply to such amending licence.

Part II.—Explosives other than Gunpowder.

Part I, relating to gunpowder, applied to other explosives.

39. Subject to the provisions hereafter in this part of this Act contained, Part I of this Act relating to gunpowder shall apply to every other description of explosive in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.¹

Power to prohibit manufacture, importation storage and carriage of specially dangerous explosives.

43.—Notwithstanding anything in this Act, Her Majesty from time to time, by Order-in-Council, may prohibit, either absolutely, or except in pursuance of a licence of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such order :

¹ Note by the Secretariat.—Section 40 contains modification of Part I, as applied to explosives other than gunpowder.

Provided that such order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

Part III.—Administration.

53. The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, and award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and remove such inspectors, and any such inspector is referred to in this Act as a Government inspector.

**Appoint-
ment of
Government
inspectors.**

Every order appointing an inspector shall be published in the *London Gazette*.

54. Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manufacture, storage, conveyance, importation, exportation, trade, dealing or patent, shall not act as an inspector under this Act.

**Disqualifica-
tion
of persons
as
inspectors.**

55. A Government inspector shall have power to make such examination and enquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose :

**Powers of
Government
inspectors.**

(1) He may enter, inspect and examine any factory, magazine or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine or store, and may make enquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine or store; and

(2) He may enter, inspect and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and

(3) He may require the occupier of any factory, magazine, store or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein, to give him samples of any explosive or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store and registered premises, his agents and servants shall furnish the means required by the inspector as necessary for every such entry, inspection, examination and enquiry.

Part IV.—Supplemental Provisions.

Persons carrying on certain processes to be deemed manufacturers.

105. Any person who carries on any of the following processes—namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive—shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression “manufacture” shall in this Act be construed accordingly.

Definition and classification of explosives by Order-in-Council.

106. It shall be lawful for Her Majesty, from time to time by Order-in-Council, to define, for the purposes of this Act, the composition, quality and character of any explosive, and to classify explosives.

CZECHOSLOVAKIA.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The manufacture of and trade in arms are included among the occupations requiring special authorisation (concession), the granting of which depends on proof of reliability and of special capacity (Industrial Codes of 1859 and 1924).

The Law of May 13th, 1936, for the Defence of the State provides for a far-reaching control of undertakings declared by the Government to be of importance for national defence (including specified arms industries). Among the powers thereby given to the Ministry of Defence may be cited the right to require that such enterprises furnish detailed statistics and information on production, stocks, personnel, etc., and give access to the representatives of the military administration for the purpose of verifying these data. Undertakings of national defence importance may finally be registered in a special list of the Ministry of National Defence, as the result of which they are subjected to still closer observation by the military administration which may, for this purpose, delegate organs specially accredited to the undertaking. Such registration—except upon proclamation of a state of defence—may, in general, take place only with the owners' consent. A Decree of July 3rd, 1936, however, provides that, if consent is refused, registration can take place only by virtue of a Government decision. This same Decree includes the armaments industry in the list of undertakings proclaimed to be of importance for national defence.

The Secretariat has been informed by the Czechoslovak Government that a new law regulating the manufacture and possession of arms and ammunition is under consideration by Parliament and that its enactment is expected in the near future.

2. EXTERNAL TRADE.

Shipments of arms and their parts across Czechoslovak Customs territory must be accompanied by a certificate of the State police or, in the case of shipments of the military administration, by a certificate of the latter (Decree of December 13th, 1927).

On October 19th, 1935, a notice issued by the Ministry of Industry and Commerce subjected the exportation of war materials to a procedure of special authorisation in virtue of the powers conferred on him by Decree of July 13th, 1920.

Under the Law of May 13th, 1936, for the Defence of the State, the export and import of war materials is permitted only upon authorisation by the Military Administration. Upon the demand of the Minister of National Defence, prior authorisation by the Ministry of Industry and Commerce may be required for the export and import of raw materials and semi-finished products necessary to the production, repair or maintenance of war materials, as well as of other objects which may be used for military purposes. The export of war materials, on the one hand, or raw materials and semi-finished products, on the other, may be prohibited entirely by the Ministry of National Defence or the Ministry of Industry and Commerce respectively. The transport in transit of war materials may also be made subject to authorisation.

3. EXTERNAL TRADE.

The trade in arms and ammunition is subject to special authorisation (concession) in the same way as is their manufacture (Law of October 10th, 1924).

4. DEFINITIONS.

The list, to which the Ministry of Industry and Commerce's Notice of October 19th, 1935, concerning arms exports applies, is based on the list contained in Article 4 of the draft text prepared at the Conference for the Reduction and Limitation of Armaments (Conference Documents, Vol. III, page 789); it includes both civilian and military aircraft, instruments of chemical warfare, and explosives.

The arms which require an import authorisation under the Law of May 13th, 1936, are specified in greater detail as regards instruments of land warfare; but no mention is made of naval war material or aircraft. The list applicable to exports, under the same law, includes additional items not mentioned in that relating to imports, such as aircraft, naval war material, military transport instruments, etc.¹

Among the industries which, under the Law for the Defence of the State, are declared to be of importance for national defence, the Decree of July 3rd, 1936, cites undertakings manufacturing armour-plate, steel helmets, bayonets, munitions, fire-arms, special military fighting vehicles, aircraft, explosives and liquid oxygen, and means of protection against gas.

¹ It should be noted, moreover, that, under the Law of July 8th, 1925, the manufacture of and trade in aircraft and aircraft engines is made subject to authorisation.

B. EXPLOSIVES.

The State has a monopoly of the manufacture of and trade in explosives, administered by the Ministry of Finance (Law of July 15th, 1919). The Ministry of Finance may temporarily cede the right to manufacture explosives to private undertakings who must apply for an authorisation to this end.¹ The import, export and transport in transit of explosives is subject to special authorisation by the Ministry of Finance (Decree of November 8th, 1920).

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

IMPERIAL ORDINANCE OF OCTOBER 24TH, 1852 (Reichsgesetzblatt 1852, page 999).

Article 1.—The provisions of the present ordinance shall be applicable to those arms and ammunition the manufacture, possession or use of which or the trade in which is generally prohibited and also to those the manufacture of or trade in which or the possession or use of which is allowed subject to the restrictions set forth below.

Restrictions
on
manufac-
ture.

Article 4.—As a rule, no person has the right to make, even for his own use, or to sell, in a commercial capacity, arms and ammunition of any kind whatsoever, except the artisans and merchants authorised to do so.

Prohibited arms and ammunition cannot, however, be made or sold by such authorised artisans or merchants unless they possess a special authorisation.

Article 5.—Application for the authorisation in question must be made to the political authority of the State concerned, which will issue it only in exceptional cases and for justifiable reasons and after consultation with the police authorities of the Sovereign of the State. The authorisation must specify the exact nature and quantity of the production and trade.

Article 7.—Artisans and merchants who are authorised to make or sell arms and ammunition may do so only in their factories and shops. Consequently, they shall be liable to punishment if they make or sell arms and ammunition elsewhere or in secret, or if they conceal their stocks when asked by the authorities to declare them.

* * *

¹ By Law of March 19th, 1923, the provisions of the Imperial Law of May 27th, 1885, subjecting the manufacture of, trade in and possession of explosives to special authorisation, are made applicable to the whole of Czechoslovakia.

IMPERIAL ORDINANCE OF DECEMBER 20TH, 1859¹ (Reichsgesetzblatt 1859, page 622).

Trades
subject to
concession.

Article 2.—Trades the practice of which it is necessary, for reasons of public policy, to make dependent upon special authorisation, shall be treated as trades subject to concession.

Article 16.—The following are declared to be trades subject to concession :

(10) The manufacture and sale of arms and ammunition, and, in particular, the trade of gunsmith.

Article 17.—Any person wishing to carry on a trade for which a concession is necessary must submit an application for a concession, showing that he satisfies the legal requirements. The exercise of the trade in question must not be begun until the concession has been obtained.

Special
requirements.

Article 18.—In order to be allowed to practise a trade which is subject to concession, the person concerned must, besides complying with the general conditions applicable to persons carrying on a trade independently (Articles 4-12), be trustworthy and of unblemished record, and, in the case of several such trades, must show that he possesses the special qualifications stipulated in the following paragraphs.

Gunsmiths.

Article 25.—Arms manufacturers who produce fire-arms ready for use (gunsmiths) must show that they are properly qualified to do so.

* * *

LAW OF APRIL 14TH, 1920 (Sbírka zákonů a nařízení 1920, No. 300).

Extra-
ordinary
measures.

Article 1.—In time of war or when events occur within the State which seriously threaten its safety, its republican character or its Constitution, or public order and security, the present law enables extraordinary measures to be adopted for suppressing or restricting temporarily the liberties guaranteed by Articles 107, 112, 113 and 116 of the Constitution and by the law concerning the protection of the freedom of the individual and the home, and the secrecy of correspondence and other similar measures.

Exceptional
measures
concerning
arms and
ammuni-
tion.

Article 11.—The Government or any organ duly authorised for the purpose by the Government may decree exceptional measures concerning the manufacture, sale, possession and carrying of arms and ammunition.

* * *

LAW OF JULY 8TH, 1925 (Sbírka zákonů a nařízení 1925, No. 172).

Aircraft.

Article 47.—The manufacture or repair of, trade in, and import into Czechoslovakia, for private use or commercial purposes, of aircraft and aircraft engines, shall only be authorised subject to a special permit to be

¹ Note by the Secretariat.—These provisions, slightly modified, were extended to Slovakia and Sub-Carpathian Russia by the Law of October 10th, 1924 (Sbírka zákonů a nařízení 1924, No. 259).

issued by the Ministry of Commerce in concert with the Ministries of Public Works and National Defence, which shall also be responsible for the supervision of such matters.

* * *

LAW OF MAY 13TH, 1936 (Defence of the State)
(Sbírka zákonů a nařízení 1936, No. 131).

Section III.—Part I.

Article 18.—1. For purposes of the present law, undertakings, institutions and other installations of importance for national defence (hereinafter described in short as “undertakings of importance for national defence”) shall be the following :

(a) Undertakings (institutions, installations) belonging to one of the groups of undertakings (institutions, installations) described in general by a Government Decree as undertakings (institutions, installations) of importance for national defence;¹

(b) Undertakings (institutions, installations) designated individually by the Ministry of National Defence, if necessary in agreement with the competent Ministry, as of importance for the defence of the country.

2. When it is doubtful whether an undertaking (institution, installation) can be included in the group of undertakings defined in general by Government Decree as of importance for national defence (paragraph 1 (a)), the Ministry of National Defence shall decide the question in agreement with the appropriate Ministry.

Article 24.—1. The Ministry of National Defence may call upon the owners of undertakings of importance for national defence—in agreement with the appropriate Ministry, except when the country is in a state of defence—to supply exact statistics of production, its extent and its purpose, including precise information on installations for production and delivery, stocks of raw material and of semi-finished and finished products, stocks and consumption of fuel, motor fuel and other commodities necessary for production and delivery, the mechanical sources available for the production of power, the working staff, the possibilities of converting peacetime production into war-time production, and all circumstances of importance for national defence. The owners of the undertaking in question are bound to carry out in good time the duties entrusted to them, and to allow the duly accredited agents delegated by the military administration to have access to the undertaking for the purpose of ascertaining all such circumstances or verifying the particulars supplied; . . .

6. The provisions of paragraph 1 may apply by analogy to the undertakings, institutions and installations which have not been declared, under the terms of Article 18, to be undertakings of importance for national

Under-
takings of
importance
for national
defence.

General
provisions.

Definition
of under-
takings of
importance
for national
defence.

Obligations
of under-
takings.

¹ See below, Decree of July 3rd, 1936, under “4. Definitions”, page 63.

defence, but for which the Ministry of National Defence—in agreement with the competent Ministry, except when the country is in a state of defence—considers it necessary to take such action in the interest of national defence.

Special provisions.

Registered undertakings.

Part II.

Article 26.—1. By “registered undertakings” shall be understood undertakings of importance for national defence (Article 18) registered by virtue of the present law—that is to say, entered in accordance with the provisions of Article 27 on a special list kept by the Ministry of National Defence. This list shall not be made public.

2. Registered undertakings shall be subject not only to the provisions of the present part of the law and the other provisions of the said law concerning registered undertakings, but also—when there is no stipulation to the contrary—to the provisions applicable to other undertakings of importance for national defence, especially to the provisions of Part I of the present section of the law.

Method of registration.

Article 27.—1. The registration of undertakings of importance for national defence in accordance with the definition in Article 26, paragraph 1, shall be effected within the framework of the provisions of paragraphs 2 and 3 by the Ministry of National Defence.

2. Such registration may as a rule be effected only with the consent of the owner of the undertaking. Without such consent, an undertaking may be registered only if the Government so decides.

3. When the country is proclaimed to be in a state of defence, it shall not be necessary, in order to register an undertaking, to obtain the consent of its owner, and the Ministry of National Defence shall have the exclusive right of deciding upon registration.

4. A registered undertaking shall be removed from the list mentioned in Article 26, paragraph 1, by the Ministry of National Defence as soon as the reasons for the registration of the undertaking no longer exist, should the Ministry consider it advisable or should the owner of the undertaking so desire.

5. The owner of the undertaking shall be informed of such registration or removal and notice thereof shall also be given to the appropriate Ministry.

6. Registration shall be effective, not only in respect of the owner of the undertaking at the time of registration, but also, up to the time of removal under paragraph 4, in respect of all the other subsequent owners of the undertaking.

Supervision of the activities of registered undertakings.

Article 28.—1. The activities of registered undertakings shall be followed by the military administration, even in peace time, when such a course is in the interest of national defence, more particularly as regards the method of production or operation, technical organisation, stocks of materials, output capacity, trustworthiness of the staff, and labour conditions.

2. For this purpose, the military administration shall be entitled—if required, in collaboration with the competent official supervisory authority—to send duly accredited agents to registered undertakings. . . . Owners

of registered undertakings shall be obliged to supply the above-mentioned agents with all the desired information on the circumstances and matters indicated in the previous paragraph. Reports on the results of their investigations shall be sent in by the organs of the military authorities direct to the Ministry of National Defence or to the authorities appointed by that Ministry.¹

* * *

DECREE OF JULY 3RD, 1936 (Sbírka zákonů a nařízení 1936, No. 197).

Article 18.—1. Registration of undertakings under Article 27 of the law is ordered by the Ministry of National Defence, either on its own initiative or at the request of another Ministry. No person has the right to require that his undertaking be registered.

Registra-
tion of un-
dertakings

2. If the Ministry of National Defence thinks it desirable that an undertaking should be registered under Article 27 of the law, at a time when the placing of the nation in a state of defence has not been proclaimed, such intention shall be notified to the owner of the undertaking in question. The attention of the owner shall be drawn to the legislative provisions concerning the rights and duties of registered undertakings, and the Ministry shall request him to notify in writing, within a given period, whether he agrees to the registration of his undertaking; should the owner of the undertaking fail to give his consent, his undertaking may be registered only by decision of the Government.

¹ *Note by the Secretariat.*—The law contains a number of further articles on the subject of undertakings of importance for national defence. Their general purport is indicated in their titles, which are given below :

Article 19.

Provisions concerning owners of undertakings of importance for national defence.

Article 20.

Provisions concerning the members of the directing, supervisory and auditing bodies of undertakings of importance for national defence.

Article 21.

Provisions concerning the workers and employees of undertakings of importance for national defence.

Article 22.

Provisions concerning foreigners employed in undertakings of importance for national defence.

Article 23.

Provisions concerning foreigners belonging to the directing, supervisory and auditing bodies of undertakings of importance for national defence.

Article 25.

Measures to safeguard the interests of national defence in undertakings of importance for national defence, more especially at the time when such undertakings are established.

Article 29.

Obligations of registered undertakings.

Article 30.

Rights and privileges of registered undertakings.

Supervision
of the
activities of
registered
under-
takings.

Article 19.—1. The activities of registered undertakings shall be supervised by the military area command and the Ministry of National Defence.

2. The identity of the organs referred to in Article 28, paragraph 2, of the law must be established by the production of identity cards, which shall be issued for that purpose by the military area command or by the Ministry of National Defence.

3. The organs referred to in paragraph 2 shall, if the owner of the undertaking so requests, be obliged to give immediately, or at latest within twenty-four hours, a written certificate concerning the carrying out of the investigation. . . .

Provisions
concerning
military
supervisory
organs.

Article 26.—1. The Ministry of National Defence shall decide to what undertakings military supervisory organs are to be sent.

2. The military supervisory organs shall be appointed and dismissed by the Ministry of National Defence at its discretion.

3. The military supervisory organs shall be responsible, from the point of view of the special interests of military administration, for the inspection of the establishments placed under their supervision. Instructions (Article 31) shall be issued laying down more detailed regulations on this subject, and on the general position of the military supervisory organs.

Detailed
regulations.

Article 31.—The Ministry of National Defence, in agreement with the Ministries concerned, may issue detailed regulations for the application of Chapter III of the law and of the present Decree.

2. EXTERNAL TRADE.

DECREE OF FEBRUARY 11TH, 1860, AMENDED BY DECREE OF OCTOBER 1ST, 1896
(Reichsgesetzblatt 1860, No. 39, page 76, and 1896, No. 182, page 565).

Permit
(Geleits-
schein).

Article 1.—The despatch of arms and ammunition, whether within the territory of the State or for purposes of import, export or transit to or from foreign countries, shall . . . be accompanied by permits (Geleitscheine) for arms and ammunition, instead of the passes used hitherto.

Customs
clearance
papers.

Article 8.—In the case of arms and ammunition imported or despatched in transit, the Customs office at the point of entry shall enter, on the Customs clearance papers relating to the arms and ammunition in question, all the information given in the permits for arms and ammunition; the permit shall then be attached to the way-bill or postal transport document.

In the case of consignments coming under the Gunpowder Monopoly, the import or transit authorisation issued by the Monopoly Administration shall in every case be attached to the Customs clearance papers.

* * *

LAW OF JULY 8TH, 1925 : [See above, under "1. Manufacture", page 52].

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DECREE OF DECEMBER 13TH, 1927, ANNEX A.II.2 (Sbírka zákonů a nařízení 1927, No. 168).

1.—Consignments of arms and spare parts thereof shall, throughout their passage through the Customs territory, be accompanied by a permit (Begleitschein) granted by the political authority of the first instance (State police) or, in the case of consignments despatched by the military authorities, by a certificate issued by the latter.

Arms and
spare parts
thereof.

2.—For fire-arms which they bring with them when crossing the frontier, travellers must hold a permit granted by the diplomatic or consular authorities of Czechoslovakia or by the political authority of first instance (State police).

3.—In the case of arms and spare parts thereof imported into or exported from the Customs territory by manufacturers of or dealers in arms or by transport agents or undertakings, the transport documents (way-bills, etc.), duly signed by the persons concerned and authenticated by the competent authorities (paragraph 1), may be used in lieu of certificates.

5.—The importation of daggers, stiletos, hollow-ground stiletto-knives' swords with blades of triangular cross-section, blunderbusses, pocket pistols (short-barrelled), revolvers under 18 cm. in length, air-guns of all kinds, hand grenades and glass grenades, petards (small mortars), incendiary rockets, and all kinds of concealed weapons capable of use for a surprise attack—e.g., fire-arms or swords concealed in walking-sticks, etc.—is prohibited. Such weapons may nevertheless be imported in exceptional circumstances, provided a permit is obtained and produced at the time of import.¹

Prohibited
arms.

6.—The import, transit or export by air of arms and ammunition, of whatever description, for use in warfare, is prohibited.

* * *

NOTICE BY THE MINISTER FOR INDUSTRY AND COMMERCE, OCTOBER 19TH, 1935.²

In virtue of Article 1, paragraph 1, sub-paragraph 3, of the Government Decree of July 13th, 1920,³ No. 442 of the "Collection of Laws and Decrees", I render the exportation of the following articles subject to the procedure of authorisation as from October 19th, 1935 :

Export of
war
material.

[Here follows a list of war material which is reproduced below under "4. Definitions", page 59.]

* * *

¹ See also Imperial Ordinance of October 24th, 1852, under "4. Definitions", page 59.

² Reproduced in the *Official Journal* of the League of Nations, Special Supplement No. 150, page 280.

³ Note by the Secretariat.—The sub-paragraph in question reads as follows :

"The export or import of goods of whatever nature without express authorisation or a certificate of notification is prohibited, unless it is specifically provided that no authorisation or notification is required for the export or import of particular articles."

LAW OF MAY 13TH, 1936 (Defence of the State) (Sbírka zákonů a nařízení 1936, No. 131).

Export,
import and
transit
of arms,
ammuni-
tion and
certain
other
articles.

Article 42.—(1) The export and import of arms and of spare parts indispensable for their use, explosives, ammunition and other articles of military armament and special military equipment are allowed only when authorisation has been obtained from the military administration.

(2) Should the interests of national defence so require, the Ministry of Industry and Commerce, at the request of the Ministry of National Defence, shall decide and notify the public officially that the export and import of war material other than that mentioned in paragraph (1), the export and import of the raw materials and semi-finished products necessary for production, repair or maintenance of the articles referred to in paragraph (1) and of other war material, and the export and import, if any, of other articles which may be used for military purposes (or for war), shall be permitted only if authorisation has been obtained from the Ministry of Industry and Commerce, granted in agreement with the Ministry of National Defence and the Ministry for Foreign Affairs.

(3) The Ministry of National Defence may prohibit, by public notice, the export of the articles referred to in paragraph (1); the export of the articles referred to in paragraph (2) may be forbidden by public notice issued by the Ministry of Industry and Commerce at the request of the Ministry of National Defence, in agreement with the Ministry for Foreign Affairs.

(4) Should the interests of national defence so require, the Ministry of National Defence, in agreement with the Ministry for Foreign Affairs, may, by public notice, extend the provisions of paragraph (1) wholly or partly to the transport in transit of the articles referred to therein or prohibit all transport in transit of such articles. In the case of the transport in transit of the articles referred to in paragraph (2), this decision may be taken by the Ministry of Industry and Commerce, in agreement with the Ministry for Foreign Affairs, at the request of the Ministry of National Defence.

(5) As regards authorisations granted under the provisions of paragraphs (1) and (2), dues may be levied, the amount of which shall be fixed and published in the case of the articles referred to in paragraph (1) by the Ministry of National Defence, and in the case of the articles referred to in paragraph (2) by the Ministry of Industry and Commerce.

(6) Exemptions from the application of the provisions of paragraph (1) may be granted by means of a public notice issued by the Ministry of National Defence, in agreement with the Ministry of the Interior.

(7) The notifications provided for in paragraphs (2)-(6) must be published in the "Collection of Laws and Decrees".

(8) The provisions of the present article shall in no way affect either the legal provisions under which the export, import and transport in transit of the articles referred to in paragraph (1) may be allowed only if a special authorisation is granted by the State police authorities, or the legal provisions concerning the explosives monopoly.

DECREE OF JUNE 19TH, 1936 : [Sec below under " 4. Definitions ", page 60].

3. INTERNAL TRADE.

IMPERIAL ORDINANCES OF OCTOBER 24TH, 1852, AND DECEMBER 20TH, 1859, AND LAWS OF APRIL 14TH, 1920, AND JULY 8TH, 1925 : [See above under " 1. Manufacture ", pages 51 and 52].

4. DEFINITIONS.

IMPERIAL ORDINANCE OF OCTOBER 24TH, 1852 (Reichsgesetzblatt 1852, page 999).

Article 2.—The following arms shall be prohibited :

Prohibited
arms.

Daggers, stiletos, hollow-ground stiletto-knives, swords with blades of triangular cross-section, blunderbusses, pistols less than 7 Viennese inches in length, including the stock and barrel, air-guns of all kinds, hand grenades and glass grenades, incendiary petards (small mortars), and also all kinds of concealed weapons suitable for a surprise attack, such as rifle-sticks, sword-sticks, etc.¹

Prohibited arms shall also include all weapons whose original and normal form has been deliberately changed so as to cause wounds of a more serious character, such as, in general, all concealed weapons suitable for a surprise attack which, by their shape, are not intended for the exercise of an art or trade or for household purposes.

Article 3.—Prohibited ammunition shall be held to mean gun-cotton and other similar explosives.

* * *

NOTICE BY THE MINISTER OF INDUSTRY AND COMMERCE, OCTOBER 19TH, 1935.²

In virtue of Article 1, No. 1, sub-paragraph 3, of the Government Decree of July 13th, 1920, No. 442 of the "Collection of Laws and Decrees", I render the exportation of the following articles subject to the procedure of authorisation as from October 19th, 1935 :

List of war
material for
purposes
of export.

1. Military rifles and carbines and their barrels (ex p. t. 478 b/3, ex p. t. 478 c/1).

2. Machine-guns, automatic rifles and machine-pistols of all calibres and their barrels (ex p. t. 478 b/1, ex p. t. 478 b/3).

3. Guns, howitzers and mortars of all calibres, their mountings, barrels and brakes (ex p. t. 478 b/1).

¹ See also above under " 2. External Trade ", page 57.

² *Note by the Secretariat.*—Reproduced in the *Official Journal* of the League of Nations, Special Supplement No. 150, page 280.

4. Ammunition for the arms under 1 and 2 above, filled and unfilled projectiles for the arms under 3 above and propellants for those arms (ex No. t. 643, ex No. t. 644, ex No. t. 645, ex No. t. 646).

5. Grenades, bombs, torpedoes and mines—filled or unfilled (ex No. t. 643, ex No. t. 644, ex No. t. 645)—and apparatus for their use or discharge (ex p. t. 478 *b/1*, ex No. t. 538, ex No. t. 553 *c/*).

6. Tanks, military armoured vehicles and armoured trains (ex No. t. 527, ex No. t. 528, ex No. t. 547, ex p. t. 548 *b/*, ex p. t. 599 *b/*, ex p. t. 553 *a/-d/*, ex No. t. 555, ex No. t. 556, ex No. t. 557); armour of all kinds (ex No. t. 433, ex No. t. 445, ex No. t. 471, ex No. t. 483).

7. Vessels of war of all kinds, including aircraft-carriers and submarines (ex p. t. 558, ex No. t. 559).

8. Aircraft, assembled or dismantled, heavier and lighter than air, and their propellers or air-screws, fuselages, fire turrets, hulls, tail units and undercarriage units.

9. Aircraft engines (P. t. 554 *b/*).

10. Revolvers and automatic pistols of a weight in excess of 630 grammes (ex p. t. 478 *b/3*) and ammunition therefor (ex No. t. 643, ex No. t. 644).

11. Flame-throwers and all other projecting appliances for chemical or incendiary warfare (ex p. t. 478 *b/1*, ex p. t. 478 *b/3*, ex No. t. 528, ex No. t. 538, ex p. t. 553 *c/*).

12. Mustard gas, Lewisite, ethylarsine dichlorate, methylarsine dichlorate and all other products intended for chemical [ex p. t. 620 *b/*, ex No. t. 621 and ex p. t. 622 *d/*] or incendiary warfare (ex p. t. 488 *f/*) (iron thermite), ex No. t. 513 (aluminium powder), ex p. t. 596 *a/* (white phosphorus), ex p. t. 596 *b/* (metallic sodium), ex p. t. 622 *d/* (thermites) and ex No. t. 641 (magnesium powder)].

13. Gunpowder and explosives (ex No. t. 645, ex No. t. 646).

* * *

DECREE OF JUNE 19TH, 1936 (Sbírka zákonů a nařízení 1936, No. 157).

List of war material for purposes of import.

Article 1.—(1) The articles referred to in Article 42 (1) of the law,¹ the importation of which into the Czechoslovak Republic is subject to authorisation by the military authorities, shall include :

- (1) Military rifles and carbines and parts thereof;
- (2) Machine-guns and parts thereof;
- (3) Guns and parts thereof;
- (4) Finished revolvers and automatic pistols, weighing more than 630 grammes and with a calibre of 6.35 mm. and over;
- (5) Grenade-throwers, mine-throwers, and all other appliances for throwing grenades, mines, bombs and torpedoes;

¹ Law of May 13th, 1936 (see above under " 2. External Trade ", page 58).

(6) Devices for throwing flames (flame-throwers), chemical substances or incendiary products;

(7) Explosives (explosive substances and objects);

(8) Ammunition (and parts thereof), whether filled or not, for the arms enumerated under (1)-(4);

(9) Grenades, bombs, torpedoes, mines, and parts thereof, filled or unfilled, for the arms enumerated under (5), and hand-grenades, whether filled or not;

(10) All apparatus for aircraft navigation (speedometers, altimeters, deflection indicators, clinometers, artificial horizons, compasses, statoscopes, variometers, etc.), apparatus for the control of aircraft engines (motometers, thermometers, petrol gauges, pressure gauges, etc.), photographic apparatus, and similar apparatus for the use of military aviators;

(11) Bomb-release mechanism, appliances for machine-gun control, mountings, gun turrets, and interrupters;

(12) Searchlight, listening and control machines and apparatus, and parts thereof (except ordinary headlights for motor-cars);

(13) Collimators, gun-sights, measuring apparatus, prismatic periscopes (10 x, 12 x, 15 x, 20 x, and 25 x), small and large odometers, altimeters for aerial defence, and all measuring apparatus for aerial defence;

(14) Wireless apparatus and equipment (for use on the ground and in aircraft);

(15) Armoured vehicles (armoured cars, tanks, etc.);

(16) Special military motor and petrol-electric vehicles;

(17) Steel helmets;

(18) Oxygen apparatus for land use and for aircraft;

(19) Mine-detecting apparatus;

(20) Mercury fulminate fuses and ordinary fuses;

(21) Propellers (auxiliary engines for vessels and boats);

(22) Chemical products :

Phosgene,
 Perchlormethylchlorformate (diphosgene),
 Chloropicrin,
 Dichlordiethylsulphide (yperite),
 Chlorvinyldichlorarsine, dichlordivinylchlorarsine, irichlorviny-
 larsine (Lewisite),
 Diphenylchlorarsine (Clark I, sternite),
 Diphenyleyanarsine (Clark II),
 Phenarsazin chloride [diphenylaminochlorarsine, dihydrophe-
 narsazin chloride (Adamsite)],
 Ethyldichlorarsine,
 Ethyldibromarsine,
 Methylchlorarsine,
 Ethylbromacetate,
 Xylyl bromide,
 Benzyl bromide,
 Bromobenzyleyanide,

Chloroacetophenone,
 Bromacetone,
 Bromomethylethyl ketone,
 Ethyliodoacetate,
 Thermite,
 Magnesium,
 Electron,
 Metallic sodium,
 White phosphorus,
 Chlorosulphonic acid,
 Oxide of sulphur,
 Titanium tetrachloride; silicon tetrachloride,
 Ether tetrachloride.

List of war
 material for
 purposes
 of export.

Article 3.—The articles specified in Article 42 (1) of the law,¹ which can be exported only with the consent of the military authorities, include :

- (1) Articles mentioned in Article 1 (1);
- (2) Aircraft, with or without engines (dismantled), and parts thereof;
- (3) Aircraft engines, and parts thereof;
- (4) Parachutes;
- (5) Electrically heated airmen's overalls;
- (6) Photo-machine-guns for aircraft;
- (7) Vehicles for the transport of aeroplane wings and bodies;
- (8) Equipment and special vehicles for lighting landing-grounds;
- (9) Field telephone and telegraph apparatus and equipment for field telephone exchanges (switchboards, etc.), field telephone and telegraph cables;
- (10) Smoke-producing apparatus for use by aircraft, on land or by the navy, and appliances for filling such apparatus;
- (11) Protective apparel for chemical warfare (clothing, shoes, gloves);
- (12) Vessels of war of all kinds, including aircraft-carriers and submarines, and parts thereof;
- (13) Armour-plate of all kinds;
- (14) Military field generator railways, and parts thereof;
- (15) Rail motors, and parts thereof;
- (16) Mobile photographic laboratories;
- (17) Equipment for mobile military workshops;
- (18) Water-tank cars and trailers;
- (19) Appliances for the transport of wounded on vehicles of all kinds;
- (20) Mobile military field-kitchens and bakeries;
- (21) Equipment for veterinary cars for the transport of sick horses;
- (22) Oxygen apparatus for animals;
- (23) Pontoon bridge sections.

* * *

¹ Law of May 13th, 1936 (see above under " 2. External Trade ", page 58).

DECREE OF JULY 3RD, 1936 (Sbírka zákonů a nařízení 1936, No. 197).

Article 1.—1. The following categories of undertakings shall be held to be undertakings, institutions and other installations essential to national defence (hereinafter termed “undertakings”) within the meaning of Article 18 (1) (a) of the law¹ : . . .

Categories
of under-
takings
essential to
national
defence.

IV. Metal Industry.— . . .

(7) Undertakings for the manufacture of armour-plate and steel helmets; . . .

(11) Undertakings for the manufacture of barbed wire;

(12) Undertakings for the manufacture of bayonets, daggers and swords; . . .

(24) Undertakings for the manufacture of ammunition and parts thereof, including bombs, mines and torpedoes;

(25) Undertakings for the manufacture of fire-arms; . . .

(29) Undertakings for the manufacture of tractors, automobiles and special military fighting vehicles; . . .

(33) Undertakings for the manufacture of aircraft (engine-driven aircraft, gliders, balloons, dirigible airships, engines, etc.) and also parachutes; . . .

V. Chemical Industry.— . . .

(2) Undertakings manufacturing explosives and liquid oxygen;

(3) Undertakings manufacturing apparatus for protection against gas (gas-masks, respirators, apparatus for breathing by filtration or insulation, etc.).

B. EXPLOSIVES.LAW OF MAY 27TH, 1885² (Reichsgesetzblatt 1885, page 305).

Article 1.—Unless an administrative authorisation is obtained, it is forbidden to manufacture explosives, to put them on sale, to possess them, or to introduce them into the territory covered by the present law.

Authorisa-
tions for
manufac-
ture,
trade, etc.

The detailed rules for the issue of administrative authorisations and the police regulations concerning explosives in general shall be promulgated by decree in so far as the amendment of existing laws is not required.

The explosives to which the provisions of the first paragraph above do not apply shall be determined in the same manner.

The provisions of the first paragraph above shall not apply to the military administration or to explosives for which there is a State monopoly. Such explosives shall be subject to the special provisions enacted in respect of them.

* * *

¹ Law of May 13th, 1936 (see above under “1. Manufacture”, page 53).

² Note by the Secretariat.—This law has been confirmed and extended to apply to Slovakia and to Sub-Carpathian Russia by the Law of March 19th, 1923, Article 83 (Defence of the Republic) (see Sbírka zákonů a nařízení 1923, No. 50).

LAW OF JULY 15TH, 1919 (Sbírka zákonů a nařízení 1919, No. 414).

Explosives
monopoly.

Article 1.—The substances covered by the explosives monopoly shall be those declared by decree to be such.

Article 2.—The right to manufacture explosives, to put them on sale and to supply them for consumption belongs exclusively to the State.

The Ministry of Finance shall be empowered to delegate temporarily to third parties (physical persons or juristic persons) the rights conferred on him by the present law, under the conditions laid down by the executive regulations.

Article 3.—The Ministry of Finance shall be responsible for the administration of the explosives monopoly.

Article 4.—The general provisions concerning State monopolies shall also apply to this monopoly.

The manufacture of, trade in and use of these substances shall be regulated by the Ministry of Finance, in agreement with the Ministry of National Defence and the other Ministries concerned, by means of a special ordinance.

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* * *

LAW OF APRIL 14TH, 1920, AMENDED BY LAW OF JULY 10TH, 1933

(Sbírka zákonů a nařízení 1920, No. 300, and 1933, No. 125).

Exceptional
measures
concerning
explosives.Article 11, paragraph 2 : ¹

Exceptional provisions concerning the manufacture and sale of explosives and of explosive articles, and all transactions connected therewith . . . may also be enacted in the same manner.

DECREE OF NOVEMBER 8TH, 1920, AMENDED BY DECREE OF MAY 30TH, 1922

(Sbírka zákonů a nařízení 1920, No. 615, and 1922, No. 166).

Articles to
which
monopoly
applies.*Article 1.*—The explosives monopoly shall apply to :

(1) Black and smokeless powder in every form and for any purpose whatsoever;

(2) Nitrocellulose of all kinds;

(3) Nitroglycerine and all substances containing nitroglycerine;

(4) Azides and fulminates—that is to say, salts containing nitrogen (nitrogen salts)—*e.g.*, AgN^3 —and salts of fulminic acid, for instance $(\text{NOC})^2\text{Hg}$;

¹ See the first paragraph of the same article under “ 1. Manufacture ”, page 52.

(5) Nitrogenous aliphatic substances, and aromatic substances, where these substances are in themselves explosives;

(6) All explosives containing sodium, ammonium, potassium, barium or lead nitrates, and explosives containing chlorates, perchlorates or peroxides;

(7) Liquid oxygen and absorbent cartridges therefor where such cartridges are used to produce explosions;

(8) All other substances used as explosives or propellants and declared to be such by special decision of the Government.

In case of doubt as to whether any given substance comes under the monopoly, the decision shall be taken by the Ministry of Finance in agreement with the Ministry of National Defence and the Ministries concerned.

Should articles coming under the monopoly be used for purposes other than as explosives or propellants, the Ministry of Finance, in agreement with the Ministry of Commerce and Industry and the Ministries concerned, may allow exceptions to the general provisions of the present Decree.

Article 2.—The Ministry of Finance may temporarily grant the right to produce articles coming under the present monopoly to private persons.

Production rights.

In order to be allowed to produce the articles coming under the present monopoly (Article 1) an authorisation is necessary, not only for undertakings newly established for that purpose, but also, since under Article 6 of the law authorisations previously granted for such production cease to be valid on the date of the entry into force of the law, for undertakings which have hitherto produced articles coming under the present monopoly. These latter undertakings must submit an application for a production authorisation in duplicate, within thirty days of the date of the publication of the present Decree in the "Collection of Laws and Decrees". Until a decision has been taken with regard to their application, the undertakings in question may produce the same quantity of explosives as they were manufacturing previously.

The application should be made direct to the Ministry of Finance and should give the following information :

[Here follow the particulars required.]

Article 5.

I. *Sales Licences.*—Only persons who have obtained licences from the Finance Department are entitled to sell monopoly articles in Czechoslovakia.

Sale of explosives.

A sales authorisation only confers the right to stock the monopoly articles explicitly mentioned in the authorisation in the original packing and the right to sell them at monopoly prices.

Vendors of explosive materials may be licensed either for wholesale or for retail transactions, or for both kinds simultaneously.

Wholesalers are under an obligation to purchase monopoly articles only from a licensed factory or an authorised warehouse, and to sell them to the retailers indicated to them by the Finance Department.

Retailers may purchase the same monopoly articles only from the wholesalers indicated to them by the Finance Department and may deliver them only to persons entitled to receive them under the relevant regulations.

Licences for wholesale transactions are issued at its discretion by the Ministry of Finance, in agreement with the Ministry of the Interior, and for retail transactions by the local financial authority, in agreement with the district political authority (local administrative authority); in the case both of wholesalers and of retailers, licences are issued subject to the right of withdrawal, and only to Czechoslovak nationals enjoying full rights, and subject to the vendors having suitable storage accommodation so far as the sale of monopoly articles is concerned.

.....

III. *Purchases and Sales.*—Warehouses and wholesalers must keep a register of purchases and sales from which it must be clearly discernible when, from whom and in what quantities monopoly articles were purchased, and also to whom and in what quantities they were sold. For each sales item there must be a corresponding entry made in the cash book.

Retailers' purchases shall be entered in the purchases book.

.....

**Import,
export and
transit.**

Article 9.—The import, export and transport in transit of articles coming under the monopoly (Article 1) may take place only if a special authorisation is granted by the Ministry of Finance.¹



¹ See also § 13 of the Notice of October 19th, 1935, under " 4. Definitions ", page 60.

DENMARK.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

Control of the manufacture of war materials is established by the Law of May 7th, 1937. Such manufacture is prohibited, except upon authorisation of the Minister of Justice, which may be granted only to persons or companies of Danish nationality. Each authorisation can at any time be withdrawn, not only in the event of violation of the conditions under which it was granted, but also if particular circumstances, especially considerations of an international order, should render withdrawal desirable. War material factories are subject to supervision by a council of five appointed, one by the Minister of Justice, two by the Minister of National Defence, and one each by the Minister of Commerce, Industry and Merchant Marine and the Minister of Finance.

The undertakings concerned are required to furnish all information requested by this Council concerning the nature and quantity of production, orders received and any other data the Council may consider it necessary to obtain. The annual accounts must be laid before the Council, the members and agents of which may at any time have access to the premises.

Authorisations to private companies for the manufacture of war material may contain provisions limiting administrative expenditure, dividends, repayments, renewals, amortisations, reserve funds, etc. These companies may not modify these statutes, increase their capital or contract loans except with the prior authorisation of the Minister of Justice. No Government official may hold the position of manager, director, member of the Shareholders' Committee, or agent of an undertaking manufacturing war material.

2. EXTERNAL TRADE.

The import and export of war material are subject to prior authorisation by the Minister of Justice (Law of April 28th, 1934). The Secretariat has been informed by the Danish Government that licences for the export of war materials

are not granted unless the goods in question are consigned to a Government or the importation has at least been authorised by a Government; for this purpose, a declaration by the Government concerned must be furnished.¹

3. INTERNAL TRADE.

The acquisition of war materials is prohibited in the case of persons who have not obtained prior authorisation by the Minister of Justice (Law of April 28th, 1934).

The trade in arms may, by Royal Decree, be made subject, moreover, to authorisation by the Minister of Justice under conditions to be laid down by him (Law of May 7th, 1937).

4. DEFINITIONS.

The provisions of the Law of April 28th, 1934, applicable to imports, cover fire-arms, grenades, bombs and explosives, but apparently do not cover such war material as armoured cars or aircraft; the provisions of this law relating to exports are wider, in that they comprise not only land and naval war material but also instruments and apparatus for the manufacture of arms and munitions of war.

The list of war materials to which, under Ordinance of July 16th, 1937, the Law of May 7th of the same year concerning the manufacture of war material applies is similar to that contained in the draft texts prepared at the Conference for the Reduction and Limitation of Armaments (document Conf.D.168); it includes all aircraft above a certain weight and horse-power, and also material for chemical warfare.

B. EXPLOSIVES.

For the manufacture of and trade in explosives, other than certain specified powders, cartridges, percussion-caps, etc., a special permit from the Minister of Justice is required. Explosives can be imported only by authorised manufacturers or traders, or by persons who have been granted a special import permit (Law of April 7th, 1899).

¹ The licences are furthermore refused if the war materials are intended for a country which is at war or in circumstances threatening war.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

LAW OF APRIL 28TH, 1934 (Lovtidende A 1934, page 565).

§ 1: [see "2. External Trade" below].

§ 6.—It is forbidden to manufacture, without the authorisation of the Minister of Justice, solid, liquid or gaseous substances, the spreading of which produces destructive, stupefying or irritating effects. The Minister of Justice may draw up rules for the storage of such substances.

Manu-
facture
of gas, etc.

§ 9.—The provisions of §§ 1, 6 and 8 do not apply to the military authorities.

Exceptions.

* * *

LAW OF MAY 7TH, 1937 (Lovtidende 1937, page 785).

§ 1.—1. It is forbidden to manufacture war material without the authorisation of the Minister of Justice.

Control
of manu-
facture.
Nationality.

2. Such authorisation may be granted only to persons of Danish nationality and joint-stock companies which have their registered offices in Denmark and whose statutes provide *that* the shares must be registered in the name of the holder and *that* all members of the board of directors, managers, and authorised representatives must be of Danish nationality. The authorisation may not be granted if foreign capital is invested in the undertaking or if it is intended to invest such capital therein.

3. It shall be decided by Royal Decree what is to be understood by war material for the purposes of the present law.¹

Definitions.

§ 2.—1. The application for permission to manufacture war material shall, in addition to all necessary information regarding the undertaking concerned, its management and capital, contain particulars as to the kind of war material which it is proposed to manufacture and the place of manufacture.

Information
to be fur-
nished when
applying for
an authori-
sation.

2. The authorisation shall be granted until further notice and in accordance with such detailed conditions as the Minister of Justice may find it necessary to stipulate in each individual case; it may, at any time, be withdrawn if the conditions laid down are not observed or if special circumstances, including, in particular, international considerations, render this advisable.

Conditions
for authori-
sations.

§ 4.—1. The undertakings to which the present law applies shall be subject to supervision by a Council appointed for the purpose (State Arms Control).

Control
Council.

¹ See Ordinance of July 16th, 1937, under "4. Definitions" below.

2. The Council shall consist of five members. The Minister of Justice shall appoint the Chairman, while two members (chosen from among experts of the army and navy) shall be appointed by the Minister of National Defence, one by the Minister of Trade, Industry and Merchant Marine and one by the Minister of Finance.

3. The Minister of Justice shall, after consulting the Minister of National Defence, make detailed rules for the organisation and activity of the Council.

Information to be furnished to the Control Council.

§ 5.—1. The undertakings to which the present law applies shall be obliged to furnish the Council, on oath, with all information which it may request regarding the nature and quantity of the articles received, the orders received and any other data which the Council may consider it necessary to obtain.

2. The undertakings in question must forward their annual accounts to the Council within three months after the end of the financial year; they shall also be obliged to give the Council, on request, access to their commercial books of all kinds, share registers, vouchers, contracts, etc.

Access to undertakings.

§ 6.—1. The members of the Council and persons appointed to assist it who are authorised by the Council for the purpose shall be entitled to have access at any time to the undertakings subject to supervision.

Secrecy.

2. The members of the Council and the persons appointed to assist it shall maintain secrecy with regard to facts coming to their knowledge in the course of their duties.

Cost of control.

§ 7.—In order to cover the cost of the control referred to in the present law, the undertakings subject to control shall pay a fee to the State. Detailed rules regarding this fee shall be laid down by the Minister of Justice.

Administrative expenditure, etc.

§ 8.—1. Authorisations to manufacture war material granted to joint-stock companies may contain provisions regulating the annual expenditure of the company in respect of administration, shares of profits, repairs, renewals, amortisation, reserve funds, etc.

Modification of statutes.

2. The companies in question may not modify their statutes, increase their capital or contract loans without the previous authorisation of the Minister of Justice.

Exceptions.

§ 9.—1. The present law shall not apply to State undertakings.

2. The Minister of Justice may in individual cases decide that the provisions of the present law shall not apply to an undertaking which exclusively manufactures explosives or gunpowder or which manufactures only small quantities of war material.

Government officials.

§ 10.—No Government official may be a manager, director, member of the shareholders' committee (repræsentantskab), or agent of any undertaking manufacturing war material.

Miscellaneous.

§ 12.—1.

2. For the purpose of obtaining the authorisation mentioned in § 1, undertakings engaged in the manufacture of war material at the time when

the present law comes into force shall, if they wish to continue their business, submit to the Ministry of Justice within three months after the present law comes into force an application containing the particulars required under § 2. Pending a decision as to whether the authorisation shall be granted, the undertaking in question may provisionally continue its activity. The Minister of Justice may authorise an existing undertaking to continue its activity notwithstanding the fact that foreign capital has been invested in the undertaking prior to the entry into force of the present law. Similarly, should an existing undertaking not comply in other respects with the conditions stipulated in § 1, the Minister of Justice may—if circumstances render it necessary—fix a suitable time-limit in order to enable the undertaking to comply with the provisions of the present law.

2. EXTERNAL TRADE.

LAW OF APRIL 28TH, 1934 (Lovtidende A 1934, page 565).

§ 1.—It is prohibited to import or manufacture, without the authorisation of the Minister of Justice or his duly authorised representative.

[Here follows a list of war materials reproduced under "4. Definitions" below.]

§ 5.—The Minister of Justice may prohibit the importation, purchase, or sale of fire-arms, striking or thrusting weapons such as knuckle-dusters, leaded truncheons, rubber truncheons, etc., and objects which, though not actually arms or ammunition, can be used in the same way as the objects mentioned in § 1, paragraph 4; also of materials that can be used for the manufacture of explosives or the loading of the objects enumerated in § 1, paragraph 4.¹

The Minister of Justice may prohibit the importation of uniforms or parts of uniforms the wearing of which is prohibited under the laws in force.

§ 7.—It is prohibited to export, without a special authorisation from the Minister of Justice, to be issued in each individual case:

[Here follows a list of war materials reproduced under "4. Definitions" below.]

§ 9.—The provisions of §§ 1, 6 and 8 do not apply to the military authorities.

3. INTERNAL TRADE.

LAW OF APRIL 28TH, 1934 (Lovtidende A 1934, page 565).

§ 2.—It is prohibited to procure any of the objects or materials covered by the prohibition laid down in § 1 without authorisation from the Minister of Justice or his representative empowered for the purpose.¹

¹ See "4. Definitions" below.

Imports.

Exports.

Exceptions.

Prohibition
of the
acquisition
of arms
without
authori-
sation.

Such objects and materials will be supplied only to persons having authorisation to procure them, as required by the previous paragraph.

Notwithstanding the foregoing provisions, parts of the barrels or breeches of fire-arms may be replaced in case of repairs.

Possession. § 3.—The Minister of Justice may, if he deems it necessary, prescribe that any person who is in possession of objects of the classes mentioned in § 1 at the time of the entry into force of the law, or who subsequently acquires such objects without having obtained authorisation to import or acquire them, must declare them in accordance with the rules laid down by the Minister of Justice.

Stocks. The Minister of Justice may issue detailed regulations regarding the maintenance of stocks of fire-arms.

Exceptions. § 4.—The provisions of § 2 (paragraph 1) and § 3 shall not apply to Government departments, or to arrangements made with volunteer corps¹ under § 91 of the Army Organisation Act, No. 93, of March 23rd, 1932. Communal authorities shall require no authorisation to purchase or use explosives for road construction work, etc. Notwithstanding the provision laid down in § 2 (paragraph 1), rifle-clubs controlled by the General Directorate of Danish Rifle, Gymnastic and Sports Clubs, and active members of such clubs, may procure and have in their possession practice rifles and ammunition therefor.

* * *

LAW OF MAY 7TH, 1937 (Lovtidende A 1937, page 785).

**Authori-
sations.**

§ 3.—It may be decided by Royal Decree that trade in war materials may take place only with the authorisation of the Minister of Justice and subject to conditions prescribed by the said Minister.

4. DEFINITIONS.

LAW OF APRIL 28TH, 1934 (Lovtidende A 1934, page 565).

**Importation
and manu-
facture.**

§ 1.—It is prohibited to import or manufacture, without the authorisation of the Minister of Justice or his duly authorised representative :

- (1) Fire-arms and barrels or breeches thereof.
- (2) Ammunition for fire-arms, including cartridge-cases, ignition-tubes, caps, fuses and projectiles.
- (3) Hand-grenades, bombs, and similar arms producing their effect by the projection of splinters after explosion.
- (4) Hand-grenades, bombs, cartridges and similar articles having the character of arms or ammunition and containing or intended to contain solid, liquid or gaseous substances, the spreading of which

¹ Note by the Secretariat.—These corps were abolished by Law of May 7th, 1937.

produces destructive, stupefying or irritating effects, and also parts of arms or ammunition of this kind and appliances for their utilisation.

(5) Explosives, including all explosive substances which can be used to produce explosions or as propellants.

The following shall be excepted from this prohibition :

(a) Smooth-bore shot-guns and parts thereof, in so far as the latter can only be used for smooth-bore guns, filled cartridges for shot-guns, shot and caps for filling such cartridges and half-filled or empty cartridge-cases for shot-guns.

(b) Air and spring guns and ammunition therefor.

(c) Miniature smooth-bore carbines and cartridges therefor filled with shot.

(d) Cartridges to be introduced into the barrel by hand (" Indstikningspatroner "), of calibre not exceeding 4.5 mm., and their filling, consisting of a spherical projectile; the cartridge not to exceed 12 mm. in length.

(e) Appliances for slaughtering animals, not service able for any other purpose, and ammunition which cannot be used except with such appliances.

§ 7.—It is prohibited to export, without a special licence from the Minister of Justice, to be issued in each individual case :

Export.

(1) Arms of all kinds, with the exception of sporting weapons;

(2) Ammunition, with the exception of ammunition for sporting weapons;

(3) Instruments and apparatus intended exclusively for the manufacture of munitions of war or for the manufacture or repair of arms;

(4) Material for purposes of war on land or sea;

(5) Explosives, including gunpowder, and raw materials for their manufacture.

* * *

ORDINANCE OF JULY 16TH, 1937 (Lovtidende A 1937, No. 1379).

In accordance with Article 1, paragraph 3, of Law No. 139, of May 7th, 1937, regarding control of the manufacture of war material, etc., it is decided that the term " war material " shall, for the purposes of the said law, apply to the following articles :

War material.

I.

1. Cutting weapons and thrusting weapons for war purposes.

2. Pistols, with the exception of those operated by compressed air or by a spring and those with a calibre of less than 7.65 mm., revolvers, automatic pistols and mechanical pistols of all calibres.

3. Rifles and carbines of a calibre of 6.5 mm. or more, together with parts and stands thereof, automatic and machine-rifles, machine carbines and machine-guns of all calibres together with parts and stands thereof.

Smooth-bore shot-guns and parts thereof, in so far as the latter can only be used for smooth-bore shot-guns, are, however, excluded.

4. Guns, howitzers and mortars of all calibres, together with parts and supports thereof.

5. Ammunition and parts of ammunition for the arms mentioned under 2, 3 and 4.

6. Hand- and rifle-grenades, explosive and incendiary bombs, torpedoes and mines, together with parts thereof; appliances for releasing, ejecting or directing them or causing them to explode.

7. Sighting appliances and other appliances for determining and calculating firing data, for use with the arms mentioned under 3, 4 and 6.

8. Military searchlights.

9. Tanks, armoured cars, armoured trains and armour of all kinds.

10. Vehicles specially arranged for the transport of arms, ammunition or other war material, together with appliances which enable vehicles to be used for such transport or for other military purposes.

II.

1. Warships of all kinds.

2. Material for minesweeping, minelaying and the laying-down of barriers against submarines in so far as such material has been specially arranged for the purpose in question.

III.

1. Assembled and unassembled aircraft, whether heavier or lighter than air, together with their propellers, fuselages, machine-gun mountings or other firing mountings, tail-units and undercarriage units.

2. Aircraft engines.

Aircraft of a dead weight of less than 800 kg. and aircraft engines of less than 250 h.p. are, however, not considered to be war material if it is proved to the Ministry of Justice that they are exclusively intended for civilian purposes.

IV.

1. Flame-throwers and other appliances for throwing burning or inflammable substances, together with substances for charging such appliances.

2. Substances for chemical warfare which when thrown, released or pulverised produce destructive, stupefying or irritating effects or which cause artificial fog or smoke, unless it can be proved that these substances are used as semi-manufactured products for the manufacture of articles not intended for military purposes.

Appliances for throwing or releasing substances for chemical warfare.
3. Gunpowder and explosives.

B. EXPLOSIVES.

LAW OF APRIL 7TH, 1899 (Lovc og Anordninger 1897-1902, page 426).

Article 1.—The manufacture of and trade in explosives may be carried on only by persons who, in addition to complying strictly with the relevant provisions laid down in the general legislation on commerce and industry, have also obtained the authorisation of the Ministry of Justice to manufacture or trade in these substances.

Authori-
sations for
manu-
facture
and trade.

As regards manufacture, the Ministry of Justice may prescribe the rules that are to be observed in regard to the arrangement and operation of the undertaking with a view to preventing accidents.

Article 2.—Explosives may not be delivered or transferred by the manufacturer or dealer except to public authorities (State authorities, provincial councils, communes and municipalities) or to other authorised manufacturers or dealers or to persons producing a certificate from the local police to the effect that they may be entrusted with such substances. Each time such certificate is used, the manufacturer or dealer must make thereon a signed and dated endorsement specifying the nature and quantity of the substances delivered.

Right
to deliver
explosives.

Article 3.—The certificates referred to in the previous article shall be made out for one year and shall be granted only to persons who can prove that they need the substance in question for the purposes of their work and are, in addition, known to the police as reputable persons to whom such substances can be entrusted without fear of improper use. Any person who has obtained delivery of explosives on the basis of such a certificate shall be bound to ensure that the said substances are properly stored in such manner that they cannot be removed from his custody; he shall, moreover, not sell or otherwise transfer the said substances to other persons without the authorisation of the police.

Certificates.

Article 4.—Manufacturers of and dealers in explosives shall keep an exact register of the quantities of such substances received and disposed of. The registers must be passed by the local police and must be kept in accordance with the detailed instructions issued by the police, so as to contain particulars regarding the quantities manufactured or received and the quantities delivered, together with the names of the persons taking delivery. Such registers must be at all times accessible to the local police, who shall also be entitled to examine the stores in so far as this is necessary to ascertain that the registers are correctly kept.

Registers.

When explosives are sold, the seller shall always despatch with the explosives a printed copy of the instructions issued by the Ministry regarding the precautions which must be taken when using or storing explosives.

Import.

Article 5.—Explosives may not be imported into the country except by the persons referred to in Article 1 as manufacturers or dealers or by persons who have obtained an authorisation for that purpose from the Ministry of Justice. Explosives may therefore not be released by the Customs authorities until the consignee has proved that he is authorised to import the substances in question. Each consignment must be accompanied by a declaration made by the manufacturer containing exact particulars regarding the explosive, and stating, in the case of dynamite, the percentage of nitro-glycerine and, in the case of gun-cotton, the percentage of water. The declaration shall also bear the endorsement of the local authority certifying that the signature is authentic and that the signatory is a reputable person.

Exceptions.

Article 9.—The rules laid down in Articles 1 to 8 shall not apply to :

- (a) Powder consisting exclusively of saltpetre, carbon and sulphur;
- (b) Cartridges containing smokeless sporting powder, if for use with portable arms, and detonating or fulminating substances for percussion-caps or similar means of ignition or for tinder boxes and other articles of current use.

Regulations regarding the storing of the powder mentioned under (a) and of the articles mentioned under (b) may be issued by decree.

FRANCE.

I. SUMMARY.¹

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

(a) *Legislation preceding the Law of August 11th, 1936.*

Under Decrees of October 23rd and December 16th, 1935, the manufacture of regulation arms and of arms assimilated thereto is made subject to authorisation from the Ministers of War, Marine and Air. Every arms manufacturer, moreover, is required to make a declaration to the Prefect of the Department in which his undertaking is or will be situated, and to maintain a daily register of manufacture and delivery.

By Decrees of October 30th, 1935, May 29th, 1936, and June 2nd, 1936, an administrative supervision of undertakings fulfilling Government orders for war materials² was established under Government commissioners charged with the collection of information of an administrative, financial and accounting order from the undertakings to which they have been assigned. These latter must furnish all the pertinent documents required by the commissioner and may be called upon to submit their balance-sheets, profit-and-loss accounts, etc.

(b) *Law of August 11th, 1936, and Decrees and Ordinances in execution thereof.*

The Law of August 11th, 1936, gave the French Government the power to prior to March 31st, 1937, the total or partial expropriation of establishments engaged in arms manufacture or trade; moreover, all such establishments,

¹ For a more complete analysis of French legislation, see the French Government's communication of October 11th, 1937, reprinted as Annex III to the present volume, page 223.

² A special tax on profits arising from the execution of such orders had already been instituted by Decree of July 16th, 1935.

together with their intermediaries and publicity agents, may function only under the authorisation and supervision of the Government. The law leaves the detailed measures of execution to be determined by later decrees.

A Decree of August 17th, 1936, sets forth the general conditions governing the functioning of national control. A system of renewable, revocable five-year licences for arms manufacture is set up. All undertakings, the installations of which permit the manufacture of arms, are subject to State control and inspection.

Orders other than official must be communicated to the Government and require the latter's authorisation prior to execution. Special accounts must be kept as regards the production of war materials and as regards expenditure for representation and publicity. The control is exercised, in accordance with the Decree of August 18th, 1936, by control groups set up in each of the three Defence Ministries and by a General Co-ordination and Centralisation Service, attached to the Ministry of National Defence and War.

By a series of decrees issued between October 1936 and March 1937, a large number of arms factories have been expropriated either wholly or partially. In the case of land and naval war materials, the expropriations—covering twelve factories—have been outright; in the case of the aviation industry, nationalisation has taken the form of the organisation of six national companies in which the State owns a majority of the capital; seventeen factories have been expropriated in this manner (Decree of January 16th, 1937).

The Government, moreover, may strengthen its supervision over non-nationalised companies by the acquisition of a part interest in their capital (Decree of January 26th, 1937).

2. EXTERNAL TRADE.

Arms imports, except as a result of derogation accorded under particular conditions, are prohibited by Decrees of July 22nd, 1920, and October 23rd, 1935; the classification of arms into those which may and those which may not be imported is fixed by Decree of December 16th, 1935.

Arms exports are made conditional upon prior authorisation of the Minister of Finance upon the advice of the Ministers for Foreign Affairs, the Interior (or Colonies) and National Defence (Decree of September 3rd, 1935).

Under the Law of August 11th, 1936, and a Decree issued thereunder on August 17th, 1936, no war material can be either exported or imported without Government permit. Moreover, undertakings engaged in the import and export of war materials can do so only upon obtaining a special revocable

authorisation from the Government; they are subject to similar supervision of their profits and expenses for representation and publicity as the arms manufacturers.

3. INTERNAL TRADE.

Arms traders—like arms manufacturers—must, under the Decree of October 23rd, 1935, make a declaration to the Prefect of the Department in which they are established and must keep a daily register of all commercial operations.

The Law of August 11th, 1936, applies equally to arms traders and manufacturers, as regards both expropriations and control. No special provisions relating to trade are, however, contained in the various decrees issued under the law.

4. DEFINITIONS.

The list of war materials, annexed to the Decrees of September 3rd, 1935, on arms embargoes, contains in general, although in modified form, the items listed in Article 4 of the text prepared at the Conference for the Reduction and Limitation of Armaments (document Conf.D.168). The Decree of October 30th, 1935, concerning control of establishments supplying the Government with arms, specifically applies to the categories contained in the Arms Traffic Convention of 1925;¹ the list at present in force (Decree of May 29th, 1936) appears to be based in part on the draft prepared at the Conference for the Reduction and Limitation of Armaments (document Conf.D.168). In carrying out the Law of August 11th, 1936, the categories of this draft are employed, with certain rearrangements and additions (Decree of December 30th, 1937, replacing that of August 14th, 1936).

B. EXPLOSIVES.

Under the Law of August 30th, 1797, the manufacture of gunpowder is a State monopoly. The manufacture of dynamite and of explosives with a nitro-glycerine basis is subject to authorisation in accordance with the Law of March 8th, 1875.

¹ Convention for the Supervision of the Trade in Arms and Ammunition and in Implements of War, signed at Geneva, June 17th, 1925 (document A.13.1925.IX).

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

(a) *Legislation preceding the Law of August 11th, 1936, on Nationalisation.*

LAW OF JULY 3RD, 1935 (Journal officiel 1935, page 7112).

Service for
the Manu-
facture of
Armaments.

Article 1.—A Service for the Manufacture of Armaments shall be set up at the War Ministry.

Article 2.—The duties of the Service for the Manufacture of Armaments shall comprise :

(1) Responsibility on behalf of the War Department and in conjunction with the Explosives Service for carrying out all researches, studies and technical experiments concerning armaments, in accordance with the instructions issued by the Army Staff;

(2) The study and manufacture at the military manufacturing establishments of the arms, ammunition and war material intended for the War Department and, if necessary, for other Ministries, and the issue of instructions to private industry for such study and manufacture and the supervision thereof;

(3) Technical experiments in connection with war material;

(4) Workshop repairs;

(5) The preparation in time of peace of industrial mobilisation in respect of the said arms, ammunition and war material and the co-ordination of the measures necessitated by this preparation as regards the whole of the War Department's requirements of every kind, in accordance with the instructions given by the Army Staff;

(6) If necessary, the carrying-out of such duties, other than those relating to armaments, as may be entrusted to it by the Minister.

Article 3.—The programmes for the supply of material and the conditions under which they are to be carried out shall be laid down by the Army Staff. The arms concerned shall be responsible for the testing and acceptance of the material manufactured and for putting it into service after it has been accepted. The administration and upkeep of war material shall be entrusted to the Artillery Service.

Article 4.—The Service for the Manufacture of Armaments shall be provided with such assistance in carrying out studies, manufacture and technical experiments as may be necessary to enable it to perform the duties assigned to it under Article 2.

Article 5.—Any changes in the organisation and affiliation of military establishments required by the provisions of Articles 1, 2, 3 and 4 of the present law shall be enacted by decree.¹

* * *

DECREE OF JULY 16TH, 1935 (Journal officiel 1935, page 7671).

Article 1.—A special tax shall be levied on profits arising from the execution of orders placed by the War, Naval and Air Administrations.

Tax
on profits.

This tax, the rate of which shall be fixed at 20%, shall be computed and collected in the same way as direct taxes.

* * *

DECREE-LAW OF OCTOBER 23RD, 1935 (Journal officiel 1935, page 11202).

Article 3.—Any person desirous of engaging in the manufacture of or trade in arms, parts of arms, ammunition, offensive or defensive weapons of any type whatsoever shall be required to make a declaration to this effect to the prefect of the Department in which he proposes to set up his establishment. A receipt shall be given for this declaration.

Declaration
by the
manu-
facturer
and trader.

The closing or transfer of the establishment shall be notified in the same manner.

The declaration provided for in paragraph 1 of the present article and the deposit required under Article 4, paragraph 2, shall be made within one month from the date of promulgation of the present law by persons already engaged in the manufacture or trade referred to above.

¹ DECREE OF APRIL 29TH, 1936 (Journal officiel 1936, page 4590).

Article 1.—The Service for the Manufacture of Armaments comprises :

- (1) An organ of central administration : the Directorate of Arms Manufacture ;
- (2) Outside executive organs.

Article 2.—The outside executive organs consist of :

- (1) The Higher School for the Manufacture of Armaments, which, for administrative purposes, is attached to the Puteaux Manufacturing Establishment ;
- (2) The Central Laboratory for the Manufacture of Armaments ;
- (3) The Bourges Establishment for Technical Experiments and its branches at Calais, St. Pierre-Quiberon and Toulon, which are attached to it for administrative purposes ; the Versailles Establishment for Technical Experiments, which, for administrative purposes, is attached to the Puteaux Manufacturing Establishment ;
- (4) Manufacturing establishments ;
- (5) The industrial manufacturing service.

Article 3.—The Central Laboratory for the Manufacture of Armaments shall have at its disposal the movable and immovable plant and equipment formerly placed at the disposal of the Central Establishment for the Manufacture of Armaments at 1, Place St. Thomas d'Aquin, Paris.

The Central Laboratory for the Manufacture of Armaments and the Versailles Establishment for Technical Experiments shall have at their disposal the equipment formerly placed at the disposal of the Laboratoire d'Etudes de Balistique intérieure de Versailles and the annexed establishment at Versailles for technical experiments with small arms.

Register,
etc.

Article 4.—Every manufacturer shall keep a special register in which he must enter day by day the arms, parts of arms, ammunition and offensive or defensive weapons manufactured or supplied.

He must deposit with the prefecture a model, made to a plan, of any non-regulation material which he proposes to manufacture.

The manufacture of regulation material or material assimilated thereto¹ shall be subject to a previous authorisation by the Ministers of War, Marine or Air.

Exceptions to the provisions of Article 3 and paragraphs 1 and 2 of the present article may be allowed under the public administration regulations provided for in Article 2.²

* * *

DECREE-LAW OF OCTOBER 30TH, 1935 : [see below, page 84].

* * *

DECREE OF DECEMBER 16TH, 1935 (Journal officiel 1935, page 13233).

Application
of the
Decree of
October
23rd, 1935:
Declaration.

Article 2.—Any person desirous of engaging in the manufacture of or trade in arms, parts of arms, ammunition or offensive or defensive weapons of any type whatsoever shall make a declaration to that effect, in accordance with Article 3 of the above-mentioned decree-law.

This declaration shall contain the following particulars :

Name(s) and surname of declarant.

Date and place of birth.

Nationality.

Business : Manufacturer of or dealer in arms (or manufacturer of and dealer in arms).

Place of business.

Form in which the business is carried on : by an individual or company and, in the latter case, the company's name, and the names and addresses of the heads, directors or managers.

The same formality must be observed when the premises in which the declarant carries on his manufacture or trade are closed or transferred.

Article 3.—Specimens of the above-mentioned declaration shall be obtainable by the persons concerned at prefectures, sub-prefectures, town-halls, post-offices and police and gendarmerie stations.

The forms on which this declaration is to be made shall also comprise on the same sheet a detachable receipt, asking for the same particulars, which must likewise be filled in by the person concerned.

¹ See Article 1 below under " 4. Definitions ", page 112.

² See Decree of December 16th, 1935, below under " 4. Definitions ", page 113.

Article 4.—The declaration and receipt shall be transmitted by the person concerned to the police or gendarmerie station, or else to the municipal headquarters of the commune in which he resides.

Article 5.—On production of an identity document, such as :

Voter's card, military service book, driving-licence, etc.

the authority to which the sheet containing the declaration and receipt is transmitted shall be required to register it without delay, to stamp it with the departmental seal and to insert the date of receipt and serial number. The receipt shall be returned to the person concerned.

The declarations shall be transmitted to the prefectures, which shall keep a departmental card-index of manufactures of and dealers in arms.

Article 6.—Manufacturers of and dealers in arms shall also be required, in virtue of Articles 4 and 5 of the above-mentioned decree-law, to keep a special register of the arms, parts of arms, ammunition and offensive or defensive weapons manufactured or supplied.

In accordance with Article 4, paragraph 4, this control shall not be required in respect of sporting arms and ammunition.

This register shall be numbered and initialled by the prefect or his delegate, and shall contain seven columns, in each of which the following particulars shall be entered day by day without any blanks or erasures :

- (1) The date on which the sale was made (or the arm was manufactured);
- (2) The description of the arm and its characteristics;
- (3) Its registered number (if any);
- (4) The name(s), surname, and address of the purchaser (for the dealer's register);
- (5) The exact nature of the identity document produced by the purchaser or dealer;
- (6) The selling-price, excluding tax;
- (7) The tax of 10% levied by the retail dealer.

Article 7.—A special register shall be kept for the manufacture of and trade in regulation arms and weapons or arms and weapons assimilated thereto; this shall be visaed by the military administration (Ironworks Department). In the case of regulation material or material assimilated thereto by the Ministerial decree referred to in Article 1 of the Decree-Law of October 23rd, 1935, a model made to a plan, as provided for in paragraph 2 of Article 4, shall be deposited with the War Ministry (Central Establishment for the Manufacture of Armaments), in a sealed wrapper if the manufacturer so desires.

When the manufacturers of or dealers in regulation arms or arms assimilated thereto also manufacture or deal in non-regulation arms, they shall comply with the formalities laid down in Articles 3, 4 and 5 of the above-mentioned decree-law in respect of this part of their trade or manufacture.

* * *

Receipt.

Register.

Regulation
arms and
weapons
or arms
and
weapons
assimilated
thereto.

DECREE-LAW OF OCTOBER 30TH, 1935 ¹ (Journal officiel 1935, page 11510).

Adminis-
trative
supervision
of orders.
Supervisory
commis-
sioners.

Article 1.—The Administrations placing orders for war material may require the firms with which the orders are placed to allow a Government commissioner to exercise permanent or temporary supervision. The duties of these commissioners are defined hereunder :

Article 2 : [see below under " 4. Definitions ", page 114].

Article 3.—The Government commissioners referred to in Article 1 shall be responsible for collecting, on behalf of the Ministerial Department by which they were appointed, such information relating to the administration, finances and accounts of the undertaking to which they are attached as the Ministerial Department concerned may consider useful or necessary.

Documents
to be
supplied.

Article 4.—The supplier shall be required to communicate on the spot to the Government commissioner such accountancy documents and statistics as he may require to enable him to carry out his task, together with all the relevant vouchers.

Article 5.—The undertakings to which the provisions of the present decree apply may be called upon to produce their balance-sheets, profit-and-loss accounts and working accounts, in a form appropriate to the nature of the undertaking, in accordance with ordinances promulgated by the Ministry of Finance and the Ministry concerned. These ordinances may also specify the rules to be followed in making out the special accounts for each order.

Article 6.—Failure to communicate the papers and documents required by the Government commissioner in execution of Articles 3 and 4 of the present decree shall be punished by penalties to be laid down in the specifications governing the orders.

Appoint-
ment of
commis-
sioners.

Article 7.—The Government commissioners shall be appointed from among the regular officials of one or other of the Ministries responsible for national defence. The information which they obtain concerning the undertakings to which they are accredited may be communicated only to the competent military departments. They shall be bound to observe professional secrecy; any breach of confidence shall render them liable to the penalties laid down in Article 378 of the Penal Code.

Public ad-
ministration
regulations.

Article 8.—The nature and size of the orders to which the present decree applies shall be determined by public administration regulations.

* * *

¹ *Note by the Secretariat.*—Although a chronological order has been followed in the present study, this decree has been inserted after that of December 16th, 1935, owing to the close connection between the latter and the Decree of October 23rd, 1935. There is also a connection between the Decree of October 30th, 1935, the Decree and Ordinance of May 29th, 1936, and the Decree of June 3rd, 1936, referred to below.

DECREE OF MAY 29TH, 1936 (Journal officiel 1936, page 5797).

Article 1.—Orders over which the administrative supervision provided for under the Decree-Law of October 30th, 1935, may be exercised are those relating to the manufacture, upkeep, repair or supply of the following material or products: [Here follows a list of war material reproduced below under "4. Definitions", page 114].

Application
of the
Decree of
October
30th, 1935.

Article 2.—Administrative supervision shall be exercised over:

(1) Contractors for the supplies enumerated in paragraphs A, B and D of Article 1,¹ the value of which is not less than one million francs;

(2) Contractors for the said supplies ordered by the War, Naval and Air Departments, the total value of which for the three Departments during the year will amount to or exceed three million francs;

(3) Transferees or sub-contractors duly authorised to furnish the whole or part of the supplies, when the value of the supplies enumerated in paragraphs A, B and D of Article 1¹ to be furnished by them is not less than one million francs in respect of a single order, or three million francs in respect of the whole of the supplies to be furnished by them during the year against orders placed by the War, Naval and Air Departments.

(4) Contractors for the supplies enumerated in paragraph C of Article 1,¹ irrespective of the value of these orders, and sub-contractors and holders of sub-orders who supply material or products against the said orders.

* * *

ORDINANCE OF MAY 29TH, 1936 (Journal officiel 1936, page 5797).

Article 1.—In principle, the Government commissioners whose duty it is to exercise administrative supervision over orders for war material (with the exception of orders for special material for the Air Department) shall be selected from among the regular inspectors of the Army, Naval or Air Administration. They may be assisted by representatives of the various technical and administrative corps and staffs of those Departments.

Application
of the
Decree of
October
30th, 1935.

If necessary, engineers belonging to the technical corps of the three Departments may be appointed Government commissioners.

Reserve officers who have been given temporary duties may in no case participate in the administrative supervision of orders for war material.

Duties of
commis-
sioners.

Article 2.—In each ministerial department, the inspectorate shall prepare and centralise all the operations relating to the administrative supervision of orders for material.

¹ See below under "4. Definitions", page 114.

Article 3.—The Government commissioners shall be appointed by inter-ministerial ordinance signed by the Ministers of War, Marine and Air.

Documents
required.

Article 4.—In principle, the documents required by the Government commissioners shall be communicated at the head office of the enterprise, or at the administrative office if the address is not the same. Nevertheless, when the Government commissioner considers it necessary to refer to the accounts kept at the various industrial or commercial establishments affiliated to one and the same undertaking, he may visit those establishments and request the heads to produce the desired information.

Article 5.—The supplier shall be required to communicate to the Government commissioner all the accounting and statistical documents which he desires, together with the relevant vouchers and, in particular, the general accounts to be divided among the orders in respect of overhead or order charges, balance-sheets, working accounts, profit-and-loss accounts and, if necessary, the special accounts for each order. Administrative documents, such as reports of the board of directors and auditors' reports, may also be asked for.

Article 6.—After obtaining this information, the Government commissioners shall address confidential reports to the Ministers of National Defence concerned (Inspectorate).

In view of Article 7 of the decree-law, which enjoins secrecy and imposes penalties for breach of trust, none of these particulars or reports may be communicated, even verbally, by the commissioners to any authorities other than the Minister; any necessary action on these reports shall be taken by the Inspectorate to which they are attached.

* * *

DECREE OF JUNE 2ND, 1936 (Journal officiel 1936, page 5868).

Application
of the
Decree of
October
30th, 1935.

Article 1.—In principle, the administrative supervision provided for under Article 8 of the Decree-Law of October 30th, 1935, shall be permanent and shall be exercised according to requirements—*i.e.*, according to the schedule of orders drawn up by the Minister.

This supervision shall cover all the administrative, financial and accounting operations of the undertaking in general and those required by the execution of the orders in particular.

Article 2.—The Government commissioners responsible for supervision shall be appointed by the Air Minister. They shall be selected from among the inspectors of the Air Administration and may be assisted by officials belonging to the technical corps of the Air Ministry. They shall carry out the duties defined by Articles 3, 4, 5, 6 and 7 of the Decree-Law of October 30th, 1935, both at the seat of the undertaking and in all the commercial or industrial establishments affiliated to it.

They shall attend, but without participating in the discussions or voting, the meetings of the boards of directors, management committees and supervisory committees, whatever they may be called.

(b) *Law of August 11th, 1936, on the Nationalisation of the Manufacture of War Material, and Decrees and Ordinances in execution thereof.*

LAW OF AUGUST 11TH, 1936 (Journal officiel 1936, page 8674).

Article 1.—Before March 31st, 1937, decrees adopted by the Council of Ministers, on the proposal of the Minister of National Defence and War, the Minister of Marine or the Air Minister, may order the expropriation, in whole or in part, of undertakings manufacturing or trading in war material.

Expro-
piation.

War material shall include :

- (1) Fire-arms, and ammunition therefor;
- (2) Implements for the carriage of fire-arms and for the use of fire-arms in war (fighting aircraft, warships, vehicles used in warfare);
- (3) Material required for protection against noxious gases.

Failing free agreement within one month of the publication of the decree of expropriation, the amount of compensation shall be determined as follows :¹

Compensation shall be based on the value of the undertaking on the date on which expropriation takes place with sole reference to the loss resulting from eviction; in no case may any profit whatsoever accrue to the person expropriated.

The amount shall be determined by two arbitrators appointed by the Minister and the expropriated party respectively. Should the latter fail to appoint an arbitrator within fifteen days of being called upon to do so, an appointment shall be made by means of a court order from the President of the civil court of the district in which the expropriated undertaking is situated.

The two arbitrators shall reach a decision within three months of their appointment, unless the parties agree to prolong that period.

Should they fail to agree upon the amount of compensation, the two arbitrators shall appoint a third arbitrator.

Should they fail to agree upon this appointment, the third arbitrator shall be appointed, at the request of either party, by the First President of the Court of Appeal of the district in which the undertaking is situated.

The third arbitrator shall reach a decision within one month of his appointment.

Arbitrators shall not be bound to observe any special form of procedure.

¹ *Note by the Secretariat.*—Payment of compensation is made in accordance with the rules laid down by Decree of March 13th, 1937. See Journal officiel 1937, page 3158.

The arbitral award, which shall be communicated to the parties through the Minister, shall be open to appeal before the Council of State, under the stipulations of the Decree of July 22nd, 1806, as amended by Article 24 of the Law of April 13th, 1900.

The public authorities may take over the expropriated undertaking as from the date of publication of the decree of expropriation, on condition that they prepare an inventory in the presence of the other party and pay provisional compensation to those entitled thereto.

The arbitral award shall be registered free of tax and shall be given executory validity by the First President of the Court of Appeal.

**Authori-
sations.**

Article 2.—As from the date of promulgation of the present law, undertakings manufacturing or selling war material, as defined in Article 1, may only continue, and the activities of their intermediaries and publicity agents may only be pursued, subject to authorisation and supervision by the Government.

**Measures
of
enforcement.**

Article 3.—Measures giving effect to the present law shall be introduced by decrees adopted by the Council of Ministers on the joint proposal of the Minister of National Defence and War, the Minister of Marine and the Air Minister.

* * *

DECREE OF AUGUST 17TH, 1936 (Journal officiel 1936, page 8888).

**General conditions for the exer-
cise of control (Article 2 of the
Law of August 11th, 1936).**

**Object
of
control.**

Article 1.—The object of the control established by Article 2 of the Law of August 11th, 1936, on the nationalisation of the manufacture of war material shall be :

(1) To exercise general supervision over the manufacture and sale of war material and to ascertain the quantities in process of manufacture, manufactured or offered for sale;

(2) To ascertain the processes employed, to follow the progress of research and the development of means of production;

(3) To watch over the application of the relevant legal provisions and regulations;

(4) To ascertain the exact amount of the profits of undertakings and to supervise their expenditure on agents and publicity.

**Licence
to
manufac-
ture.**

Article 2.—No undertaking may undertake machine-work, the assembly or laying-out of war material or the loading of the ammunition enumerated in the Decree of August 14th, 1936, without previously obtaining from the State a licence to manufacture.

This licence shall specify :

(1) The name and address of the manufacturer, or the name, registered offices and principal establishment of the company;

(2) The place of manufacture and a description, in accordance with the list contained in the Decree of August 14th, 1936,¹ of the material the manufacture of which is authorised.

The validity of the licence thus granted shall not exceed five years, but it may be renewed for the same period at the end of every five years. The licence may be cancelled at any time by the State under the conditions laid down in Article 14.

Article 3.—With a view to ensuring the observance of the provisions of the preceding article, the control defined in Article 1 of the present decree shall include general supervision over all undertakings whose plant or equipment is suited to the manufacture of war material.

Supervision
of
enterprises.

The exercise of this supervision shall comprise in particular an inventory of the plant and equipment suited to the manufacture of war material and capable of being employed for that purpose.

Article 4.—Licences to manufacture may be granted only to French citizens. Companies must comply with the following conditions :

Nationality.

(1) In the case of a private company, all the partners must be French;

(2) In the case of a joint-stock company, the company must be of French nationality and be administered and managed entirely by Frenchmen, while the greater part of its capital must be French-owned.

With a view to ensuring the observance of the foregoing provisions, the State may refuse to grant the licence if the shares are not registered.

Article 5.—Licensed undertakings must communicate to the State, as soon as they are received, any orders other than State orders, which they may execute only with the express authorisation of the State.

Communi-
cation
of orders.

Article 6.—Inspectors shall at all times have access to licensed establishments, which must supply them, at their request, with such information and vouchers as may assist them in carrying out their task.

Access to
establish-
ments.

Article 7.—Licensed undertakings shall be required to furnish, at the dates and in the manner specified by the inspector, a list of orders in process of execution, with particulars of the stage which the material has reached and the proportion completed and delivered.

List
of orders.

Article 8.—To enable the profits derived from the manufacture and sale of war material to be computed, undertakings subject to control must keep separate accounts for the material in question, showing how the cost prices are made up; in particular, they must state the cost price of the articles, substances or products used for the manufacture of the material. They are also required to show in a special item their expenditure on agents and publicity.

Accounts.

¹ See below under " 4. Definitions ", page 115.

The registers to be kept and the documents to be supplied to the inspector by the undertaking shall, if necessary, be determined by decree.

Articles 9 and 10: [see below under "2. External Trade", page 107].

Intermediaries and publicity agents.

Article 11.—No person may act as an intermediary or publicity agent for an undertaking manufacturing or selling war material without the express authorisation of the State, which may be withdrawn.

Such person shall be liable to the control referred to in the previous article.

Changes in the legal status of undertakings.

Article 12.—Any change in the legal status of the licensed undertaking, in the nature of the material manufactured or offered for sale, the number and site of the establishments, the nationality of the owner, partners, shareholders, directors or managers, must be notified without delay to the State, which shall decide whether the licence granted can be continued or whether its continuance should be made subject to special conditions.

Inventions.

Article 13.—With a view to facilitating the application of the existing provisions concerning the expropriation of inventions of importance to national defence,¹ undertakings subject to control shall be required to notify the State, as soon as they occur, of all discoveries and improvements, whether they can or cannot be patented, made in their establishments and capable of being used at the various stages of manufacture.

Withdrawal of licences.

Article 14.—Licences to manufacture may be withdrawn at any time should the licensee fail to comply with the laws and regulations relating to the control of war industries or the protection of workers.

They shall also be withdrawn should the licensee fail to communicate to the State the information referred to in Article 12 or any of the discoveries and improvements referred to in Article 13.

¹ DECREE-LAW OF OCTOBER 30TH, 1935, on patents of importance to national defence (Journal officiel 1935, page 11511).

Article 2.—The State may expropriate by decree, in whole or in part and against payment of equitable compensation, inventions, whether patented or not, of importance to national defence, with a view to their utilisation or to their being kept secret.

The Ministers of War, Marine and Air shall be authorised for this purpose to have all applications for patents examined, strictly in confidence, at the premises of the National Office for Industrial Property.

In peace time, expropriation may not take place more than three years after the grant of the patent or, in the case of patents previously granted, more than three years after the date of the present decree.

Article 3.—When the State decides to expropriate an invention, the Minister of Commerce shall communicate such intention to the inventor or the owner of the patent, if known.

The rights of the inventor or owner in respect of the invention shall be suspended from the date of such notification. As from that date, he may not take any steps to make use of or publish the invention; if he does so, he shall be liable to the penalties laid down in the Law of January 26th, 1934.

The measures for the issue of the patent to the original applicant and the official publication of the description and drawings shall at once be suspended, and no further official copy of the documents attached to the application shall be supplied.

Article 4.—The expropriation decree shall be promulgated on the advice of a commission comprising a judge of the Court of Cassation, as president, a member of the Technical Committee on Industrial

Article 15.—The supervisory officials responsible for control and supervision and Government officials, officers or agents who for any reason are acquainted with the result of their investigations shall be bound to observe professional secrecy, breach of which shall render them liable to the penalties laid down in Article 378 of the Penal Code.

Professional
secrecy.

Article 16.—The organisation of the supervisory organs to be set up at the National Defence Ministries, and of the General Department for Co-ordinating and Centralising Supervision to be attached to the Ministry of National Defence and War, shall be determined by decree.

Supervisory
organs.

Article 17.—The supervision of undertakings manufacturing or selling war material, in which the State has a financial participation, shall form the subject of a special decree.

Financial
partici-
pation.

Article 18.—Technical supervision of the work entrusted to industry by the National Defence Ministries shall continue to be exercised by the departments of those Ministries in charge of manufacture or construction.

Technical
supervision.

* * *

DECREE OF AUGUST 18TH, 1936 (Journal officiel 1936, page 8967).

**Organisation of control (Article 2
of the Law of August 11th, 1936).**

Article 1.—The operation of the control of the manufacture and sale of war materials by private undertakings shall be in the hands of :

(1) Control groups (groupes de contrôle) set up in each of the Ministries of National Defence and War, Marine and Air;

(2) The General Co-ordination and Centralisation Service of the control of the manufacture of and trade in war materials, attached to the Ministry of National Defence and War.

Control
groups and
General
Service of
Co-ordina-
tion and
Centra-
lisation.

Property, and a member of the Paris Chamber of Commerce; a representative of the Department specially concerned shall be attached to the commission in an advisory capacity, and a representative of the inventor shall either be present or shall be called in.

The expropriation decree shall confirm, with its legal consequences, the prohibition to publish and make use of the invention following on the notification referred to in Article 3. It shall be communicated within one month.

The expropriation decree shall entail the immediate loss, in whole or in part, of the exclusive right to make use of the invention.

Article 8.—When a patented invention which can be utilised by the State has not been expropriated by decree, the State may, even after the expiration of the time-limit laid down in Article 2, obtain *ex officio* a licence to make use of the patent.

This licence shall be conferred by ordinance of the Minister of Commerce, promulgated at the request of the Minister concerned; it shall be communicated to the patentee and shall take effect from the date of notification.

If an amicable agreement cannot be reached, the amount of compensation payable to the owner of the patent shall be fixed by the civil court under the conditions laid down in Article 5.

Control groups.

Article 2.—Each of the Ministries of National Defence and War, Marine and Air shall set up a control group to control the manufacture and sale of war material by private undertakings.

Each control group shall consist of officials of the control service of the Ministry concerned who shall be under the direction of an inspector-general as head of the control group.

In the course of their duties, inspectors may make use of the services of engineers belonging to the various technical military services, or to civilian managing or executive experts appointed for the purpose, in their examination of technical points in connection with the manufacture of material.

At the request of the head of a control group, personnel belonging to military administrative services may be placed at the group's disposal.

In each Ministry, the control group shall be directly under the Inspectorate, which shall be the compulsory medium for all official communications between the inspector-general as head of the control group, the different departments of the Ministry or (through the Minister) of the other National Defence Ministries, and the General Co-ordination and Centralisation Service attached to the Ministry of National Defence and War.

The Inspectorate shall keep a list of undertakings with which its particular control group is concerned, and shall give the head of the group the necessary instructions in regard to the work of the group and the action on the results obtained, having regard to the general directions common to all three Defence Ministries, as drawn up by the General Co-ordination and Centralisation Service in the circumstances for which Article 3 of the decree provides.

The Inspectorate shall communicate to the head of the group all proposals, information or documents for the use or operation of the group.

The head of the group shall refer all work, reports or memoranda of his group to the Inspectorate, and the latter shall transmit a copy to the General Co-ordination and Centralisation Service, and shall arrange for action within the Ministry.

General Co-ordination and Centralisation Service.

Article 3.—The General Co-ordination and Centralisation Service, attached to the Ministry of National Defence and War, shall be under the direction of an inspector of the Ministry of National Defence and War, and shall include an official of the control service and a representative of the technical services of each of the Ministries of National Defence and War, Marine and Air.

It shall further have office staff, the strength of which shall be determined by the Minister of National Defence and War on the proposal of the chief of service.

The duties of the General Co-ordination and Centralisation Service shall be :

- (1) To examine applications for licences, and to make proposals for their grant, renewal or withdrawal;

(2) To arrange for the distribution between the three National Defence Ministries of control duties concerning more than one of the Ministries;

(3) To co-ordinate the action of the different control groups by general instructions common to the three National Defence Ministries regarding the control to be exercised by them, and in particular regarding the general methods of enquiry and investigation, the character of the information (especially statistical information) to be obtained, and the keeping of special accounts by the controlled undertakings and the nature of such accounts;

(4) To co-ordinate action between different Ministries in the matter of the work, reports and memoranda of their respective control groups;

(5) To centralise all statistical information regarding the manufacture and sale of war material;

(6) To prepare particulars for communication to international control organisations.¹

* * *

DECREE OF AUGUST 18TH, 1936 (Journal officiel 1936, page 8968).

Conditions of grant of licences and permits (Article 2 of the Law of August 11th, 1936).

Article 1.—No private undertaking may manufacture, assemble or lay down the war material or load the ammunition specified in the Decree of August 14th, 1936, without having previously obtained a Government licence to manufacture.

Licence to manufacture.

Applications for licences to manufacture shall be submitted in two identical copies, one of which shall be on stamped paper, in the form of Model No. 1 attached.²

¹ For the position in regard to the personnel engaged on control operations, see Decree of October 28th, 1936 (Journal officiel, 1936, page 11313).

² Model No. 1.

APPLICATION FOR LICENCE TO MANUFACTURE MATERIAL COMING UNDER THE PROVISIONS OF THE LAW OF AUGUST 11TH, 1936, ON THE NATIONALISATION OF THE MANUFACTURE OF WAR MATERIAL.

1. *Trade name*
- or
- Style or registered title of company*
2. *Trade address*
- or
- Registered offices*
3. *Form of company*
4. *Number in Trade Register*
5. *Specification of material to which the application relates* *
6. *Establishments in which the material is to be manufactured, assembled, laid down or loaded*
- (Date), 19..

(Signed) †

* The specification of the materials must conform to the terminology of the list in the Decree of August 14th, 1936.

† Name and occupation of signatory.

Article 2.—The following particulars shall be attached to applications for licences :

(a) In the case of partnerships (*sociétés de personnes*), the names of all partners, sleeping (*commandités*), active (*commanditaires*) and managing partners;

In the case of limited liability companies (*sociétés par actions*), the names of managers and directors;

(b) Proof of French nationality of the owner, or, in the case of companies, of all the persons specified in paragraph (a) above;

(c) In the case of limited liability companies, particulars of the form of the shares or bonds (registered or to bearer), and all particulars of value in regard to the nationality of the shareholders, and in regard to the proportion of the capital held by the shareholders of the several nationalities concerned;

(d) In the case of undertakings in existence before the date of promulgation of the Law on the Nationalisation of the Manufacture of War Material, the nature and brief particulars of the quantity of articles manufactured before that date for the National Defence Ministries;

Article 3 : [See below under " 2. Internal Trade ", page 108].

Article 4.—Intermediaries and publicity agents of undertakings engaging in the manufacture or sale of war material shall also be required to obtain explicit and revocable permits from the Government.

Applications for permits must be submitted in two identical copies, one of which must be on stamped paper in the form of Model No. 3 attached.¹

Article 5.—Applications for licences or permits must be addressed to the General Co-ordination and Centralisation Service of the control of the manufacture of and trade in war material attached to the Ministry of National Defence and War.

Such applications shall be registered, and receipts shall be issued therefor.

Article 6.—Licences and permits shall be granted by inter-ministerial orders, after consideration of the same, and proposals in regard thereto, by the General Co-ordination and Centralisation Service.

Permits for intermediaries and publicity agents.

Registration of applications for licences and permits.

Replies to applications.

¹ Model No. 3.

APPLICATION FOR PERMIT.

(Intermediaries and publicity agents of undertakings engaging in the manufacture or sale of material coming under the provisions of the Law of August 11th, 1936.)

Surname
Christian names
Nationality
Address
Occupation
Name of undertaking represented

Date 19..
(Signed).....

Certified correct :
(Signed).....
(Employer.)

The administrative authorities shall be allowed a time-limit not exceeding three months to reply to applications submitted, such time-limit to start from the date of registration of the application. The absence of a reply on the expiry of the time-limit of three months shall be tantamount to a rejection of the application.

Article 7.—Persons or companies coming, as at the date of the present decree, under the provisions of the Law of August 11th, 1936, on the Nationalisation of the Manufacture of War Material must submit their applications for licences or permits before September 15th, 1936, in compliance with the conditions laid down in Articles 1 to 5 above.

Date
of applica-
tions.

* * *

ORDINANCE OF DECEMBER 10TH, 1936 (Journal officiel 1937, page 1483).

Article 1.—The general service for the co-ordination and centralisation of the supervision of the manufacture of and trade in war material, the functions of which are defined in the Decrees of August 17th and 18th, 1936, shall be the General Inspectorate of War Material.

General
Inspectorate
of War
Material.

Article 2.—The General Inspectorate of War Material shall be responsible to the Permanent National Defence Committee through the Secretary-General of the Supreme National Defence Council. It shall keep the Committee informed of the organisation and findings of the supervisory system which it is to co-ordinate and centralise. As a general rule, it shall submit to the Committee its proposals, particularly on matters of importance, its decisions on matters of principle, measures to be embodied in decrees or inter-ministerial ordinances and matters in dispute.

Article 3.—All relations between the General Inspectorate and the various services of the Ministry of National Defence and War, the Ministry of Marine and Air Ministry shall be maintained through the inspectorates of such ministries in the name of the Ministers concerned. The said inspectorates shall express their views on all communications thus received from the General Inspectorate and shall note any information which may be of assistance to their own control group or which might lead to the issue of instructions to such services.

Article 4.—The services controlled by the General Inspectorate may, by agreement with the Ministers to which they are responsible, be instructed to carry out investigations in industrial and commercial undertakings. Travelling expenses shall be borne by the ministries concerned.

Investi-
gations in
industrial
and
commercial
under-
takings.

* * *

DECREE OF JANUARY 16TH, 1937¹ (Journal officiel 1937, page 771).

Conditions attaching to State participation in undertakings manufacturing or trading in war material when the extent of such participation exceeds two-thirds of the total capital (see footnote by the Secretariat on this page and Article 6 below).

Article 1.—With a view to the application of the Law of August 11th, 1936, and within the limits represented—

In the first place, by the credits specially voted for this purpose, and,

In the second place, by the extent of the total or partial appropriations which have been or may be decided upon—

the Minister concerned and the Minister of Finance are authorised to acquire, on behalf of the State, a financial interest in undertakings manufacturing war material or trading in such material.

Such a course may, however, be followed only in regard to undertakings in whose activities the manufacture of or trade in war material plays such an important part as to render control under the Decree of August 17th, 1936, impracticable.

Article 2.—In the case of undertakings in which the State acquires a financial interest, the authorisation provided for in Article 2 of the Law of August 11th, 1936, shall be granted by a decree countersigned by the Minister concerned and the Minister of Finance.

Such decrees shall specify the conditions under which the undertakings are authorised to manufacture war material or to trade in such material and the financial conditions attaching to the participation of the State.

¹ *Note by the Secretariat.*—This decree relates, in the main, to the aircraft construction industry. In this connection, the report to the President of the Republic accompanying the draft decree contains the following passage: (Journal officiel 1937, page 771):

“In so far as the aircraft industry is concerned, the nationalisation of the manufacture of war material shall be carried out with due regard to the conditions peculiar to that industry.

“The mass production of military aircraft calls for extensive plant, requiring frequent renewal, which cannot be economically operated if dispersed among a large number of factories. Under a system of free enterprise, the inventor cannot properly carry out his ideas without the backing of well-equipped industrial undertakings. Conversely, even the best of plant is useless unless the undertakings’ research departments design models suitable for industrial production.

“As was stated during the parliamentary debates which led up to its adoption, the Law of August 11th, 1936, permits of the reorganisation of the aircraft industry in France by the concentration of the means of production in the hands of a limited number of manufacturing undertakings, enjoying complete liberty in the matter of research and experiment.

“Having regard to the constant technical progress of the industry and the necessity for leaving it entirely free to adapt itself to new developments, rigid control of the undertakings thus created was considered to be out of the question. It was thought wiser to rely upon the internal influence which the State would be in a position to exert as the majority shareholder. This system would give the Government extensive influence in the board of directors and would thus permit of a less rigid form of administrative control.

“Such are the considerations which have governed the formation of the national aircraft construction companies. As the methods of nationalisation applied to this industry are peculiar to itself, the relevant regulations must likewise be of a special character.

“It is for these reasons that the draft decree which we have the honour to submit for your approval relates exclusively to companies in which the extent of the State’s participation is not less than two-thirds of the company’s capital.”

Article 3.—Undertakings in which the State acquires a financial interest shall be incorporated as limited liability companies (*sociétés anonymes*) in accordance with French law.

When State participation in an undertaking not so incorporated is decided upon in the manner prescribed in Article 1 of the present decree, such undertaking shall convert itself into a limited liability company within the period prescribed in the participation decree provided for in Article 2.

The undertaking may nevertheless form a new company of the type prescribed above, for the sole purpose of manufacturing war material and trading in such material, the capital of such company to be subscribed by the undertaking, and by the Minister concerned together with the Minister of Finance, acting on behalf of the State.

Article 4.—State participation shall be effected, more particularly, in one of the following ways :

The purchase by amicable arrangement of such proportion of the company's capital as corresponds to the extent of the State's participation;

Subscription for shares in cash;

The contribution of assets expropriated by the State under the Law of August 11th, 1936.

The shares held by the State shall be registered in its name. They shall be delivered to the accounting officer, whose appointment is provided for by the Decree-Law of October 30th, 1935, organising State control of the undertakings enjoying its financial support.

Article 5.—One directorship shall be assigned to the State, which shall be represented by a delegate of the Minister of Finance.

Article 6.—The provisions of the present decree shall not apply to companies the State's participation in which represents less than two-thirds of their capital.

* * *

DECREE OF JANUARY 26TH, 1937 (Journal officiel 1937, page 1117).

Article 1.—With a view to the application of the Law of August 11th, 1936, and within the limits of the credits specially allocated to this purpose by the law, the Minister concerned and the Minister of Finance are authorised to acquire, on behalf of the State, financial interests in undertakings manufacturing war material or trading in such material. In the case of undertakings manufacturing war material, State participation shall further be limited to the value of such of the undertakings' assets as are specially applied to such manufacture.

Nevertheless, State participation shall be authorised only in undertakings in whose activities the manufacture of war material or trade in such material plays a sufficiently important part to justify this form of control.

Financial participation of the State when the extent of such participation represents less than two-thirds of the company's capital (see Article 13 below).

Articles 2 and 3 : [These articles are identical with Articles 2 and 3 of the Decree of January 16th, 1937 (see above, page 96)].

Article 4.—Financial participation by the State shall be effected more particularly by one of the following methods :

Free agreement to buy out such portion of the capital as corresponds to the amount of State participation;

Or the contribution by the State of an increase in capital corresponding to the amount of its participation;

Or the transfer to a company already in existence, or to a new company, of property expropriated by the State in virtue of the Law of August 11th, 1936.

Article 5.—Financial participation shall entitle the State to exercise, through its representatives, the powers of administration and supervision provided for in the Decree-Law of October 30th, 1935, regarding the introduction of State supervision of such companies, syndicates and associations or undertakings of any kind as have applied to the State for financial aid, together with the powers of supervision provided for in the Decrees of August 17th and 18th, 1936.

The conditions in which such powers shall be exercised shall be laid down in the decree provided for in Article 2 above and in the articles of association of the company.

Such articles of association, and any change therein, shall be approved by the Minister concerned and by the Finance Minister.

State representation.

Article 6.—The State shall be represented at constitutive, ordinary and extraordinary general meetings.

The number of votes to which it is entitled at such meetings shall be fixed in accordance with the company laws and the statutory provisions.

Article 7.—The State shall be entitled, under the articles of association, to have two or more directors on the board of directors. Among these directors there shall be at least one representative of the Finance Minister and one representative of the technical bodies of the ministries concerned. These directors shall sit and act as such, with the same rights and powers as the other members of the board of directors, as regards both the company and third parties.

The director representing the Finance Minister shall be entitled to examine on the spot, in the originals, the documents relating to the company as such, and its records, accounts and balance-sheets.

The State must be represented on the committee of management or other similar bodies.

Article 8.—Directors representing the State shall be appointed by decree countersigned by the Ministers concerned and by the Finance Minister.

Article 9.—Directors representing the State may not personally receive any remuneration from the company. The latter shall pay to the Treasury the fees and the percentage of profit accruing from their functions.

They may not, in either the company or its branches, undertake special functions or accept administrative posts, such as that of president, vice-president, manager or managing director, without the permission of the Finance Minister and the Minister concerned.

Article 10.—An official shall be specially appointed in a supervisory capacity to follow the activities of the company. He shall be regularly convened to general meetings, meetings of the board of directors, and meetings of the committee of management or similar bodies, if there be any.

Supervisory official.

He shall have the widest powers for examining on the spot, in the originals, the documents relating to the company as such, and its records, accounts and balance-sheet.

Article 11.—The supervisory official may raise objections to decisions of the board of directors which appear to him to prejudice the company's independence, the financial interests and rights of the State, or the general policy of the Government, particularly in the matter of national defence, and decisions which would be contrary to the laws or regulations in force.

Article 12.—Effect may only be given to decisions of the board of directors which are vetoed by the supervisory official in the following circumstances :

Either after further discussion, when the majority of votes shall include those of the directors representing the State, such discussion to take place after the receipt of the Minister's observations, or, should he make no observations, within a period of fifteen days from the original discussion ;

Or in execution of an arbitral award, which shall be rendered within a period of two months.

The articles of association shall indicate in which cases one or the other of these procedures shall be adopted, and shall lay down rules for arbitration procedure.

Article 13.—The provisions of the present decree shall not apply to companies administered under the Decree of January 16th, 1937.

Decree of January 16th, 1937 (Article 6).

* * *

DECREE OF MARCH 19TH, 1937 (Journal officiel 1937, page 3421).

Having regard to Article 105 of the Law of March 31st, 1931, authorising the Minister of Air to set up, for aircraft constructors, an Equalisation Fund (*Caisse de compensation*) to facilitate industrial decentralisation ;

Equalisation Fund to facilitate industrial decentralisation.

Having regard to the Decree of August 6th, 1932, laying down public administration regulations for the enforcement of Article 105 of the said Law of March 31st, 1931 ;

Article 1.—Article 12, paragraph 1, of the Decree of August 6th, 1932, is hereby amended as follows :

Article 12.—The sums available in the Equalisation Fund may be used for investment in French Government securities or as security by the said Government, or for short-term loans to undertakings engaged in the manufacture of or trade in material for air warfare, provided that the Government's share in such undertakings amounts to at least two-thirds of the registered capital.

The amount, term and conditions of repayment, and the rate of interest on such loans, which may not be less than the rate charged by the Bank of France, shall be fixed by the Board of Directors of the Equalisation Fund.¹

* * *

DECREE OF MARCH 11TH, 1937² (Journal officiel 1937, page 3060).

Expro-
priation of
Schneider
& Co.

Article 1.—The workshops, plant and special machinery used at Le Creusot by Schneider & Co. for the manufacture of war material are expropriated and become the property of the French State.

The expropriation shall apply to :

(1) The pieces of land, whether built on or not, occupied by the said workshops and plant as shown in pink on the detailed plans, and designated in the detailed survey accompanying them; these documents annexed hereto were prepared on March 10th, 1937, by the Chief Engineer at Dijon;

(2) The material, implements and stocks of all kinds, including manufactured parts in course of being machined or assembled, and the furniture at present in the expropriated parts or in unexpropriated workshops and stores of the Le Creusot factory of Schneider & Co., which are intended for the manufacture of war material, as established by an inventory carried out by both parties jointly.

¹ *Note by the Secretariat.*—The following is an extract from the report to the President of the Republic, accompanying the draft of this decree (Journal officiel 1937, page 3421) :

“ In execution of the Law of August 11th, 1936, on the nationalisation of the manufacture of war material, the State expropriated a number of industrial aircraft undertakings.

“ At the same time, it formed aircraft construction companies in which it holds two-thirds of the registered capital.

“ These companies were constituted with a low initial capital to be increased by contributions to be made in the circumstances laid down in the Decree of January 16th, 1937, after the settlement of the expropriation questions at present outstanding.

“ To enable them to function rapidly with sufficient funds, we have had under consideration the possibility of allowing the Equalisation Fund for the decentralisation of the aircraft industry to grant short-term loans to the said companies.

“ If the sums available in the Equalisation Fund are to be used for this new purpose, an amendment will be necessary to the public administration regulations of August 6th, 1932, laying down rules for the administration of the fund.”

² Quoted as an example.

Article 2.—The premises shall be taken over by the administrative services of the Ministry of War on a date fixed by decree of the Minister for National Defence and War.

* * *

DECREE OF MAY 4TH, 1937¹ (Journal officiel 1937, page 5078).

In view of the Decree of August 17th, 1936, laying down the general conditions for the working of the supervision of private undertakings manufacturing or trading in war material, as established by Article 2 of the Law of August 11th, 1936;

In view of the Decree of August 18th, 1936, laying down the conditions under which licences and permits may be granted to private undertakings manufacturing or trading in materials coming under the provisions of the Law of August 11th, 1936;

In view of the Decree of August 18th, 1936, providing for the organisation of supervision over private undertakings manufacturing or trading in war material;

In view of the Decree of January 26th, 1937, concerning the financial participation of the State in the undertakings manufacturing or trading in war material, when such participation represents less than two-thirds of the capital of the Company;

Financial participation (less than two-thirds of the company's capital).

Article 1.—The Air Minister and the Finance Minister are authorised to take over, in the name of the State, shares in the Gnome et Rhône Engine Company, the headquarters of which is at 150, boulevard Haussmann, Paris (Seine).

Article 2.—The financial participation of the State in this limited liability company shall be represented by one hundred ordinary shares purchased on the Stock Exchange.

Article 3.—The necessary changes in the Statutes under Articles 5, 7, and 12 of the Decree of January 26th, 1937, must be made within four months of the publication of this present text.

Article 4.—Article 10 of the Decree of January 26th, 1937, may be put into force immediately.

Article 5.—The Gnome et Rhône Engine Company shall be authorised to manufacture the following material: propellers, aircraft engines, crankshafts, cylinders, and superchargers.

The premises in which the machining, assembling, construction, or loading will be carried out are situated at 70, boulevard Kellermann, Paris (XIII^e) (Seine) and boulevard Louis-Seguin, Gennevilliers (Seine).

This authorisation shall be valid for a period of five years.

¹ Quoted as an example.



Article 6.—The Gnome et Rhône Engine Company is authorised to sell the war material referred to in the previous article in France, in the colonies, and in the protectorates and mandated territories. Such authorisation may be withdrawn at any time.

* * *

DECREE OF JUNE 16TH, 1937¹ (Journal officiel 1937, page 6808).

Financial
participation
(exceeding
two-thirds
of the
company's
capital).

In pursuance of the Decree of January 16th, 1937, concerning the financial participation of the State in undertakings manufacturing or trading in war materials when such participation exceeds two-thirds of the company's capital;

Further to the Decrees of January 16th, 1937, expropriating the industrial undertakings carried on at Courbevoie (Seine) and at Vélizy and Bièvres (Seine-et-Oise) by M. Marcel Bloch;

Further to the Decree of January 16th, 1937, expropriating the industrial undertakings carried on at Bordeaux and Mérignac (Gironde) by the *Société aéronautique du Sud-Ouest*;

Further to the Decree of March 13th, 1937, expropriating the industrial undertaking carried on at Bègles (Gironde) by the *Union corporative aéronautique*;

.....

Article 1.—The Air Minister and the Finance Minister are authorised to assume financial participation, on behalf of the State, in the *Société nationale de Constructions aéronautiques du Sud-Ouest*, whose registered offices are at 41, quai Paul-Doumer, Courbevoie (Seine).

Article 2.—This participation shall be effected as follows :

1. By the contribution of the following properties expropriated under the Law of August 11th, 1936 :

(a) The industrial undertakings at Courbevoie (Seine) formerly carried on by M. Marcel Bloch and expropriated under the Decree of January 16th, 1937, including the land and buildings, materials, equipment and furniture enumerated in the agreed inventory;

(b) The undertakings at Vélizy and Bièvres (Seine-et-Oise) formerly carried on by M. Marcel Bloch and expropriated under the Decree of January 16th, 1937, including the land and buildings, materials, equipment and furniture enumerated in the agreed inventory;

(c) The undertakings at Bordeaux and Mérignac (Gironde) formerly carried on by the *Société aéronautique du Sud-Ouest* and expropriated under the Decree of January 16th, 1937, including the land and building, materials, equipment and furniture enumerated in the agreed inventory;

¹ Quoted as an example.

(d) The industrial undertaking at Bègles (Gironde) formerly carried on by the *Union corporative aéronautique* and expropriated under the Decree of March 13th, 1937, including the land and buildings, materials, equipment and furniture enumerated in the agreed inventory.

The contribution of the above properties shall be remunerated, after acceptance by the competent general meetings, by means of contributors' shares.

2. By subscription to 1,600,000 francs of ordinary shares.

Article 3.—The *Société nationale de Constructions aéronautiques du Sud-Ouest* is authorised to manufacture the goods enumerated in Article 1, category II, paragraph 3 ("air armaments"), of the Decree of August 14th, 1936.

This authorisation shall remain in force for five years.

Article 4.—The *Société nationale de Constructions aéronautiques du Sud-Ouest* is authorised to sell the war supplies referred to in the preceding article within France, in the French colonies and in territories under French protectorate or mandate. Such authorisation may be withdrawn at any time.

2. EXTERNAL TRADE.

DECREE OF JULY 22ND, 1920 (Journal officiel 1920, page 10640).

Article 2. Subject to the execution of any special agreements of an international character, imports into France of goods despatched from or originating in foreign countries, and figuring in Table A attached to the present decree, are prohibited.

Import
prohibi-
tion.

Article 3. Goods imported for re-export, either under the normal temporary admission regime, or under the special temporary admission system instituted by the Order of April 16th, 1919, do not fall under this prohibition.

Exemptions.

Article 5. In special circumstances, the Finance Minister may, after consultation with the Government Departments concerned, allow exceptions to the rule prohibiting imports.

Exceptions.

Table A.—GOODS THE IMPORT OF WHICH IS PROHIBITED.

No. in the import tariff	Description of goods
580	Standard portable arms of war, and arms of war used abroad (rifles and carbines).
581	{ Ancient arms for collectors, and display weapons of every description. { Arms for civil use.
582	Mounted arms and mountings therefor.
Ex-586	Cartridges for use in war, unfilled.
587	Projectiles.

* * *

DECREE OF DECEMBER 26TH, 1934 (Customs Code). (Journal officiel 1934, page 12772.)

Export.
Prohibi-
tions.

Article 27. By means of decrees issued on the proposal of the Minister of War in agreement with the Ministers of Commerce and of Finance, the export of arms, parts thereof and ammunition of all kinds may be prohibited. Exceptions to the export prohibition may be granted, by reason of destination, by the Minister of War.

As regards exports thus exceptionally authorised, the arrival of the goods at their destination shall be guaranteed by means of *acquits-à-caution* issued in accordance with Chapter I of Title III hereafter, which are to be discharged by the French Consular Agents.

* * *

DECREE OF SEPTEMBER 3RD, 1935 (Journal officiel 1935, page 9930).

Exports
of war
material.

Article 1.—The export from France and Algeria, under any Customs regime, of the materials specified in the annex to the present decree is conditional on obtaining previous authorisation given under the conditions laid down in Articles 2 to 6 inclusive.

The list of this material and its classification by categories may be modified by order issued jointly by the Minister for Foreign Affairs, the Minister of Finance, the Minister of Trade and Industry, and the Minister of War, the Navy, or Air, as the case may be.

The taking out of France without authorisation of the goods referred to above is prohibited.

Article 2.—Material belonging to categories ¹ A, C and D shall not be presented or tested, for purposes of transfer or subsequent delivery, and orders shall not be accepted for materials belonging to categories ¹ A, B, C, D and E, unless the consent of the Minister for Foreign Affairs and of the Minister of War, the Navy, or the Air, as the case may be, has first been obtained.

Authori-
sations.

Article 3.—Export authorisations shall be granted by the Minister of Finance, on the favourable report of the Minister for Foreign Affairs, the Minister of the Interior or the Colonies, and the Minister of War, the Navy, or the Air.

The Minister for Foreign Affairs may, in particular, make his favourable report depend on the supply of proof that the Government of the country of destination agrees to the despatch of the goods in question, or even that they are intended for that country.

¹ See below under "4. Definitions", page 109.

Article 4.—An exporter applying for an export authorisation must prove to the prefect of his place of residence that he is a French subject residing in France, or, in the case of a foreigner, that he is duly entitled to reside in France and that he does in fact reside there.

He shall also make a declaration before the same prefect to the effect that the goods exported by him are not intended for despatch, either by himself or by intermediate purchasers, to a country other than that for which the authorisation has been sought.

This declaration shall specify the surname, christian name and domicile of the exporter, the type, model, number or weight, and the value of the goods to be exported, the Customs office through which they are to leave France, and the name of the consignee.

Article 5.—As a guarantee that the goods will arrive in the country of destination and that they will not be re-exported to a third country, an *acquit-à-caution* shall be given in accordance with the provisions of Articles 111 and 401 of the Customs Code.

The said *acquit-à-caution* shall only be cancelled by the Customs Service on production of a certificate, granted by the French consul at the place of destination, stating that the exported goods have duly reached the country of destination, have been declared there for consumption, and have not been re-exported to a third country. If the country of destination is under French sovereignty or authority, this certificate shall be granted by the local Customs Service.

This certificate may not be drawn up until three months after the arrival of the exported goods in the country of destination.

Article 6.—Export authorisations shall be used within a period, to be fixed by the Minister of Finance, which shall not exceed a maximum of three months from the date on which the authorisation is granted. In the case of Far-Eastern countries, this period may be prolonged for a further three months at the request of the exporter.

Article 7.—Inter-ministerial orders shall lay down the conditions of application of the present decree and shall specify the general exceptions to be made to the export prohibition laid down in Article 1, paragraph 3.

* * *

ORDINANCE OF SEPTEMBER 3RD, 1935, MODIFIED BY ORDINANCE OF MAY 19TH, 1937
(Journal officiel 1935, page 9931, and 1937, page 5531).

Article 1.—In addition to making a declaration before the prefect of their place of residence in the circumstances laid down in Article 4 of the Decree of September 3rd, 1935, exporters shall draw up an application for permission to export in accordance with the model appended to the present order, in one copy on paper bearing a four-franc stamp and twelve copies on unstamped paper.

Acquit-
à-caution.

Time-
limits.

Exceptions.

Conditions
of applica-
tion of the
Decree of
September
3rd, 1935.

They shall send :

(a) The copy on stamped paper accompanied by two copies on unstamped paper to the Ministry of Finance (Customs Department, *Bureau des régimes spéciaux*);

(b) Five copies on unstamped paper :

To the Ministry for Foreign Affairs for consignments to foreign countries, Morocco, Tunisia and the Levant States under French mandate;

Or to the Ministry of the Colonies for consignments to the African colonies and territories under French mandate;

Or to the Ministry of the Interior for consignments to Algeria;

(c) Five further copies on unstamped paper to the military departments concerned—that is to say, according to the circumstances :

To the Ministry of War (General Secretariat, Service for the Supply of Material abroad);

Or to the Ministry of the Navy (General Staff, Second Bureau);

Or to the Air Ministry (Minister's Office, Air Development Service).

Article 2.—In application of the second paragraph of Article 3 of the Decree of September 3rd, 1935, exporters shall, in as far as concerns the implements covered by categories A, C and D of the annex to the said decree,¹ submit to the Ministry for Foreign Affairs in support of their application a document proving that the consignment is for direct supply to the competent authorities of the importing country or, with the consent of the said authorities, to a specific private establishment designated by it for that purpose.

Articles 3 and 4 : [see below under “ 4. Definitions ”, page 111.

* * *

DECREE-LAW OF OCTOBER 23RD, 1935 (Journal officiel 1935, page 11202).

Importation. *Article 2.*—The importation into France of all arms, parts of arms and ammunition, and all offensive or defensive weapons, of any pattern whatsoever, is prohibited, except in such cases as may be allowed in accordance with conditions laid down in the public administration regulations.²

* * *

¹ See below under “ 4. Definitions ”, page 109.

² See below Decree of December 16th, 1935, under “ 4. Definitions ”, page 113.

DECREE OF DECEMBER 16TH, 1935 (Journal officiel 1935, page 13233).

Article 1.— . . .

In accordance with the provisions of Article 5 of the Decree of July 22nd, 1920,¹ exceptions to the regulations prohibiting importation may be granted in special cases by the Minister of Finance, after previous notification of the other Government Departments concerned.

Application
of Decree
of July 22d,
1920.

* * *

DECREE OF AUGUST 17TH, 1936 (Journal officiel 1936, page 8888).

Article 9.—No implements of war may be exported or imported without a permit issued by the Government.

Permits.

Article 10.—Concerns engaged in importing and exporting implements of war require the express authorisation of the Government, which may be withdrawn at any time. They are subject to control with regard to their profits and representation and publicity expenses, in accordance with the conditions laid down in Article 8 above.²

Autho-
risation.

* * *

DECREE OF AUGUST 18TH, 1936 : [see below under "3. Internal Trade"].

3. INTERNAL TRADE.

DECREE OF MARCH 29TH, 1934 (Journal officiel 1934, page 3210).

Article 1.—Under Article 1 of the Act of May 24th, 1834, it is a punishable offence to carry any of the following weapons :

Prohibited
weapons.

(1) Pistols and revolvers of all patterns, calibres and sizes, daggers, dagger-knives, bludgeons, life-preservers, sword-sticks and sticks which are leaded or tipped with iron, except those which are only ferruled at one end;

(2) All other articles capable of being used as weapons endangering public safety.

Article 2.—Any person trading in arms the carrying of which is prohibited and in the ammunition used for such arms shall keep a special register, numbered and initialled on each leaf by the prefect or sub-prefect or by their representative, in which shall be entered each day, without blanks or erasures, the nature of each weapon sold, together with the name(s), surname and address of the purchaser, and the description of the papers or administrative documents, containing a photograph, presented by him to prove his identity.

¹ See above, page 103.

² See above under "1. Manufacture, (b)", page 89.

Article 3.—The Minister of Justice and the Minister of the Interior are responsible, in so far as their respective departments are concerned, for the application of this decree which shall be published in the Official Journal.

* * *

DECREE-LAW OF OCTOBER 23RD, 1935 (Journal officiel 1935, page 11202).

Registers,
etc.

Article 3: [see above under "1. Manufacture", page 81].

Article 5.—All persons trading in arms, parts of arms, ammunition and offensive or defensive weapons of whatever model, whether new or second-hand, must register daily on a counterfoil book all transactions which they carry out.

The details to be entered on this counterfoil book and in the register referred to in Article 4, and the method of checking such books, shall be laid down by the public administration regulations provided for in Article 2.

Article 7.—Gunsmiths who present a receipt for their declaration may alone make purchases at auction sales of arms, ammunition or weapons held either by legal officers or by the authority administering State property.

Dealers in second-hand goods shall not be allowed to make sales of such articles.

Exceptions.

Article 10.—The provisions of Articles 7 and 9 shall not apply to sporting-guns or weapons of historical interest or belonging to collections.

* * *

DECREE OF DECEMBER 16TH, 1935 [see above under "1. Manufacture (a)", page 82].

* * *

LAW OF AUGUST 11TH, 1936 (NATIONALISATION), AND DECREES OF AUGUST 17TH, 1936, AND JANUARY 16TH AND 26TH, 1937: [see above under "1. Manufacture (b)", pages 87, 88, 96 and 97.

* * *

DECREE OF AUGUST 18TH, 1936 (Journal officiel 1936, page 8968).

Authorisa-
tions to
trade, etc.

Article 3.—Undertakings trading in, importing and exporting war material may carry on their activities only if they have an express authorisation from the State, which may be withdrawn.

Applications for an authorisation, made out in two identical copies, one of them being on stamped paper, shall be in accordance with Form No. 2 annexed.

Form No. 2.

APPLICATION FOR A SALES AUTHORISATION FOR UNDERTAKINGS TRADING IN THE MATERIAL SUBJECT TO THE PROVISIONS OF THE LAW OF AUGUST 11TH, 1936, ON THE NATIONALISATION OF THE MANUFACTURE OF WAR MATERIAL.

1. { Trade name
 or
 Description or registered name of the company.....
2. Trade address
 or
 Headquarters
3. Form of the company
4. Registered number on the commercial register.....
- At (Date) 19..
 1
 (Signature)
- ¹ Name and status of the signatory.

4. DEFINITIONS.

ANNEX TO THE DECREE OF SEPTEMBER 3RD, 1935,¹ AS AMENDED BY THE ORDINANCES OF OCTOBER 20TH, 1935, AND JUNE 2ND, 1936 (Journal officiel 1935, pages 9930 and 12938, and 1936, page 5844).

*Category A.—Land, Sea and Air Armaments.***Exports.**

(a) Arms, ammunition and implements of war such as those specified below, when designed or intended for purposes of war on land, at sea or in the air :

1. Rifles, artillery carbines and cavalry magazine-rifles.
2. Machine-guns, automatic rifles and machine-pistols.
3. Guns, howitzers and mortars.
4. Projectiles and ammunition for the arms enumerated under 1, 2 and 3 above.
5. Periscopes, observation apparatus, sighting and ranging apparatus, detection and listening apparatus, including air-sighting apparatus for firing and bomb-throwing.
6. Apparatus and appliances for the discharge of bombs, grenades, air and marine torpedoes and other forms of projectiles.
7. Grenades, bombs, land and marine mines, fixed or mobile, torpedoes and submarine grenades.
8. Devices for the use of the above arms, apparatus and machines.
9. Armour-plating in sheets or moulded, armoured machines and armoured motor-cars.
10. Transmission and projection implements.
11. Cryptographic machines.
12. Powders and explosives other than sporting-gun powders, black powders used in mining, explosives used for industrial purposes, and ignition devices therefor.
13. Protective material.

¹ See above under " 3. External Trade ", page 104.

(b) Separate parts and accessories of the above arms, ammunition and implements.

Category B.—Arms, Ammunition and Implements capable of being used both for Military and for Non-military Purposes.

1. Side-arms.
2. Revolvers, automatic pistols and ammunition therefor.
3. Fire-arms destined or adapted for non-military purposes, such as sport or self-defence, firing ammunition capable of use with fire-arms of category A.
4. Special plant for the manufacture of the arms, ammunition and implements of war enumerated in categories A, C and D.
5. Flame-throwers and all other projectors used for chemical or incendiary warfare.
6. Mustard gas, Lewisite, ethyldichlorarsine, methyldichlorarsine and all other products destined for chemical or incendiary warfare.

Category C.—Naval Armaments.

Vessels of war of all kinds, including aircraft-carriers and submarines, and their arms, ammunition and implements of war mounted on board and forming part of their normal armament.

Category D.—Air Armaments.

1. Aircraft, assembled or dismantled, both heavier and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial warfare by the use of machine-guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to in the following paragraph.
2. Special guns and machine-guns for aircraft, and their gun-mounts and frames.
Bomb-racks and torpedo-carriers, and bomb or torpedo release mechanisms.
3. Propellers or air-screws, fuselages, hulls, tail units and under-carriage units of the aircraft referred to in paragraph 1 above, together with their engines and essential component parts of such engines, crankshafts, cylinders and superchargers.

Category E.—Other Aircraft Materials.

1. Aircraft, assembled or dismantled, both heavier and lighter than air, other than those included in category D.

2. Propellers and air-screws, fuselages, hulls, tail units and under-carriage units of the aircraft referred to in paragraph 1 above, together with their engines and the essential component parts of such engines, crankshafts, cylinders and superchargers.

* * *

ORDINANCE OF SEPTEMBER 3RD, 1935, AS AMENDED BY ORDINANCE OF MAY 19TH, 1937 (Journal officiel 1935, page 9931, and 1937, page 5531).

Article 3.—The following shall not be subject to the regime of authorisations provided for by the Decree of September 3rd, 1935 : Exemptions.

(a) Arms and ammunition transported by persons duly authorised to be in possession of such arms either for the purposes of their occupation or for sporting purposes or for self-defence.

(b) The circulation of civilian aircraft as specified in categories D and E of the annex to the said decree when duly registered as being engaged in commercial transport or when flying for industrial, commercial or tourist purposes.

(c) Re-export to any destination, after storage, transit, transhipment, temporary admission or deposit, of the following materials :

(1) Periscopes, appliances for observation, for pointing or setting and for detecting or listening, including appliances for directing gunfire and bomb-throwing from the air;

(2) Appliances and devices for throwing bombs, grenades, air or submarine torpedoes, and other projectiles;

(3) Devices used in conjunction with arms, appliances and engines of war;

(4) Transmission and projecting gear;

(5) Code apparatus;

(6) Protective material;

(7) Fire-arms intended or adapted for non-military purposes, such as sport or self-defence, firing ammunition capable of use with fire-arms intended for military use;

(8) Special tools for the manufacture of arms, ammunition and war material;

(9) Detached parts and accessories for the arms and materials enumerated above.

(d) Goods, other than those enumerated in paragraph (c) above, transported in international transit or transhipped without landing in the ports of France and Algeria.

This exception may, however, be suspended by notice published in the Journal officiel in respect of transit and transhipment for all destinations,

which will then be subject to the regime of previous authorisation provided for in the Decree of September 3rd, 1935. This exception may be suspended in the same way as regards consignments of certain countries mentioned by name. In the latter case, *acquits-à-caution* guaranteeing the arrival in the country of destination and the non-reconsignment of the goods to a country to which the transit and transshipment of goods is prohibited will be issued at the time of the exportation of consignments for which authorisation has been maintained. These *acquits-à-caution* will be issued and cancelled in the manner laid down in Article 5 of the Decree of September 3rd, 1935.

(e) Goods, other than those enumerated in paragraph (c) above, re-exported after being tested, repaired or finished against cancellation of an *acquit-à-caution* for temporary admission.

Re-exports carried out in this manner will, however, remain subject to the procedure laid down in Articles 4 and 5 of the Decree of September 3rd, 1935.

Article 4.—The material referred to in the annex to the Decree of September 3rd, 1935, which may be returned for the account of the exporters, shall not be subject to any special formality other than the usual Customs formalities in connection with French goods returned to France.

* * *

DECREE-LAW OF OCTOBER 23RD, 1935 (Journal officiel, 1935, page 11202).

Regulation
and
assimilated
arms.

Article 1.—Arms and appliances of regulation pattern in France are those which are in service in the army, navy or air force; they are defined in the construction tables approved by the Minister of War, the Minister of Marine and the Air Minister.

The same regulations shall apply to any arms and appliances which may hereafter, by order of the Minister of War, the Minister of Marine or the Air Minister, be assimilated to regulation arms and appliances.¹

* * *

¹ ORDINANCE OF JANUARY 13TH, 1936 (Journal officiel 1936, page 771).

The following shall be assimilated to regulation arms and appliances :

1. Pistols, automatic pistols, machine-pistols and revolvers of which the calibre exceeds 6.5 mm. or the length of the barrel exceeds 10 cm., together with all other rifled fire-arms of a calibre of 6 mm. or over.

Sporting, target-shooting, miniature and saloon weapons, as defined in the public administration regulations of December 16th, 1935, are excepted [see below].

2. Unrifled appliances for the discharge of bombs, grenades and, in general, of any internally loaded projectile.

3. Ammunition for the arms and appliances specified in paragraphs 1 and 2 above.

4. Bombs and hand grenades.

5. Land mines for military use.

6. Component parts and accessories of the above-mentioned arms, ammunition and appliances.

DECREE-LAW OF OCTOBER 30TH, 1935 : [see below].

* * *

DECREE OF DECEMBER 16TH, 1935 (Journal officiel 1935, page 13233).

Importation. *Article 1.*—The arms and parts of arms to which the derogations provided for in Article 2 of the Decree-Law of October 23rd, 1935, shall apply are those specified in the following table, which shows in parallel columns the arms the importation of which into France is prohibited and those of the same nature the importation of which is permitted :

Importation permitted	Importation prohibited
<p>Sporting-weapons :</p> <p>Sporting-guns with one or two smooth-bore barrels.</p> <p>Sporting-guns with one smooth-bore barrel and one rifled barrel.</p> <p>Sporting-guns with two smooth-bore barrels and one rifled barrel.</p> <p>Target-shooting carbines :</p> <p>A. Rim-firing :</p> <ol style="list-style-type: none"> 1. With smooth bore; 2. Single-shot, with rifled barrel of calibres of 5 mm. and 6 mm., breech-loading; 3. Repeating, automatic or semi-automatic, with rifled barrel, calibres of 5 mm. and 6 mm., breech-loading. <p>B. Centre-firing with smooth bore.</p> <p>Target-shooting, miniature and saloon pistols :</p> <ol style="list-style-type: none"> 1. Rim-firing single-shot, smooth-bore, of a calibre of 9 mm. or less; 2. Rim-firing with rifled bore, of a calibre of 6 mm. or less; 3. Centre-firing, smooth-bore, of a calibre of 9 mm. <p>Tube-barrel-firing sporting-cartridge of calibre 10.</p> <p>All spare parts for all arms, provided always that the following may be delivered only in exchange for worn or damaged parts : breach-cases for rifles or carbines and frames of automatic pistols and revolvers, the importation of which is at present prohibited.</p>	<p>Sporting-weapons :</p> <p>Repeating guns.</p> <p>Target-shooting carbines :</p> <p>Rifled barrel.</p> <p>Centre-firing.</p> <p>Target-shooting, miniature and saloon pistols :</p> <ol style="list-style-type: none"> 1. Rim-firing, repeating; 2. Rim-firing, smooth-bore, of a calibre of more than 9 mm.; 3. Centre-firing, with rifled barrel, single-shot or repeating; 4. Centre-firing, smooth-bore, of a calibre of more than 9 mm.

DECREE-LAW OF OCTOBER 30TH, 1935 (Journal officiel 1935, page 11509).

Supervision
of contracts.

Article 2.—The implements of war to which the present decree¹ relates are those which are included in Chapter I, categories I, II, III and IV, of the Convention of June 17th, 1925, regarding the international trade in arms, ratified by France on May 9th, 1930. They further comprise propellants and explosives and the chemical products utilised in the manufacture thereof.

* * *

DECREE OF MAY 29TH, 1936 (Journal officiel 1936, page 5797).

Contracts
to which
the Decree
of October
30th, 1935
(supervision
of contracts)
relates.

Article 1.—The contracts to which the measures of administrative supervision provided for in the Decree-Law of October 30th, 1935, may be applied are those relating to the manufacture, upkeep, repair or supply of the implements or products specified hereunder :

A. Arms, ammunition and implements of war :

1. Rifles, muskets, carbines;
2. Machine-guns, automatic rifles, machine-pistols, automatic or self-loading pistols and revolvers, mountings for machine-guns, interrupter gears;
3. Cannon, long or short, howitzers, mortars of all kinds, gun-carriages, mountings, recuperators, accessories for mountings;
4. Apparatus for the discharge of bombs, torpedoes, depth-charges and other kinds of projectiles;
5. Projectiles, ammunition and appliances for the arms, apparatus and devices specified in Nos. 1-4 above;
6. Grenades, bombs, land mines, submarine mines, fixed or floating, and depth-charges, self-propelling torpedoes;
7. Bayonets, swords and lances;
8. Tanks and armoured cars;
9. Gun-sighting apparatus, including gun-sights and fire-control apparatus;
10. Arms and ammunition not enumerated above;
11. Component parts, completely finished, of the articles covered by Nos. 1-10 above, if capable of being utilised only in the assembling or repair of the said articles, or as spare parts.

B. Vessels of war and their armament :

Vessels of war of all kinds; arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

C. Aircraft, assembled or dismantled, aircraft engines :

In particular—aeroplanes, hydroplanes, amphibian military aircraft, autogyros, dirigibles, free and captive balloons for military use, navig-

¹ See above under "1. Manufacture (a)", page 84.

ating instruments, heated clothing and clothing for which means of heating are provided for military aviation, sighting and range-finding instruments for aerial fire or bombardment, bomb-releases, parachutes, hydrogen and helium, warning- and listening-apparatus, anti-aircraft defence balloons and cables, engines of all kinds in use in aircraft and spare parts for the above-mentioned articles.

D. Propellants and explosives and chemical products utilised in the manufacture thereof.

* * *

DECREE OF DECEMBER 30TH, 1937 (REPLACING DECREES OF AUGUST 14TH AND NOVEMBER 6TH, 1936 (Journal officiel 1938, page 442, and 1936, pages 8834 and 11813).

Article 1.—The list of material referred to in Article 1 of the Law of August 11th, 1936, is given below :

Law of
August 11th,
1936,
on nationalisation.

Category I : Fire-arms designed or intended for land, sea or air warfare :

1. Pistols, automatic pistols and revolvers of a calibre equal to or greater than 6.5 mm. or with a barrel exceeding 10 cm.

2. Rifles, artillery carbines and cavalry magazine rifles of all calibres for military use, together with their barrels, bolts and breech-casings.

3. Machine-guns, automatic rifles and machine-pistols of all calibres, together with their barrels, bolts and breech-casings; special machine-guns for aircraft.

4. Guns, howitzers and mortars of all calibres, together with their mountings, barrels, breeches, cradles, recoil mechanisms and recuperators; special guns for aircraft.

5. Ammunition, projectiles and cases, whether filled or unfilled, for the arms specified in Nos. 1, 2, 3 and 4 above; filled and unfilled appliances and apparatus for the discharge of the projectiles covered by the present paragraph.

6. Grenades, bombs, torpedoes and mines of all kinds, filled or unfilled; apparatus for their discharge; appliances and apparatus, filled or unfilled, for exploding them.

7. Special appliances for aiming, directing fire and listening (including telemeters) for firing at vessels and aircraft, and for firing on board vessels and aircraft.

Category II : Appliances carrying fire-arms for use in warfare :

1. Tanks, armoured cars and their armour-plating and turrets.

2. (a) Vessels of war of all kinds, including aircraft-carriers and submarines and their armour-plating, turrets and casemates;

(b) Submarine periscopes.

3. Air armaments :

(a) Aircraft, assembled or dismantled, heavier than air, of 100 h.p. or over;

- (b) Aircraft, lighter than air;
 (c) Propellers and air-screws, fuselages, hulls, wings, tail units and under-carriage units for craft specified under (a) and (b) above;
 (d) Aircraft engines of 100 h.p. or over;
 (e) The following essential component parts of the aircraft engines referred to in (d): crankshafts, cylinders and superchargers.
 (f) Special turrets and mountings for aircraft machine-guns and guns.

Category III : Material to be used against gas used in warfare.

B. EXPLOSIVES.

LAW OF AUGUST 30TH, 1797 (Collection of Laws, 10, page 33).

Saltpetre.

Article 1.—Saltpetre shall continue to be produced on behalf of the Republic, or its production shall be subject to Government inspection and authorisation.

Manu- facture of gunpowder.

Article 16.—Gunpowder shall continue to be manufactured on behalf of the Republic; its manufacture shall be directed and supervised by the responsible administration. The Executive Directory shall specify the proportions of the various substances and the processes of manufacture to be employed.

Article 17.—It shall specify at the beginning of each year the quantity and type of gunpowder considered necessary to meet the requirements of the military and naval arsenals. It shall also determine the tests to be employed prior to delivery to ascertain the quality.

Article 18.—The Ministers of War and Marine shall arrange to take delivery of the gunpowder intended for their services at the powder factories where it has been previously tested; they shall pay for it in cash out of the funds at their disposal, at the rate of two francs fifty-six centimes per kilogramme (or twenty-five sous per pound), casks included.

Importation of gunpowder.

Article 21.—The Law of March 11th, 1793, is hereby revoked. The importation into the Republic of any foreign gunpowder is accordingly prohibited on penalty of confiscation of the gunpowder, the horses and carts on which it is loaded, and a fine of twenty francs forty-four centimes per kilogramme of gunpowder (or ten francs per pound).

Should the gunpowder be fraudulently imported by sea, the fine shall be doubled and the gunpowder shall be confiscated.

Import and export of saltpetre.

Article 22.—The import and export of saltpetre are also prohibited. Offenders shall be liable to the same penalties as those applicable to importers of gunpowder.

Saltpetre may, however, be warehoused at French ports to be re-exported later, provided the stipulations of the laws on warehousing are complied with.

Article 24.—The manufacture and sale of gunpowder by any citizen shall continue to be prohibited unless he has received the authorisation of a special commission of the National Gunpowder Administration.

Autho-
risation.

Citizens shall also be forbidden to keep more than five kilogrammes (about ten and a quarter pounds) of gunpowder in their homes, unless they have been authorised to do so.

The departmental and municipal administrations, the commissioners of the Executive Directory attached to them and the police officers shall be responsible for supervising the execution of these provisions.

Article 33.—Saltpetre and gunpowder shall be sold on behalf of the Republic, either in the national warehouses or by retailers licensed by the Gunpowder Administration.

Sale of
saltpetre
and
gunpowder.

The Executive Directory shall draw up detailed regulations relating to these sales for the purpose of preventing abuses.

* * *

LAW OF MARCH 8TH, 1875¹ (Collection of Laws 1875, page 90).

Article 1.—In derogation of the Law of the 13th Fructidor, Year V, dynamite and explosives with a nitroglycerine base may be manufactured by private establishments on payment of a tax.

Dynamite.

Article 3.—No factory for the manufacture of dynamite or explosives with a nitroglycerine base may be established without the authorisation of the Government. This authorisation shall specify the site of the factory and the conditions of every kind to which its construction and operation shall be subject.

Article 4.—Persons manufacturing or selling dynamite shall be assimilated to persons selling gunpowder. The same regulations shall be applicable to them. The Government may also impose such new regulations relating to the storage, sale and transport of dynamite as it may deem necessary in the interests of general security.

Article 5.—Dynamite powder may not be imported without the authorisation of the Government.

¹ For the public administration regulations giving effect to the Law of March 8th, 1875, see the Decree of August 24th, 1875; see also Article 33 of the Law on the General Budget of April 29th, 1926 (Collection of Laws 1875, page 386, and 1926, page 346).

GERMANY.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

Under the Arms Law (*Waffengesetz*) of March 18th, 1938, which replaces the Law of April 12th, 1928, the manufacture of fire-arms and ammunition is subjected to State authorisation. Such authorisation may be granted only to non-Jewish German citizens, who have a permanent domicile in Germany and who have the requisite personal reliability and professional qualifications.

2. EXTERNAL TRADE.

Exportation and importation of war materials are, by a Law of November 6th, 1935, permitted only upon authorisation of the Reich Commissioner for Export and Import Permits, in agreement with the Minister of War.

3. INTERNAL TRADE.

The provisions of the Law of March 18th, 1938, relating to manufacture, also apply with respect to the trade; authorisation to manufacture arms and ammunition automatically includes the right to trade in them.

4. DEFINITIONS.

The items to which the 1935 Law regarding exportation and importation applies (Notice of November 16th, 1935) cover every type of war material, including military aircraft and substances of chemical warfare.

B. EXPLOSIVES.

Under § 16 of the Gewerbeordnung, the erection of gunpowder factories—among others—is made subject to authorisation in accordance with the laws of the individual “lands” (Länder).

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

ARMS LAW (WAFFENGESETZ) OF MARCH 18TH, 1938 (Reichsgesetzblatt 1938, I, page 265).

Authorisa-
tions.

§ 3.—(1) Any person who intends, in a professional capacity, to engage in the manufacture of, or to carry out work upon, or to repair, fire-arms or ammunition shall require an authorisation for the purpose. The refilling of cartridges shall be assimilated to the manufacture of ammunition.

(2) The authorisation may be issued only to applicants of German nationality permanently domiciled within the territory of the Reich.

(3) The Reich Minister of the Interior, in concert with the Reich Ministers concerned, may allow exceptions to the provisions of paragraph 2.

(4) The authorisation may furthermore be issued only in cases where the applicant and the persons proposed for the commercial or technical direction of his undertaking have the personal reliability required for the conduct of the business, and where the applicant or the person proposed for the technical direction of the undertaking has the professional qualifications required for the conduct of the business.

(5) The authorisation may not be issued where the applicant or the parties proposed for the commercial or technical direction of his undertaking are Jews, or any one of them is a Jew.

Expiration
of authori-
sations.

§ 4.—(1) In the issue of an authorisation, a time-limit may be imposed not exceeding one year, after which the authorisation lapses if manufacture has not begun. Where no time-limit is imposed, the authorisation shall lapse if manufacture has not begun within one year from the issue of the authorisation. Time-limits may be extended where there are good grounds for such extension.

(2) Furthermore, the authorisation shall lapse if the manufacturer has ceased to manufacture for the space of one year without having been accorded a time-limit for the resumption of manufacture beyond that period. Time-limits for the resumption of manufacture may not exceed one year, but may be extended where there are good grounds for such extension.

(3) Manufacturers must give notice in writing within a week of beginning or ceasing to manufacture.

§ 5.—(1) Authorisations to manufacture shall be withdrawn if the conditions required for the issue of the authorisation cease to be fulfilled in the person of the manufacturer or director of the undertaking.

Withdrawal
of authori-
sations.

(2) In the event of withdrawal of an authorisation, the continuance of manufacture may be provisionally prohibited with immediate effect. The prohibition shall cease to be in force if the application for withdrawal is not made to the competent authority within a week. The competent authority in such case shall first decide as to the provisional prohibition: no appeal shall lie against such decision.

§ 6.—Where an authorisation is refused or withdrawn, no new authorisation may be issued within the next two years, except on the ground of the existence of special circumstances.

§ 25.—(1) The manufacture of, trade in, carrying, possession and import of the following shall be prohibited:

Prohibited
arms.

(i) Fire-arms specially designed to fold up or to be put together, or to be shortened, or to be rapidly dismounted, to a greater extent than is commonly the case with hunting and sporting arms, or fire-arms concealed in walking-sticks, umbrellas, canes or the like;

(ii) Fire-arms fitted with appliances for deadening the report, or with projectors. The prohibition shall extend also to the appliances themselves;

(iii) Cartridges, calibre .22 (= 5.6 mm.), short, long or shot-gun length (small calibre cartridges) with hollow-pointed bullets (perforated or notched).

(2) The manufacture of, trade in, and possession of the fire-arms, appliances and cartridges referred to in (1) may be permitted for export purposes.

* * *

DECREE OF MARCH 19TH, 1938 (Reichsgesetzblatt 1938, I, page 270).

§ 5.—The competent authority for the issue and withdrawal of authorisations to manufacture (§ 3 of the Law) shall be the higher administrative authority in whose area the manufacturer has, or proposes to establish, his business establishment.¹

Adminis-
trative au-
thority.

§ 6.—The competent authority for the issue and withdrawal of authorisations to trade (§ 7 of the Law) shall be the district police authority in whose area the trader has, or proposes to establish, his business establishment.¹

Police au-
thority.

¹ See also § 1 of this Decree, under "4. Definitions" below, page 128.

Special limitations.

§ 7.—Authorisations to manufacture or trade may be limited to specific kinds of fire-arms or ammunition.

Personal reliability.

§ 8.—(1) In determining whether the parties concerned have the personal reliability required for the conduct of a manufacturing or trading business (§ 3, paragraph 4, and § 7, paragraph 2, of the Law), regard shall be had to all the circumstances of the applicant's or director's earlier life.

(2) The following in particular shall be deemed not to have the requisite personal reliability :

(i) Persons without legal capacity, or with limited legal capacity, for the conduct of business;

(ii) Persons declared liable to police supervision or deprived of civil rights, for the duration of such liability to police supervision or deprivation of civil rights;

(iii) Persons convicted of treason or high treason, or persons in whose case there is evidence to justify the assumption that they are engaged in activities contrary to the interests of the State;

(iv) Persons sentenced to terms of imprisonment of not less than three months for attacks with intent to take life or cause injury, breaches of the peace public or private, resistance to State authority, crimes or misdemeanours constituting a public danger, criminal offences committed for gain, offences against property, or breaches of game laws, until the expiry of three years after such sentence has been served. The lapse by prescription, remission or commutation to a fine of such sentences shall be deemed equivalent to the serving thereof; and the three-year period shall in such case be deemed to begin on the day on which the sentence lapsed by prescription, was remitted or was commuted to a fine. Where a sentence is suspended in whole or in part on probation, the period of probation shall be reckoned as part of the three-year period.

Professional qualifications.

§ 9.—(1) Those persons only shall be deemed to have professional qualifications for the conduct of a manufacturing business (§ 3, paragraph 4, of the Law) who have passed the test for masters of the craft concerned or of a similar craft, or are qualified to train apprentices in one or other of the said crafts. The tests recognised under § 133, paragraph 10, of the Industrial Code (*Gewerbeordnung*) shall be deemed to be equivalent to a master's test. The decision as to which crafts are to rank as "similar" to the craft concerned within the meaning of the present Decree shall rest with the German Congress of Chambers of Handicrafts.

(2) Further, those persons shall be deemed to have professional qualifications for the conduct of a manufacturing business who can prove their professional attainments by evidence of successful attendance at a university or higher technical school recognised by the State, or to the satisfaction of an authority to be designated by the Chamber of Commerce and Industry. Detailed regulations in regard to professional requirements and tests shall

be issued by the Reich Minister for Economic Affairs in concert with the Reich Minister of the Interior.

§ 10.—Juristic persons in foreign countries and juristic persons the greater part of whose capital is held in foreign hands may not be accorded authorisation to manufacture or trade.

Foreigners.

§ 12.—When a concern begins or ceases business (§ 4, paragraph 3, of the Law), notice thereof shall be given respectively by manufacturing concerns to the higher administrative authority and by trading concerns to the district police authority in whose area the manufacturer or trader has his business establishment.

Notices of beginning or ceasing to operate.

§ 13.—Authorisations to manufacture or trade shall be withdrawn (§ 5 and § 7, paragraph 2, of the Law) in all cases where the existence of one of the grounds for refusal of the authorisation, as specified in § 3, paragraphs 2-5, of the Law, or in § 8, paragraph 2, of the present Decree, was not known to the competent authority at the time when the authorisation was issued, or where one or other of the contingencies contemplated in § 3, paragraphs 2-5, of the Law, or in § 8, paragraph 2, of the present Decree subsequently arises. In the event of loss or limitation of legal capacity for the conduct of business (§ 8, paragraph 2, point 1, of the present Decree), the authorisation shall be withdrawn only in cases where no deputy is appointed under § 45 of the Industrial Code (*Gewerbeordnung*).

Withdrawal of authorisations.

§ 14.—The competent authority for the purposes of provisional prohibition of the continuance of manufacture (§ 5, paragraph 2, of the Law) shall be the district police authority (in the case of a manufacturing business) or the local police authority (in the case of a trading business) in whose area the manufacturer or trader has his business establishment.

Prohibition of continuance of manufacture.

§ 15.—(1) Any person who engages in a professional capacity in the manufacture of fire-arms must keep a register (*Waffenbuch*) showing the whereabouts of the fire-arms. The register shall be kept in accordance with the following model :

Register.

Serial No.	Date	Quantity	Category	Name of firm appearing on the weapon	Factory No.	Name, place of residence and address of purchaser
1	2	3	4	5	6	7

(2) War material shall be registered in a separate register.

§ 35.—(1) Exceptions for export purposes in respect of the manufacture of, trade in, and possession of the fire-arms, appliances and cartridges referred to in § 25 of the Law shall be allowed by the higher

Prohibited arms: exceptions.

administrative authority of the district in which the applicant has his business establishment.

(2) Fire-arms, appliances and cartridges required by authorities of the Reich or of States, or by the Reichsbank for official purposes, shall not be subject to the prohibition in § 25, paragraph 1, of the Law.

2. EXTERNAL TRADE.

LAW OF NOVEMBER 6TH, 1935 (Reichsgesetzblatt 1935, I, page 1337).

Export and
import of
war
material.

§ 1.—War material (arms, ammunition and other material) may be exported or imported only under a special authorisation issued by the Reich Commissioner for Export and Import Permits¹ in agreement with the War Minister.

§ 2.—The Reich Commissioner for Export and Import Permits shall publish in the "Deutsche Reichsanzeiger und Preussische Staatsanzeiger" a list of war material which may be exported or imported only with his authorisation.²

* * *

ARMS LAW (WAFFENGESETZ) OF MARCH 18TH, 1938 (Reichsgesetzblatt 1938, I, page 265).

Imports.

§ 24.—(1) Authorisation shall be required for the import of fire-arms or ammunition across the Customs frontier. Such authorisation shall be refused where there is reason to question the reliability of the importer.

(2) Paragraph 1 shall not apply to imports by authorities of the Reich or States, or to imports by the manufacturers and traders referred to in §§ 3 and 7 who produce a certificate in evidence of their status.

(3) The provisions of the Law of November 6th, 1935, concerning the Export and Import of War Material (Reichsgesetzblatt I, page 1337) shall not be affected by the foregoing provisions.

(4) Fire-arms and ammunition shall be kept under guard in places outside the Customs frontier (*Zollausschlüsse*) and free zones (*Freibezirke*) in accordance with regulations to be issued by the Finance Minister of the Reich in concert with the Reich Minister of the Interior.

§ 25.—(2): [See above under "1. Manufacture"].

* * *

¹ Reichskommissar für Aus- und Einfuhrbewilligung.

² See Notice of November 16th, 1935, under "4. Definitions" below, page 127.

DECREE OF MARCH 19TH, 1938¹ (Reichsgesetzblatt 1938, I, page 270).

§ 34.—(1) Authorisation to import under § 24 of the Law shall be issued by the district police authority in whose area the person importing the articles is domiciled or resident, or in whose area the place at which he enters the country is situated.

Imports.

(2) The Customs authority shall enter the import on the permit by which the authorisation is issued, and shall thereupon return the permit to the police authority issuing it.

(3) Authorisation to import under § 24 of the Law shall not be required in the following cases (additional to the cases referred to in § 24, paragraph 2, of the Law):

(i) By German nationals, for fire-arms or ammunition which they bring back with them to Germany from abroad;

(ii) By members of foreign rifle-shooting associations entering Germany in connection with rifle-shooting competitions of the Reich Sports League (Deutscher Reichsbund für Leibesübungen) or the German Riflemen's Association (Deutscher Schützenverband), for fire-arms or ammunition which they bring with them for the purpose of taking part in such competitions;

(iii) By persons not domiciled within the territory of the Reich, for sporting-arms or ammunition carried with them, the import of which is declared unobjectionable by a German official agency abroad (Embassy, Legation or career Consulate).

§ 35: [See above under "1. Manufacture"].

3. INTERNAL TRADE.

ARMS LAW (WAFFENGESETZ) OF MARCH 18TH, 1938 (Reichsgesetzblatt 1938, I, page 265).

§ 7.—(1) Any person who desires in a professional capacity to acquire fire-arms or ammunition or to keep them for sale or to transfer them to others, or to act as an intermediary in a professional capacity for the acquisition or transfer of the same, or to offer his services in a professional capacity for the acquisition or transfer thereof, shall require an authorisation for the purpose.

Authorisations.

(2) The provisions of § 3, paragraphs (2)-(5), and §§ 4-6² shall apply *mutatis mutandis*.

¹ Under Decree of June 12th, 1933 (Reichsgesetzblatt 1933, I, page 367), the importation of hand fire-arms (*Faustfeuerwaffen*) is prohibited; exceptions may, according to §36 of the Decree of March 19th, 1938, be granted, subject to the conditions set forth in § 24 (1) of the Law of March 18th, 1938.

² See above under "1. Manufacture", pages 120 and 121.

(3) An authorisation issued under § 3, paragraph 1, shall include authorisation to acquire fire-arms or ammunition or to keep them for sale or to transfer them to another, in a professional capacity.

War material.

§ 22.—(1) The acquisition of war material shall be permissible only on the authorisation of the Supreme Command of the Defence Force or of such authorities as may be designated by the latter for the purpose.

(2) The meaning of the expression "war material" shall be determined in accordance with the provisions of the Law of November 6th, 1935, concerning the Export and Import of War Material (Reichsgesetzblatt I, page 1337).

§ 25 : [See above under "1. Manufacture"].

* * *

DECREE OF MARCH 19TH, 1938 (Reichsgesetzblatt 1938, I, page 270).

§§ 6, 7 and 8 : [See above under "1. Manufacture"].

Professional qualifications.

§ 11.—Those persons only shall be deemed to have professional qualifications for a trading concern (§ 7, paragraph 2, of the Law) who have either been head for not less than three years of an undertaking in which fire-arms or ammunition have been sold, or who have been engaged in such a business for not less than three years as salesmen, assistants or apprentices, or who can prove their professional attainments to the satisfaction of an authority to be designated by the Chamber of Commerce and Industry. Detailed regulations in regard to professional requirements and tests shall be issued by the Reich Minister for Economic Affairs in concert with the Reich Minister of the Interior.

Register.

§ 16.—(1) Any person who in a professional capacity acquires, sells or transfers hand fire-arms (*Faustfeuerwaffen*) to others, or who offers his services in a professional capacity for the acquisition or transfer thereof, must keep a register (*Waffenhandelsbuch*) showing the source from which such fire-arms were obtained and their whereabouts.

(2) The seller must satisfy himself that the purchaser is entitled to purchase hand fire-arms. He must accordingly require production of the permit to purchase or carry arms or a game licence for a year, and must enter in column 15 of the register the category, date and number of the permit or licence and the authority issuing it. Where the purchaser is entitled to purchase hand fire-arms without such permit or licence, the particulars must be entered in column 15 of the register (e.g., Reich authority, gunsmith, etc.).

4. DEFINITIONS.

NOTICE OF THE REICH COMMISSIONER FOR EXPORT AND IMPORT PERMITS OF NOVEMBER 16TH, 1935 (Deutscher Reichsanzeiger und Preussischer Staatsanzeiger, November 18th, 1935, No. 270, page 1).

In virtue of §§ 1 and 2 of the Law of November 6th, 1935, on the Exportation and Importation of War Materials (Reichsgesetzblatt, Part I, No. 126, page 1337), I hereby publish a list of war materials which may be exported or imported only with my permission:

List
of war
materials.

1. Arms and ammunition of all kinds and spare parts thereof, with the exception of the following:

(a) Arms mentioned in § 1 of the Decree of July 13th, 1928, for the Enforcement of the Law on fire-arms and ammunition (Reichsgesetzblatt I, page 198), in the text published on June 2nd, 1932 (Reichsgesetzblatt I, page 253);¹

(b) Sporting-arms mentioned in § 22 of the Decree of July 13th, 1928, for the Enforcement of the Law on fire-arms and ammunition (Reichsgesetzblatt I, page 198);¹

(c) Heavy rifled arquebuses and arms of small calibre;

(d) Pistols and revolvers, of calibre less than 8 mm.;

(e) Ammunition for the arms included in items (a) to (d);

(f) Thrusting and cutting arms;

(g) Explosives for commercial purposes.

2. Instruments intended solely for use on military arms or for rendering such arms usable—for instance, measuring instruments, sighting and control gear, periscopes for submarines, ejector tubes, apparatus for the discharge of projectiles.

3. Tanks, armoured cars, armoured trains.

4. Warships of all categories.

5. Military aircraft and spare parts.

6. Substances for chemical warfare.

* * *

ARMS LAW (WAFFENGESETZ) OF MARCH 18TH, 1938 (Reichsgesetzblatt 1938, I, page 265).

§ 1.—(1) For the purposes of the present Law, fire-arms shall be deemed to be weapons in which a solid body can be propelled from a barrel by gas or air pressure.

“ Fire-
arms. ”

(2) For the purposes of the present Law, ammunition shall be deemed to be fire-arm ammunition ready for use and gunpowder of all kinds.

“ Ammuni-
tion. ”

(3) Essential parts of fire-arms or ammunition, whether finished or partly worked, shall be assimilated to finished fire-arms or finished ammunition.

“ Essential
parts. ”

* * *

¹ Replaced by Law of March 18th, 1938, and Decree of March 19th, 1938.

DECREE OF MARCH 19TH, 1938 (Reichsgesetzblatt 1938, I, page 270).

- “Adminis-
trative
authority.” § 1.—(1) For the purposes of the present Decree, the expression “higher administrative authority” shall be deemed to mean, in Prussia and Bavaria the *Regierungspräsident* (in Berlin the Police President), in Saxony the *Kreishauptmann*, in the Saar the Reich Commissioner for the Saar Territory, and elsewhere the highest authority of the “land” concerned.
- “Police
authority.” (2) For the purposes of the present Decree, the expression “district (*Kreis*) police authority” shall be deemed to mean, in communes with State police, the State police authority, and elsewhere :
 In urban districts : the Chief Burgomaster,
 In rural districts : in Prussia the *Landrat*, and in the other States the authority corresponding to the *Landrat*.
- “ Essential
parts.” § 3.—(1) “Essential parts” within the meaning of § 1, paragraph 3, of the Law shall be deemed to mean :
 (a) For fire-arms : the barrel, breach and drum;
 (b) For ammunition : the cartridge-case and projectile.
- (2) The expression “partly worked essential parts” within the meaning of § 1, paragraph 3, of the Law, shall be deemed to mean only parts of the kind referred to in paragraph 1 which are at so advanced a stage of manufacture that they can be finished without the use of special machines, and can therefore be converted, merely by mounting, into fire-arms and ammunition ready for use.
- “ Com-
pressed-
air arms.” § 4.—Compressed-air arms with a calibre of 7 mm. or less shall not be subject to the provisions of the Law with the exception of §§ 9, 24 and 25.

B. EXPLOSIVES.

INDUSTRIAL CODE (GEWERBEORDNUNG), JULY 26TH, 1900
 (Reichsgesetzblatt 1900, page 871).

§ 16.—Permission shall be obtained from the competent authorities under the laws of the State to set up establishments which, in view of their situation and the nature of their workshops, may cause inconvenience, danger or annoyance to owners or occupiers of the neighbouring properties or to the public in general.

Gunpowder factories are included in this category. . . .

ITALY.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

Manufacturers of arms and ammunition of war must obtain a licence from the Minister of the Interior and keep a register of their operations. Their factories are subject to inspection on the part of the officials delegated by the Minister of the Interior, who may also determine the amount of war materials which a manufacturer is permitted to have in stock, suspend the manufacture thereof and withdraw the materials already manufactured or in process of manufacture. (Unified Text of Public Security Laws, June 18th, 1931, Articles 28-35.)

As regards manufacture of other arms and ammunition,¹ a licence from the local authorities is required (Regulation of January 21st, 1929).

Under Decrees of November 18th, 1929, and July 18th, 1930, the war material industries are declared to be "of fundamental importance for the manufacture of products indispensable to national defence"; and, as a result, firms intending to instal or enlarge establishments for carrying on such industries require the prior authorisation of the Minister of Corporations, given on the advice of the Supreme Defence Committee.

A Decree of July 14th, 1935, provided for the setting-up of a General Commissariat of War Material Manufacture to regulate and control the operations of this industry. The different Departments were required to inform the Commissioner-General of the programmes of war material manufacture and of the orders to be confided for this purpose to the national industries.²

A far-reaching control of industry in general has been put into practice by the Italian Government in recent years. In this connection, the following paragraphs are quoted from a speech by the Head of the Government on March 23rd, 1936 (reported in the Italian Press of March 24th, 1936):

" . . . As to heavy industry which is working directly or indirectly for the defence of the nation, with capital obtained by the issue of shares, and

¹ See below under "4. Definitions".

² The Secretariat understands that this Decree—based on the Law of June 8th, 1925, for the Organisation of the Nation for War—is of a transitional character, and that the Fascist General Council, on March 1st, 1937, decided to prolong the functions of the General Commissariat for a further five years.

which is working also for that other industry now grown to capitalist or super-capitalist proportions—a position that involves problems no longer economic but social in character—it will be so constituted as to form large units representing what are known as key industries, and will occupy a special place within the framework of the State.

“ This operation in Italy will be facilitated by the fact that the State already possesses, through the I.R.I.¹, a large proportion of the share capital, and in some cases a controlling interest, in the principal groups of industries concerned in national defence.

“ Is State intervention in these great industrial units to be direct or indirect? Is it to be in the form of administration or of control? In certain branches, there may be direct administration; in others, indirect administration; in others again, effective control. Again, mixed undertakings are conceivable in which the State and private individuals jointly supply the capital and organise the management. ”

2. EXTERNAL TRADE.

The import, export and transit of arms and ammunition of war is subject to the issue of a licence by the Minister of the Interior in the same way as is their manufacture (Unified Text of June 18th, 1931). For the external trade in other arms and ammunition, licences from the local authorities are alone required. Requests for licences must, *inter alia*, indicate the country as well as the person or institution to which the exports are sent, or from which the imports originate.

3. INTERNAL TRADE.

No person may acquire or possess arms and ammunition of war without a licence from the Minister of the Interior; for trade in other arms and ammunition, a licence from the local authorities is sufficient (Unified Text of June 18th, 1931).

4. DEFINITIONS.

The Italian Laws on Public Security recognise two categories of arms :

- (1) Arms and ammunition of war, and
- (2) Other arms and ammunition.

The former includes all materials intended for or capable of being used for the arming of national or foreign troops or for any military purpose whatsoever.

¹ Istituto di Ricostruzione Industriale.

B. EXPLOSIVES.

The manufacture, sale, etc., of dynamite and similar explosives is conditional upon the issue of a licence by the Minister of the Interior (Unified Text of June 18th, 1931). For transit, a licence from the local authorities is sufficient.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

DECREE-LAW OF NOVEMBER 18TH, 1929 (Leggi e Decreti 1930, IV, page 3447).

Article 1.—His Majesty's Government, on the proposal of the Supreme Defence Committee, has the right to determine what industries shall be declared to be of fundamental importance for the manufacture of products indispensable to national defence. This declaration shall be made by Royal Decree.

Regulations for the manufacture of products indispensable to national defence.

Article 2.—Firms which intend to instal or enlarge, on any part of the national territory, establishments for carrying on the aforesaid industries must first apply for the authorisation of the Minister of Corporations, whose decision, given on the advice of the Supreme Defence Committee, will not admit of appeal.

* * *

DECREE OF JULY 18TH, 1930 (Leggi e Decreti, 1930, IV, page 3447).

Single Article.—The following are declared to be of fundamental importance for the manufacture of products indispensable to national defence: industries for the manufacture of arms, various implements of war, ammunition and explosive, wireless apparatus, instruments and material for telecommunications, and all other war products; the aeronautical construction industry, the naval construction industry, the industry for the construction of means of land transport.

First list of industries indispensable to national defence.

* * *

UNIFIED TEXT OF PUBLIC SECURITY LAWS, JUNE 18TH, 1931¹
(Leggi e Decreti 1931, II, page 1921).

Article 28 (Article 27, U.T. 1926).—Apart from the cases stipulated in the Penal Code, it is forbidden, except under licence from the Minister of the Interior, to collect or be in possession of war arms and other similar

War arms.

¹ Note by the Secretariat.—This text replaces the Unified Text of November 6th, 1926.

arms, whether national or foreign, or parts of arms, or of ammunition, military uniforms or other objects intended for the arming or equipment of armed forces, whether national or foreign.

Manufacture, import, export.

A licence is also necessary for the manufacture, import and export of the aforesaid arms or parts thereof, of ammunition, military uniforms or other objects intended for the arming or equipment of armed forces.

Other arms.

Article 31 (Article 30, U.T. 1926).—Subject to the provisions of Article 28 concerning war arms, it is forbidden to manufacture other arms, to import them into the State, to export them, to be in possession of them for commercial or industrial purposes or to offer them for sale without a licence from the commissary of police.

A licence is also necessary for collections of artistic, rare or antique weapons.

Licences.

Article 32 (Article 31, U.T. 1926).—The licences referred to in Articles 28 and 31 may not be issued to persons without legal capacity and are valid exclusively for the premises named in the said licences.

The management of the factory, depot or shop for the sale of arms may be delegated to a representative.

Licences for collections of artistic, rare or antique weapons shall be permanent. Nevertheless, material changes in regard to the collection or the place where it is housed must be notified to the commissary of police.

Repairs.

Article 33 (Article 32, U.T. 1926).—Persons engaged in the repair of arms must notify the police commissary and inform him of any transfer of their establishment.

Registers.

Article 35 (Article 34, U.T. 1926).—Every person engaged in the manufacture of, trade in or repair of arms, is required to keep a register of each day's transactions in which must be entered particulars of the persons with whom such transactions are carried on.

This register must be produced at the request of police officials or agents.

* * *

REGULATIONS OF JANUARY 21ST, 1929¹ (Leggi e Decreti 1929, I, page 485).

Article 35: [see under "4. Definitions" hereunder].

Licences for the manufacture of war material.

Article 36.—Applications for the issue of a licence from the Minister of the Interior for the manufacture of the war material mentioned in Article 27² of the law must contain, in addition to full particulars of the applicant and the latter's signature, the following information:

- (a) Situation of the works;
- (b) Nature and amount of the material to be manufactured;

¹ Note by the Secretariat.—According to Article 221 of the Unified Text of June 18th, 1931, this executive regulation relating to the former Unified Text remains in force until the adoption of a new regulation (now being prepared by the Ministry of the Interior).

² Article 28 of the new Unified Text.

(c) Period within which the applicant proposes to complete the various parts of his programme of manufacture.

Changes concerning the quantity of material to be manufactured must be notified to the Prefect from time to time.

The particulars mentioned under letters (a) and (b) of the present article must be entered on the licence.

Article 37.—Establishments for the manufacture of war material are placed under the supervision of the Ministry of the Interior, which exercises supervision through officials delegated for this purpose.

Technical supervision may also be exercised by the Ministry of War, whose delegates, whether technical or military, shall have the right at any time to inspect the establishments.

Article 38.—The Minister of the Interior shall have the right to determine the nature and amount of war materials which a manufacturer is permitted to have in stock and to suspend manufacture and withdraw the materials already manufactured or in process of manufacture.

Articles 46 and 47 : [see below under " 4. Definitions "].

Article 48.—Applications for the issue of licences to manufacture ordinary arms, or to import them from abroad, or export or convey them in transit in the Kingdom must contain :

For manufacture, the particulars stipulated in Article 36, paragraph 1, and under letters (a), (b) and (c);

For importation from abroad, the particulars stipulated in Article 40, paragraph 1, and under letters (a), (b) and (c);

For export, the particulars stipulated in Article 41, paragraph 1, and under letters (a), (b) and (c);

For transit, the particulars stipulated in Article 42 of the present regulation.

The particulars must be entered on the licence.

* * *

DECREE-LAW OF JULY 14TH, 1935 ¹ (Leggi c Decreti 1935, IV, page 3250).

Article 1.—For the purpose of regulating and supervising activities connected with war material manufactures and also the use of the means and personnel required therefor, there shall be constituted a General Commissariat of War Material Manufacture, depending directly and

Supervision
of the
manufacture
of war
material.

Determina-
tion of the
quantity,
etc.

Arms other
than war
material.

General
Commissa-
riat of War
Material
Manufac-
ture.

¹ *Note by the Secretariat.*—This Decree-law was enacted in execution of Article 4 of the Law on the Organisation of the Nation for War, dated June 8th, 1925, reading in part as follows :

" *Article 4.*—With a view to the carrying out of civil mobilisation, there shall be established, as soon as it has been found to be necessary, under the ministries concerned and subject for purposes of co-ordination to the Supreme Defence Committee :

" (a)

" (b) An organ to provide for war manufactures, the allocation of raw materials and industrial products, the supervision of establishments, both State and private;

" (c)"

exclusively on the Head of the Government, the President of the Supreme Defence Commission.

Article 2.—The duties of General Commissioner of War Material Manufacture will be assumed by the President of the Committee for Civil Mobilisation.

The General Commissioner shall have the right to correspond with the public administrations concerned, to demand of them, in addition to the necessary data and information, any other form of collaboration with a view to the fulfilment of his duties, and to take such steps as may be necessary for the performance of his functions.

Article 3.—The State administrations shall be required to inform the General Commissioner in advance of programmes of war material manufactures and of orders and commissions in connection therewith to be entrusted to the national industries and to comply, for the purposes of their execution, with the instructions of the General Commissioner.

* * *

DECREE OF SEPTEMBER 23RD, 1935 (Official Gazette 1935, page 4918).

**Functions of
the General
Commissariat of
War Material
Manufactures.**

Article 1.—The functions of the General Commissariat of War Material Manufactures are as follows :

(a) To prepare, regulate, accelerate and direct the civil mobilisation of private industrial establishments engaged in activities connected with war manufactures ;

(b) To ensure the correlation and co-ordination of programmes of work necessary for the armed forces and other State administrations, adjusting them to the productive possibilities of the national industries and to the urgency and importance of possible requirements ;

(c) To specify and distribute the sources of production, as between the administrations concerned, with a view to ensuring the execution of orders ;

(d) To take the necessary measures, through a special service, for the fixing and revision of prices of production ;

(e) To regulate and supervise, in agreement with the competent official administrations, the supplies of raw materials and industrial products necessary for the establishments mentioned under letter (a)—whether these be mobilised on civil lines or not—and for the State establishments, and to take the necessary measures for their distribution ;

(f) To take measures, through the official administrations to be appointed by the General Commissariat, and by means of special credits to be included in the respective budgets, for the constitution of supplies to be placed directly at the disposal of the General Commissariat ;

(g) To regulate and supervise the composition and constitution of the supplies, stocks and reserves indispensable to the establishments

mentioned under letter (a)—whether these be mobilised on civil lines or not;

(h) To take measures, through the official administrations to be appointed by the General Commissariat, and by means of special credits to be included in the respective budgets, for the constitution of supplies of finished products of foreign manufacture with special technical characteristics, which it may be necessary to have available;

(i) To exercise over the establishments mentioned under letter (a)—whether mobilised on civil lines or not—such supervision as may be necessary from the point of view of the regulations or from a technical point of view, in order to ensure the maximum productive and economic output of work;

(j) To ensure and supervise, in agreement with the Ministry of Education and the Ministry of Corporations, the training of auxiliary labour, both in the establishments concerned and in special “centres for the training of qualified workers”.

All measures to be taken by the General Commissariat which may involve financial outlay or necessitate the release of foreign currency must in every case first be decided in agreement with the Ministry of Finance.

Article 4.—As regards supplies from abroad found to be indispensable to the establishments mentioned under Article 1(a)—whether these be mobilised on civil lines or not—and the transport operations connected therewith, the General Commissariat for War Material Manufacture will determine, by agreement with the Ministry of Communications and the Ministry of Corporations and with the Foreign Exchange Control Office (sovraintendenza), the means most suitable for concentrating, simplifying and expediting import procedure.

Indispensable imports.

2. EXTERNAL TRADE.

UNIFIED TEXT OF THE PUBLIC SECURITY LAWS, JUNE 18TH, 1931.

Articles 28 and 31 : [see above under “1. Manufacture”].

* * *

REGULATIONS OF JANUARY 21ST, 1929 (Leggi e Decreti 1929, I, page 485).

Article 40.—Applications for licences for the import of war material must contain, in addition to particulars of the applicant and the latter's signature, the following information :

Import of war material.

(a) The country from which the material is imported and the firm, person or corporation supplying the material;

(b) Particulars of the consignee and the latter's address, and the place at which the material is to be received;

(c) The nature and amount of the material.

The particulars stipulated under letters (a), (b) and (c) of the present article must be entered on the licence.

**Export of
war
material.**

Article 41.—In order to obtain a licence for the export of war material, it is necessary to state, in addition to particulars of the applicant, the following information :

(a) The country of destination of the material and the firm, person or corporation to which or to whom the material is being delivered;

(b) The factory or depot from which the material is being sent;

(c) The nature and amount of the material.

The particulars stipulated under letters (a), (b) and (c) of the present article must be entered on the licence.

Transit.

Article 42.—Applications concerning the conveyance of war material in transit in the Kingdom and licences in respect thereof must contain the particulars stipulated in Articles 40 and 41 of the present regulation.

Licence.

Article 43.—Every consignment of war material requires a special export, import or transit licence, as the case may be; the licence must be produced at the Customs offices.

**Arms other
than war
material.**

Article 50.—The licence mentioned in Article 30¹ of the law, for the importation of arms from abroad or for export, is issued by the police authorities of the province in which the commune to or from which the arms are being sent is situated.

The police authorities of the frontier province through which the arms are imported are responsible for taking the necessary measures in connection with applications in the matter of transit.

The provisions of Article 43 of the present regulation are applicable to the licences mentioned in Article 30¹ above.

**Prohibited
arms.**

Article 51.—It is prohibited to introduce into the Kingdom arms which may not be carried, unless importation has been requested for duly authenticated purposes of study or by a person in possession of a licence for the collection of artistic, rare or antique weapons under the terms of the last paragraph of Article 30¹ of the law.

* * *

DECREE OF SEPTEMBER 23RD, 1935.

Article 4 : [see above under " 1. Manufacture "].

¹ Article 31 of the Unified Text of 1931 (see page 132).

3. INTERNAL TRADE.

UNIFIED TEXT OF PUBLIC SECURITY LAWS OF JUNE 18TH, 1931
(Leggi e Decreti 1931, II, page 1921).

Article 31 : [see above under " 1. Manufacture "].

Article 35 (Article 34, U.T. 1926).— . . .¹ It is forbidden to sell arms to minors, to persons who appear to be suffering from mental unfitness or to persons who cannot establish their identity by the production of an identity card or a licence to carry arms.

Prohibition
of certain
sales.

Article 37 (Article 36, U.T. 1926).—The sale of arms by itinerant vendors is prohibited. The sale by itinerant vendors of cutting or thrusting weapons (side-arms) designed for purposes of offence is authorised subject to the issue of a licence by the commissary of police.

Itinerant
vendors.

4. DEFINITIONS.

UNIFIED TEXT OF PUBLIC SECURITY LAWS, JUNE 18TH, 1931
(Leggi e Decreti 1931, II, page 1921).

Article 28 : [see above under " 1. Manufacture "].

Article 30 (Article 29, U.T. 1926).—For the purposes of the present unified text, the term " arms " is taken to mean :

Arms.

(1) Arms properly so called—that is to say, fire-arms and all other arms normally intended to cause physical injury;

(2) Bombs, any apparatus or container filled with explosive material, or asphyxiating or blinding gases.

* * *

REGULATIONS OF JANUARY 21ST, 1929² (Leggi e Decreti 1929, I, page 485).

Article 35.—By " arms of war ", within the meaning of Article 27³ of the law, is meant arms of all kinds, cutting or thrusting weapons (side-arms) and fire-arms intended for or capable of being used for the arming of national or foreign troops, or for any military purpose whatsoever.

Arms
of war.

By " war-type " arms is meant arms with characteristics similar to those of arms of war.

By " ammunition of war " is meant cartridges, projectiles, bombs, powder, caps and any other materials intended for the loading of fire-arms or generally speaking for use in war.

¹ Note by the Secretariat.—For the beginning of this article, see above under " 1. Manufacture ".

² See above, note on this regulation under " 1. Manufacture ".

³ Article 28 of the Unified Text of 1931, page 131.

Fire-arms. *Article 46.*—The term “ fire-arms ” within the meaning of Article 29¹ of the law shall also include long or short pneumatic arms.

Arms. *Article 47.*—For the purposes of Article 29¹ of the law, the term “ arms ” shall include cutting or thrusting instruments normally intended to cause physical injury, such as daggers, stilettos and other similar instruments.

The term “ arms ”, for the purposes of the said article, shall not include cutting or thrusting instruments which, though capable of being used on occasion for purposes of offence, are specifically intended for other purposes, such as tools and instruments of work and those intended for domestic, agricultural, scientific, sporting, industrial and other similar uses.

B. EXPLOSIVES.

UNIFIED TEXT OF PUBLIC SECURITY LAWS, JUNE 18TH, 1931²
(Leggi e decreti 1931, II, page 1921).

**Licences for
Manufac-
ture, etc.**

Article 46 (Article 45, U.T. 1926).—Except by licence from the Minister of the Interior, it is forbidden to manufacture, have in stock, sell or transport dynamite or products producing similar explosive effects, or fulminates, picrates, light or smoke devices containing detonating mixtures, or solid or liquid matters intended for the composition of explosives at the time of use. It is also forbidden, without a licence from the Minister of the Interior, to manufacture powders containing nitrocellulose or nitroglycerine.

Article 47 (Article 46, U.T. 1926).—Except by licence from the prefect, it is forbidden to manufacture, have in stock, sell or transport gunpowder or any explosive different from those mentioned in the foregoing article, including fireworks and similar products or matters and substances of use in the composition or manufacture of explosives.

It is also forbidden, without a licence from the prefect, to have in stock, sell or transport smokeless powders with a nitrocellulose or nitroglycerine base.

Article 49 (Article 48, U.T. 1926).—A technical commission appointed by the prefect will determine the conditions with which premises for the manufacture or storage of explosive materials must comply.

The costs involved by the functioning of the commission shall be borne by the person applying for the licence.

Article 51 Article 50, U.T. 1926).—Licences for the manufacture and storage of explosives of any kind are permanent; those for the sale of the materials themselves are valid until December 31st of the year in which they were issued. Both categories are valid only for the premises mentioned in the licences.

Transport licences may be permanent or temporary.

Licences may be used by a representative.

¹ Article 30 above, page 137.

² See also Articles 82-111 and 379 of the Regulation of January 21st, 1929 (Leggi e Decreti 1929, I, page 485).

Article 54 (Article 53, U.T. 1926).—Subject to the provisions of **Importation.**
Article 28 concerning ammunition of war, no explosives of any kind may be imported into the country without a licence from the Minister of the Interior, to be issued in each particular case.

A licence may not be granted unless the explosive has already been recognised and classified.

The foregoing provisions shall not apply to explosives in transit; these shall simply require a licence from the prefect of the province through which the goods are imported into the country.

Article 55 (Article 54, U.T. 1926).—Persons responsible for factories, **Registration.**
depots or premises for the retail sale of explosives of any kind are required to keep a register of each day's transactions in which must be entered particulars of the persons with whom such transactions are conducted.

This register must be produced at the request of police officials or agents.

It is forbidden to sell explosives of any kind to a minor or a person who appears to be suffering from mental unfitness or to any one who cannot prove his identity by the production of an identity card or a permit to carry arms.

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NETHERLANDS.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The Fire-arms Law, June 7th, 1919, which is the basic law dealing with arms and ammunition, originally made no express mention of manufacture, but, by the Law of July 8th, 1932, a provision was added explicitly prohibiting the manufacture and possession of arms and ammunition by other than authorised persons.

2. EXTERNAL TRADE.

Under the Fire-arms Act of June 7th, 1919, and the Decree of July 11th of the same year, the import, export and transit of fire-arms and ammunition is prohibited except on the part of the Government or persons authorised by law to carry arms in public places, or of shipments authorised by the Minister of Justice; exceptions may be allowed by the provincial Commissioner.¹

3. INTERNAL TRADE.

The Fire-arms Act of 1919 requires arms traders to keep a permanent register of transactions.

4. DEFINITIONS.

The Act of 1919 defines fire-arms as including also bombs, hand-grenades and other arms designed to explode or to spread poisonous, asphyxiating, etc., gases, and also flame-throwers.

¹ The Laws of October 9th and 26th, 1935 (Staatsblad 1935, No. 599 and 621), are not included in this collection, since they are specifically designed to apply in connection with international collaboration for the purpose of preventing hostilities or bringing them to an end.

B. EXPLOSIVES.

The setting-up of establishments for the manufacture of explosives is subject to authorisation by the communal administration (Law of June 2nd, 1875). The Government was authorised, by the Law of April 26th, 1884, to prescribe rules concerning the transport, import, export, transit, sale and possession of explosives.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

LAW OF JUNE 7TH, 1919 (VUURWAPENWET), AS AMENDED BY THE LAW OF JULY 8TH, 1932 (Staatsblad 1919, No. 310, and 1932, No. 345).

Prohibition of manufacture of fire-arms. Exceptions.
Right of possession.

Article 3.¹—The manufacture, repair and possession of fire-arms and ammunition is prohibited.

The preceding paragraph shall not apply to persons entitled to possess a fire-arm or ammunition.

The right to possess a fire-arm is restricted to :

- (1) Bodies corporate under civil law;
- (2) Persons possessing a fire-arm on behalf of a body corporate under civil law;
- (3) Persons entitled under Article 3, paragraph 1, Preamble, or Nos. 1, 2, 7 or 9 of the Law of May 9th, 1890 (Staatsblad No. 81), to bear arms on the public highway or in places accessible to the public;
- (4) Persons possessing a fire-arm under the written authority, either general or particular, of the Chief of Police of the place of domicile of the possessor, or of Our Commissioner for the province in which the person is domiciled. Such authority may be subject to conditions. It will be granted only on substantial grounds and if no improper use is to be feared. Its validity may be limited to specified periods or areas.

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¹ Note by the Secretariat.—The first two paragraphs of this article were added by the Law of July 8th, 1932.

2. EXTERNAL TRADE.

LAW OF JUNE 7TH, 1919 (VUURWAPENWET) (Staatsblad 1919, No. 310).

Article 2. — We reserve the right to prohibit, by general administrative regulation, the import, export, transit and conveyance of fire-arms and ammunition. Exceptions may be made to such prohibition in accordance with rules to be laid down in general administrative regulations. Such exceptions may be made subject to conditions and to the furnishing of sureties guaranteeing the due observance of those conditions.

Import,
export,
transit and
conveyance
of
fire-arms.

* * *

DECREE OF JULY 11TH, 1919 (VUURWAPENWET) (Staatsblad 1919, No. 474).

Article 2.—The import, export and transit of fire-arms and ammunition is prohibited.

Application
of Law
of June 7th,
1919.

The above paragraph shall not apply to import, export and transit :

(1) Carried out by the Government or on its behalf;

(2) Of fire-arms (including up to twenty-five cartridges for the whole consignment), where the person concerned is, apart from the case provided for under Article 3, paragraph 1, No. 7, of the Law of May 9th, 1890 (Staatsblad No. 81), authorised to bear arms on the public highway or in places accessible to the public;

(3) Authorised by Our Minister of Justice, or under instructions from him, provided that any condition attached to such authority is duly observed.

Article 4.—Exceptions to the prohibition laid down in Article 2, paragraph 1, . . . may be granted in writing :

(1) By the head of the competent Ministry, as to the import, export or transit of fire-arms or ammunition for the public services;

(2) In other cases, by Our Commissioner for the province in which the applicant is domiciled, or, failing domicile in the Netherlands, by Our Commissioner for the province of Utrecht.

Licences shall be made out in a form to be determined by Our Minister of Justice.

3. INTERNAL TRADE.

LAW OF JUNE 7TH, 1919 (VUURWAPENWET) (Staatsblad 1919, No. 310).

Article 4.—Any person habitually, or by way of profession, supplying fire-arms or ammunition to private individuals shall be bound to keep a

Fire-arms
registration.

permanent register and to enter therein at once all fire-arms or ammunition received or delivered by him, in whatever circumstances.

Such person shall be bound to enter in this register without delay the names and addresses of the persons from whom the goods originate and those of the persons for whom they are intended, together with the names and addresses of the persons who supplied the goods and of the persons to whom he has delivered them. He shall also enter the dates of the authorisations, licences and passes granted to the persons referred to above under the present Law or that of May 9th, 1890¹ (Staatsblad No. 81), and the commune in which such documents were issued, together with any further particulars which may be required by the local Chief of Police.

The person concerned shall be bound to produce this register, on request, to the officials mentioned in Article 14.

4. DEFINITIONS.

LAW OF JUNE 7TH, 1919 (VUURWAPENWET), AS AMENDED BY THE LAW OF JULY 8TH, 1932 (Staatsblad 1919, No. 310, and 1932, No. 345).

Fire-arms.

Article 1.—1. The expression fire-arms shall be held to include also bombs, hand-grenades and similar weapons designed to explode or to spread poisonous or asphyxiating gases or gases rendering a soldier incapable of defending himself, flame-throwers, and, in accordance with stipulations to be laid down by general administrative regulation, alarm-pistols and similar devices capable of being used menacingly or to intimidate.

2. The expression " fire-arms " shall also include detached parts thereof.

3. The expression " ammunition " shall also include detached parts thereof.

* * *

DECREE OF JULY 11TH, 1919 (VUURWAPENREGLEMENT), AS AMENDED BY DECREE OF JANUARY 3RD, 1933 (Staatsblad 1919, No. 474, and 1933, No. 3).

Article 1.— . . .

Fire-arms.

The expression fire-arms shall also be held to include alarm-pistols and similar devices capable of being used menacingly or to intimidate excepting those without barrels or having obviously shortened barrels, and so designed as to contain only blank cartridges of a calibre not exceeding 6 mm., the magazine and the gas-vent being placed at right angles to the barrel or to the greatest length of the object.

¹ Relating to the bearing of arms.

B. EXPLOSIVES.

LAW OF JUNE 2ND, 1875 (Staatsblad 1875, No. 95).¹

Article 1.—The unauthorised setting-up of premises likely to prove dangerous, noxious or disagreeable is prohibited. Authority shall be granted by the Communal Administration, except as provided in the present Law.

Dangerous premises.

Article 2.—The premises referred to in Article 1 are the following :

II. Premises for the manufacture, transformation or storage of gun-powder and other explosive substances (fulminates, picrates, chlorates and the so-called nitro-compounds—viz., gun-cotton, pyroxylin, nitroglycerine, dynamite and dualin).

Factories and warehouses for fireworks are included in this category.

* * *

LAW OF APRIL 26TH, 1884 (Staatsblad 1884, No. 81).²

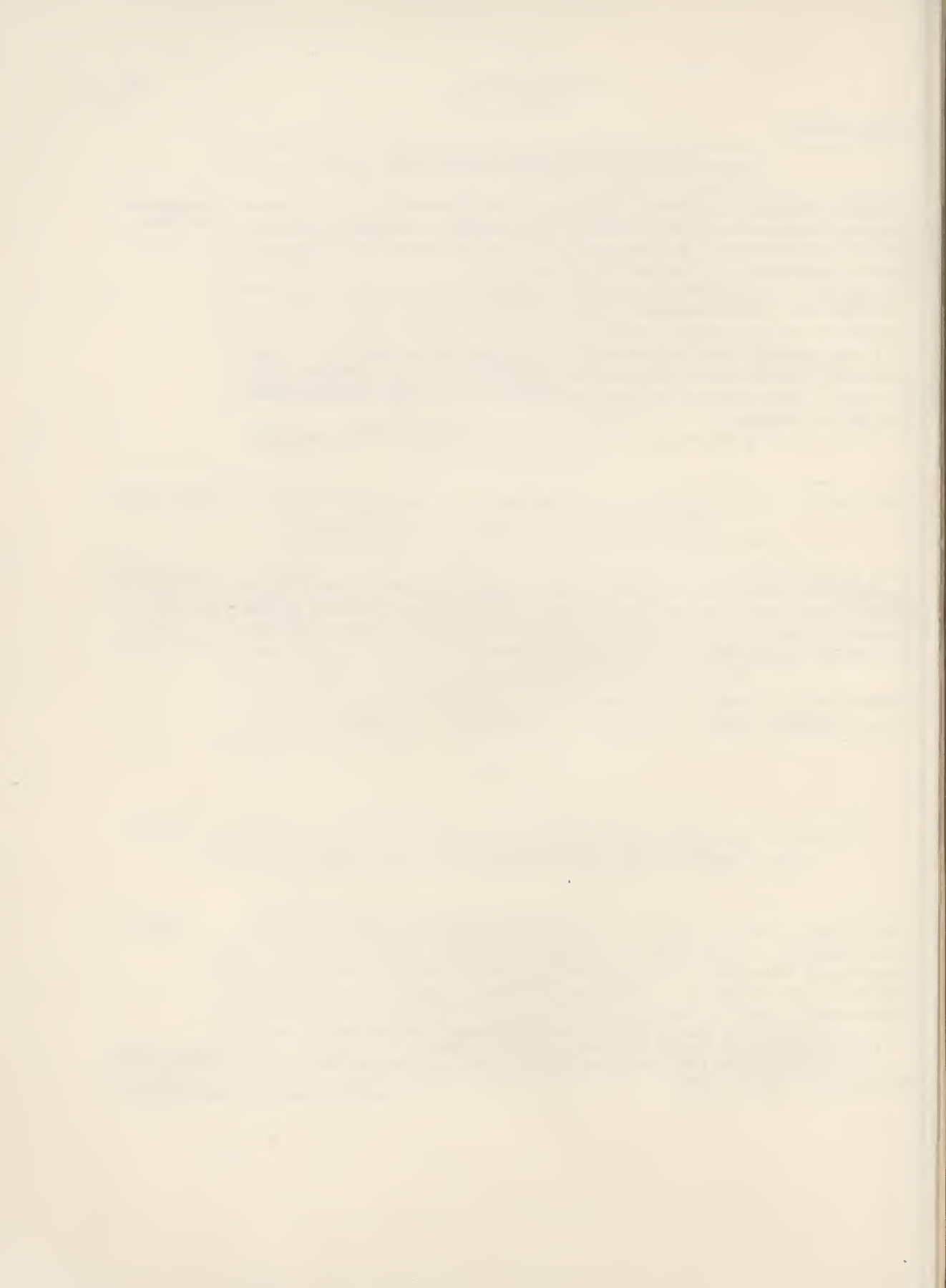
Article 1.—Rules may be made by Us, by way of general internal administrative regulation,³ in the interests of public safety, in regard to the transport, import, export and transit, sale and possession of gunpowder and other readily inflammable or explosive substances.

Transport, import, export, etc., of gunpowder.

¹ Last modified by the Law of July 1st, 1909 (Staatsblad 1909, No. 246).

² Last modified by the Law of June 29th, 1925 (Staatsblad 1925, No. 308).

³ See Decree of October 15th, 1885 (Staatsblad 1885, No. 187), last modified by Decree of March 29th, 1938 (Staatsblad 1938, No. 563).



NORWAY.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

On July 3rd, 1936, the existing Law of June 28th, 1927, concerning the trade in arms was amended so as also to include manufacture, by giving the King power to establish regulations on the subject.

The Secretariat has been informed by the Norwegian Government that there are no private arms factories in Norway. Existing private ammunition factories are subject to the general provisions of the legislation on limited liability companies and to supervision by the State Inspector of inflammable substances.

As regards State factories, the Storting, on April 12th, 1935, recommended the Government to consider the question of the transformation of military into civil production, with a view to limiting the manufacture of arms and ammunition to the needs of national defence, and if necessary to submit a proposal for that purpose.

2. EXTERNAL TRADE.

Control of external trade in arms and ammunition has been established by the Law of June 28th, 1927, and subsequent regulations. Neither export nor import of arms or ammunition or their parts can take place without prior authorisation on the part of the Director-General of Army Material, import being permitted only to licensed traders. If the Director-General of Army Material considers that a particular request for an export permit may be of importance from the point of view of foreign policy, the case may be submitted to the Ministry of Defence.

The decision of the Storting, of April 12th, 1935, lays down that arms and ammunition may be exported only on behalf of lawful Governments.

3. INTERNAL TRADE.

Under the Law of June 28th, 1927, trade in arms and ammunition may be carried on only upon obtaining a Government licence. Each separate purchase of arms must have the approval of the Director-General of Army Material, and a register of all arms sales must be kept and submitted every three months. A record must also be kept of sales of ammunition, subject to local police supervision.

4. DEFINITIONS.

The term "arms", as employed in the Law of June 28th, 1927, includes mainly fire-arms and bayonets, while hand grenades and explosives, etc., are covered by the term "ammunition".

In accordance with a provision of the law authorising the King to apply its provisions to other war materials in the event that this is rendered necessary by international agreements, a Royal Decision on September 11th, 1936, added all categories of aircraft and parts thereof to the arms covered by the legislation.

B. EXPLOSIVES.

The manufacture of and trade in explosives is controlled and regulated by the Law of May 3rd, 1871. A Royal authorisation is required for the establishment of explosives factories, and both factories and trading establishments are subject to inspection.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.¹

LAW OF JUNE 28TH, 1927, MODIFIED BY LAW OF JULY 10TH, 1936 (Norges Lov 1660-1930, page 1821; Norsk Lovtidende 1936, I, page 844).

Article 25.— . . .

Control
of manu-
facture.

Further, the King may, in so far as may be found necessary, issue special rules regarding the manufacture within the country of arms and ammunition and parts thereof.

* * *

DECISION OF THE STORTING, OF APRIL 12TH, 1935 (Norsk Lovtidende 1935, II, page 173).

1 and 2 : [see below under "2. External Trade"].

Conversion
of military
into civil
production.

3. It is recommended that the Government should have the matter examined and, if necessary, submit a proposal for the conversion of production by military workshops into civil production, to the extent required to limit the manufacture of arms and ammunition to the needs of national defence.

¹ *Note by the Secretariat.*—"There are no private arms factories in Norway" (Memorandum of August 3rd, 1937, from the permanent delegate of Norway to the League of Nations).

During conversion, attention must be paid to the necessity of providing settled employment for workers and officials connected with the industry in question.

2. EXTERNAL TRADE.

LAW OF JUNE 28TH, 1927 (Norges Lov 1660-1930, page 1821).

Chapter I.

Article 5.—It is forbidden to import, export or sell within the country, arms, ammunition or parts thereof, except in accordance with the rules established by the present law or issued in virtue of this law.

General provisions.

The King or the person appointed by him for the purpose may grant total or partial exemption from the present law and the above-mentioned regulations, in the case of the categories of arms and ammunition or parts thereof covered by Articles 1 to 4.¹

Chapter II.

Article 6.—Permits to import arms, ammunition and parts thereof may be granted only to licensed dealers in arms and ammunition (*cf.* Article 15)² and licensed manufacturers of arms and ammunition. A permit may, however, be granted to any other person when the articles imported are intended solely for the personal use of the party concerned.

Import permits.

The King may decide that the State alone shall be authorised to import such munitions and parts thereof as are, or may be, used for the purposes of the army.

Needs of the army.

Article 7.—Applications for import permits must be sent to the authority appointed for the purpose by the King;³ they must be approved by that authority before the order is despatched abroad.

Applications for permits.

A fee, the amount of which shall be fixed by the King, shall be paid to the Treasury for import applications. State establishments shall, however, be exempt from this fee.

Article 8.—Arms and ammunition brought with them by private persons coming from abroad without an import permit, and arms arriving in other ways for which no permit is produced, shall be held at the Customs until the question of importation is settled.

Arrival at Customs without permits.

Article 9.—When a decision has been taken with regard to an application for permission to import, a written import permit is made out, in the appli-

Issue of permits.

¹ See below under "4. Definitions".

² See below under "3. Internal Trade".

³ The Director-General of Army Material (Generalfelttøimesteren) or the Minister of National Defence (see Royal Decree of February 24th, 1928).

cant's name, for the consignment of arms in connection with which the application was made (authorised). The import permit, which is valid for an indefinite period, is presented when the consignment is cleared, and is retained by the Customs authorities.

Validity of permits.

Article 10.—An import permit can be used only once. If the whole of the consignment intended (authorised) to be imported does not arrive at the same time, a new import permit must be obtained for the remainder.

Executive regulations.

Article 11.—Executive regulations regarding importation, clearance, etc., are drawn up by the competent department,¹ which can also provide for exceptions to the provisions of Article 8, or establish special rules for arms and ammunition intended for personal use and imported by private individuals entering the country.

Chapter III.

Export.

Article 12.—Any person wishing to despatch arms or ammunition or parts thereof abroad or to take such goods with him on leaving the country must apply for a permit enabling him to do so.

Permits.

Issue of permits.

Article 13.—Applications for export permits are sent to the authority mentioned in Article 7. If the permit is granted, the said authority issues a written export permit, made out in the name of the applicant, and stating the quantity and nature of the goods, their destination, mode of despatch, etc.

The export permit is surrendered to the Customs office when the goods are cleared through the Customs.

No fee is charged for export permits, which are generally issued for a short period but may be extended on request.

Executive regulations.

Article 14.—Executive regulations regarding export and possible restrictions on export are issued by the King or the department designated by him. The same authority can likewise allow exceptions to be made to the provisions of Article 12, or make special rules for arms and ammunition intended for personal use and taken with them by private individuals leaving the country.

Article 23 : [see below under "3. Internal Trade"].

* * *

REGULATIONS OF MARCH 3RD, 1928 (Norsk Lovtidende 1928, I, page 59).

Application
of the Law
of July 28th,
1927.
Import.

A. Chapter 2 of the Law.

1. Importers (licensed traders in arms and ammunition, and private individuals) applying for an import permit for arms and ammunition or

¹ The Ministry of National Defence.

parts thereof must, before sending the order abroad, submit a request to the Director-General of Army Material at Oslo, who shall decide whether the application is to be granted.

If the application is refused, the matter may be referred to the Ministry of National Defence.

2. The application must contain the following information :

- (a) The nature of the goods (pattern, calibre, etc.);
- (b) Quantity;
- (c) Name and address of supplier;
- (d) Number of consignments in which the goods are despatched.

3. If the application is granted, the Director-General of Army Material issues the required import permit (in the prescribed form) for the goods permission to import which has been requested and granted. The import permit is produced when the goods are cleared through the Customs, and is retained by the Customs authorities.

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B. Chapter 3 of the Law.

1. Applications for permits to export arms, ammunition and parts thereof are sent to the Director-General of Army Material, who decides whether they shall be granted or not. If the Director-General of Army Material considers that the matter may be important from the point of view of foreign policy, by reason of the quantity or nature of the goods despatched or the character of the consignee, he refers the case to the Ministry of National Defence.

Export.

2. Applications must contain the following information :

- (a) Nature of the goods;
- (b) Quantity;
- (c) Weight;
- (d) Destination, and consignee's address;
- (e) Mode of despatch;
- (f) Name of the Customs office through which the goods are to be exported.

3. Export permits, which are valid for three months, are issued (in the prescribed form) in duplicate, one copy being sent to the applicant and the other to the Customs office concerned.

4. An export permit the validity of which has expired can be extended for a further period of three months on a request to that effect being made to the Director-General of Army Material.

5. After the goods have been cleared through the Customs, the Customs office concerned returns the copy of the export permit to the Director-General of Army Material, with the necessary endorsement.

6. The Director-General of Army Material keeps a register of permits granted.

* * *

DECISION OF THE STORTING, OF APRIL 12TH, 1935 (Norsk Lovtidende 1935, II, page 173).

1. . . .¹

Lawful
Govern-
ments.

2. The export of arms and ammunition is allowed only to lawful Governments.

3: [see above under "1. Manufacture"].

3. INTERNAL TRADE.

LAW OF JUNE 28TH, 1927 (Norges Lov 1660-1930, page 1821).

Article 5: [see under "2. External Trade" above].

Chapter III.

Licences.

Article 15.—The trade in arms and ammunition and component parts thereof may be carried on only by holders of a special licence issued for the purpose (licensed traders in and manufacturers of arms and ammunition). Such licence shall be issued by the competent department or the authority appointed by such department.

Applications for a licence to trade in arms and ammunition shall be sent through the police (Chief of Police, Lensmann) of the district in which the applicant is domiciled (local police). Applications must be accompanied by a declaration by the Chief of Police of the district, certifying that the police have no objection to the applicant's carrying on such trade.

Duties
of licence-
holders.

Article 16.—Licence-holders shall be required:

(a) To comply strictly with the provisions relating to importation, trade and storage contained in the present Law or enacted in virtue of the present Law;

(b) To keep a record (stating names of purchasers) of all sales of arms or component parts of arms, and to transmit to the competent authority each quarter a report regarding such sales, drawn up in accordance with the prescribed model;

(c) To keep a register (register of explosives) of every sale or purchase of ammunition or component parts of ammunition in accordance with the model to be prescribed by the authority mentioned in

¹ *Note by the Secretariat.*—The first paragraph refers to the export of arms to countries in which there is civil war, or which are at war with other countries.

Article 7, and to observe the rules laid down for this purpose by the said authority;

(d) To agree to the storage of their stock of arms and ammunition, etc., in a public warehouse if they have no depot of their own, authorised by the local police, which can easily be inspected.

Article 17.—Any sale (purchase) of arms must be approved by the authority mentioned in Article 7,¹ to whom application shall be made.

Applications for the purchase of arms must be endorsed by the police (Chief of Police, Lensmann) of the district in which the purchaser is domiciled, by means of a certificate issued by the said authority, specifying the name, occupation and address of the purchaser, the nature of the arms and the purpose for which they are intended. No arms not exempted from the provisions of the present Law (*cf.* Article 5)¹ may be supplied to the purchaser unless he produces a permit in writing.

Article 18.—Ammunition may be sold to persons who produce a permit issued by the police (Chief of Police, Lensmann) of the district in which they are domiciled. Such permits shall be issued only for a specified quantity each time.

Permits may also be issued by the authority mentioned in Article 7¹ either in respect of a specified quantity of ammunition, or in the form of a general permit for a specified period.

Article 19.—Licensed traders desirous of purchasing arms or ammunition in order to resell them shall not be subject to the provisions of Articles 17 and 18 relating to police certificates. Neither is it necessary for ammunition factories which resell ammunition to licensed traders to keep the register of explosives mentioned in Article 16.

Article 20.—The model police certificates and permits referred to in Articles 17 and 18 shall be drawn up by the authorities mentioned in Article 7.¹

These police declarations shall be issued free of charge.

Article 21.—Executive regulations relating to the trade in arms and ammunition and component parts thereof shall be enacted by the competent department. These regulations shall also contain detailed stipulations providing that appeals against the decisions rendered by the subordinate authorities in virtue of Articles 17 and 18 may be made to the competent department.

Chapter V.

Article 22.—The registers of explosives mentioned in Article 16 and the stocks of ammunition in the possession of traders shall be verified by the police. All other supervision shall be exercised by the authority mentioned in Article 7,¹ if necessary with the assistance of the police.

¹ See above under "2. External Trade".

Purchase
of arms.

Purchase
of ammu-
nition.

Derogations.

Models.

Executive
regulations.

Miscella-
neous
provisions.
Supervision.

Exceptions,
etc.

Article 23.—The King or the department authorised by him for this purpose may decide to make exceptions to the present Law, or to adopt special measures in regard to arms and ammunition and component parts thereof intended for the State or for rifle associations.

This provision shall apply also to the sale of such arms by public auction by persons who have purchased them for their own use.

4. DEFINITIONS.

LAW OF JUNE 28TH, 1927, MODIFIED BY LAW OF JULY 10TH, 1936 (Norges Lovver 1660-1930, page 1821) (Norsk Lovtidende 1936, I, page 844).

Arms.

Article 1.—By “arms”, for the purposes of the present law, are meant :

(a) Any propellant arms, whether automatic or not, used for the discharge, by means of a charge of powder or of compressed air or some other similar device, of projectiles (bullets) of all kinds, whether solid or hollow, with or without an explosive charge, containing liquids or gases (grenades, case-shot cartridges, bombs), gun-shot, harpoons, arrows, etc., used in warfare or for hunting and sporting purposes;

(b) Arms or apparatus for the discharge or projection of bullets, light signals, rockets, etc.

(c) Bayonets of all kinds and all lengths, and also cutting and thrusting weapons with a blade measuring 35 cm. or more.

Portable propellant arms are those with a calibre of 15 mm. or less.

Component
parts of
arms.

Article 2.—By “component parts of arms” are meant any parts belonging to any of the arms which are enumerated in Article 1 or which can be used for the assembling of any of those arms and without which the arm in question cannot function or cannot be employed for the purpose for which it is intended.

Ammu-
nition.

Article 3.—By “ammunition”, for the purposes of the present law, is meant :

(a) Any projectile (bullet) to be discharged by means of one of the arms enumerated in Article 1, whatever its nature and calibre, whether it is solid or hollow and whether filled with explosives or gas or not, and also shot and harpoons and arrows for pneumatic rifles;

(b) Hand and rifle grenades filled with powder or any other explosive or gas;

(c) Filled cartridges,—*i.e.*, cardboard or metal cartridge cases containing a projectile or charge of shot together with a charge of powder and an igniting device (firing-cap, percussion cap);

(d) Powder of all kinds, loose or packed in cartridges or cartridge cases;

(e) Explosives of all kinds, loose or in the form of cartridges, such as dynamite, the various safety explosives, etc.;

(f) Poisonous gases which can be used for the fire-arms and ammunition enumerated in Article 1 (b), and Article 3 (a), respectively;

(g) Igniting substances of all kinds (fuses, firing-cartridges, firing-caps, percussion caps, fuses).

Article 4.—By “component parts of ammunition” are meant any parts used for the manufacture of the cartridges mentioned in Article 3 (c).

Component parts of ammunition.

Article 25.—If international agreements render it necessary, the King may extend the application of the present Law and the provisions giving effect thereto to war material other than that expressly mentioned therein.

International agreements.

* * *

DECREE OF FEBRUARY 24TH, 1928 (Norsk Lovtidende 1928, I, page 48).

1. Article 6 of the Law¹ and the provisions of Chapter IV relating to trade, etc., in arms shall provisionally cease to apply to the following arms :

Smooth-bore shot-guns, single or double barrellled, shot-filled cartridges, cartridge cases for shot, primed or unprimed, shot for filling cartridges, target-shooting rifles of a calibre not exceeding 6 mm. (22-bore), bullets for target shooting, weapons for use in slaughter-houses, air-guns, darts for air-guns, foils, épées and sabres, and component parts thereof.

Shot-guns, etc.

Weapons for use in slaughter-houses, air-guns, darts for air-guns, foils, épées and sabres, and component parts thereof, are also excluded, until further notice, from the provisions of Chapter II (Imports) of the Law.¹

The Ministry of National Defence, or the authority designated by the latter for the purpose, may, nevertheless, issue detailed provisions regulating the storage by dealers of the arms and ammunition enumerated above.

The Ministry of National Defence may make exceptions to the provisions of Article 15 of the Law¹ concerning licences and, in addition, may make special regulations applicable to persons wholly engaged in trading in explosive ammunition, gunpowder for use in mines, dynamite and firing devices (fuses, percussion caps, etc.).

Explosives.

* * *

ROYAL EDICT OF SEPTEMBER 11TH, 1936 (Norsk Lovtidende 1936, I, page 1038).

In conformity with Article 25 of the Law of June 28th, 1927, it is hereby decided that the above Law, together with the export regulations made under that Law shall, until further notice, apply to aircraft of every description, assembled or unasssembled, and to separate parts and the equipment thereof.

Aircraft.

¹ Law of June 28th, 1927.

B. EXPLOSIVES.

LAW OF MAY 3RD, 1871 (Norges Lov 1660-1930, page 224).

**Manufac-
ture.**

Article 2.—Factories for the manufacture of the substances enumerated in Article 1¹ may not be erected, enlarged or altered without the authorisation of the King, or of a person appointed by him for the purpose, and only subject to compliance with the stipulations laid down for the protection of workers, or for public safety, as regards the position and lay-out of plant, the construction and arrangement of premises, and any other related question.

Trade.

Article 6.—Any person trading in nitro-glycerine, dynamite or gunpowder, or importing those substances into the Kingdom, shall make a declaration in that sense to the police, indicating—and, on request, demonstrating—the composition of the substances. Such trade or importation may be prohibited by the King if found to involve special dangers. Should prohibition be ordered, existing stocks shall be removed or, where appropriate, destroyed by the police, who shall take effective and satisfactory measures for the purpose. No owners' claims against the State for compensation shall be entertained, unless the stocks in question were already held at the date of promulgation of the present Law.

**Extension
of
application.**

Article 12.—The provisions laid down above, with respect to nitro-glycerine, dynamite and gunpowder, may be extended by the King to cover, in so far, and subject to such adaptation, as may be thought necessary, other explosives or substances that are dangerous by reason of the risk of explosion.

Exemptions.

Article 13.—The above provisions shall not apply to the State silver mines, workshops or military establishments, including premises for manufacturing or storing explosives, or to military transport, etc. The safety measures to be taken in those cases shall be prescribed by the King or by a person appointed by him for the purpose.

Inspection.

Article 26.—An inspector possessing suitable technical qualifications shall be entrusted with the supervision of the inflammable substances covered by the present Law. He shall be appointed by the King, who may terminate his appointment subject to six months' notice. His salary shall be paid by the State. Expenditure incurred by reason of the exercise of his duties shall be refunded to the State by means of proportionate contributions from the undertakings concerned, to an amount and in a manner to be prescribed by the King.

¹ This article reads as follows :

“ The manufacture of nitro-glycerine (this term also including, for purposes of the present Law, mixtures of nitro-glycerine and other liquid substances), dynamite (this term also including, for purposes of the present Law, all solid explosives partly composed of nitro-glycerine), gunpowder and other analogous readily explosive substances may not be carried on in towns; in other parts of the national territory, it may be carried on only at a distance of at least a quarter of a Norwegian mile from a town. . . . ”

Recovery of the share of costs allocated in this manner may be effected by way of distraint.

The inspector shall at any time be allowed free access to any premises in which inflammable substances are manufactured or stored.

Any person manufacturing or storing such substances shall, on request, furnish information on all matters falling within the sphere of supervision. Non-observance of this stipulation shall be punished by fine.

The inspector shall have power to prescribe safety measures for the undertaking. His regulations may, however, be referred for final decision to the competent department.¹ The inspector shall be deemed to be a public official for purposes of the Penal Code and shall receive general instructions from the competent department.

Detailed provisions regarding the relations between the inspector and the Factory Inspection Service shall be issued by the King.

¹ The Ministry of Social Affairs.



POLAND.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

Undertakings for the manufacture of arms are included among those for which concessions are required under the Law of June 7th, 1927, regulating industry in general.

2. EXTERNAL TRADE.

Arms, munitions and explosives for trade or industrial purposes may, under the Law of October 27th, 1932, be imported only by concessionary factories or authorised traders upon authorisation of the Voïvodie authorities of the General Administration; arms for personal use may be imported upon authorisation of the district authority of the General Administration. For the exportation of military arms, an authorisation of the Minister of War or his representative is required.

3. INTERNAL TRADE.

The trade in arms and ammunition is subject to concession in the same way as their manufacture (Law of June 7th, 1932). For the professional trade in arms, the authorisation of the Voïvodie is required. Arms factories, however, may sell without authorisation to authorised arms traders and to persons entitled to purchase arms. The Minister of the Interior, the Minister of War and the Minister of Trade and Industry may by decree prohibit or restrict the trade in certain categories of arms and ammunition.

4. DEFINITIONS.

The 1932 Law defines as arms any instrument designed directly or indirectly to cause bodily injury.

B. EXPLOSIVES.

The manufacture and sale of explosives is included among the undertakings requiring concessions under the Law of June 7th, 1927. The professional trade in and importation of explosives is subject, under the Law of October 27th, 1932, to authorisation by the Voïvodie.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

DECREE OF JUNE 7TH, 1927 (Dziennik Ustaw 1927, page 697).

Conces-
sionary
under-
takings.

Article 8.—A concession shall be required for the exercise of the following branches of trade or industry :

Arms and
ammuni-
tion.
Aircraft.

4. Manufacture and sale of arms and ammunition;

5. Manufacture and sale of aircraft.

Article 10.—Concessions for the exercise of the industries and trades mentioned in Article 8 may be refused on the ground of the safeguarding of the public interest or the safety of the State. In such cases, however, the Chamber of Commerce and of the industry concerned shall be consulted beforehand.

2. EXTERNAL TRADE.

LAW OF OCTOBER 27TH, 1932 ¹ (Dziennik Ustaw 1932, page 1941).

Article 12 (2) : [See below under "3. Internal Trade"].

Importa-
tion.

Article 30.—The introduction of arms into national territory for industrial and commercial purposes may be effected solely upon authorisation of the Voïvodie authorities of the General Administration by arms factories holding a concession or undertakings authorised to engage in the trade in arms (Article 4).²

Article 31.—1. A weapon intended for personal use may be sent to or imported into national territory by authorisation of the district authorities of the General Administration of the place of domicile of the addressee or importer, or in virtue of a certificate issued by the competent Consulate of the Polish Republic abroad.

2. Persons who, in virtue of a consular certificate (paragraph 1), have brought in or imported a weapon shall apply to the district Administration authority of the General Administration within thirty days of their arrival on the territory of the Polish State for a certificate authorising them to possess, or to possess and carry, such weapon.

3. The provisions of paragraphs 1 and 2 shall apply, *mutatis mutandis*, to the persons referred to in Article 19, paragraph 3,³ on the understanding,

¹ *Note by the Secretariat.*—"Decree of the President of the Republic concerning the Law on Arms, Ammunition and Explosives": The articles of this document themselves refer to "this law"; subsequent decrees also refer to it as a "law".

² See under "3. Internal Trade".

³ *Note by the Secretariat.*—Article 19, paragraph 3, refers to soldiers of the regular army or the reserve who are entitled to acquire and carry arms.

however, that the competent authority shall be, not the district authorities of the General Administration, but the military authorities.

4. Paragraph 3 shall not apply to persons residing in Polish territory for less than thirty days.

Article 32.—Military arms, with the exception of arms for personal use, may be exported from the territory of the Polish State only by authorisation of the Minister of War or the authorities to which the latter has delegated the right to issue such authorisation.

Export.

Article 43.— . . .

5. Article 30, paragraph 1, shall apply, *mutatis mutandis*, . . . to the importation and despatch of ammunition and explosives into the territory of the Polish State . . .

Ammunition and explosives.

3. INTERNAL TRADE.

DECREE OF JUNE 7TH, 1927 (see above under " 1. Manufacture ").

* * *

LAW OF OCTOBER 27TH, 1932¹ (*Dziennik Ustaw* 1932, page 1941).

Article 3: [See below under " 4. Definitions "].

Article 4.—1. The trade in arms and ammunition may be exercised professionally only by authorisation of the Administration.

General provisions.

2. Industrial undertakings may sell the arms and ammunition manufactured by them without authorisation :

- (a) To persons authorised to engage in the trade in arms and ammunition (paragraph 1) and
- (b) To order, to persons authorised to purchase arms and ammunition in accordance with the provisions of the present Law.

Article 5.—1. Authorisation (Article 4, paragraph 1) may be granted only to persons :

Authorisation.

- (a) Of Polish nationality;
- (b) Who have not been sentenced by the courts for a crime or for an offence committed for gain;
- (c) Who are of full civil status;
- (d) With suitable professional qualifications;
- (e) Not engaged in hawking;
- (f) In respect of whom there is no ground for fearing that they will make use of the authorisation in a manner detrimental to the State and to public safety.

¹ See note on preceding page.

2. Authorisation may only be accorded to juristic persons who appoint responsible representatives fulfilling all the conditions enumerated in paragraph 1.

3. The Minister of the Interior, in agreement with the Ministers concerned, may allow exceptions to the condition laid down in paragraph 1 (a).

Article 6.—Authorisation shall be accorded by the Voivodie authorities of the General Administration.

**Ammuni-
tion, etc.**

Article 7.—Authorisation to trade in arms may also comprise :

(a) Authorisation to engage in the trade in ammunition for the arms in question;

(b) Authorisation to fill cartridges for sporting arms;

(c) Authorisation to hold and sell gunpowder for personal use.

**Deliveries
to private
individuals.**

Article 12.—1. Arms, ammunition and gunpowder (Article 7) may be delivered only to persons entitled under the present Law to obtain them.

Export.

2. Paragraph 1 shall not apply to the external trade in arms.

**Trade
restrictions.**

Article 13.—The Minister of the Interior, the Minister of War and the Minister of Trade and Industry may, by decree :

(a) Prohibit trade in certain categories of arms and ammunition;¹

(b) Restrict the trade in certain categories of arms and ammunition, or subject it to special conditions.

**Super-
vision.**

Article 15.—1. Undertakings engaged in the trade in arms (Article 4, paragraph 1) shall be subject to supervision by the Administration.

2. Such undertakings shall be supervised by the organs of the General Administration and also, in the case of undertakings engaged in the trade in military arms and ammunition, by the military authorities.

Article 16.—1. Persons engaged in the trade in arms (Article 4, paragraph 1) shall keep full accounts of arms, and shall submit the same to the authorities on dates fixed by the latter. They shall also be required, on request, to produce extracts from or reports on these accounts.

2. Furthermore, these persons shall be in possession of a certificate of origin for every arm held.

3. Paragraphs 1 and 2 shall also apply to ammunition and powder.

**Means
of
execution.**

Article 17.—The Minister of the Interior, the Minister of War and the Minister of Trade and Industry shall issue a decree laying down rules for keeping accounts concerning arms, ammunition and gunpowder; such decree shall also establish model registers and books, together with a model certificate of origin for arms, ammunition and gunpowder. Lastly, it shall lay down rules concerning conservation and use, and the extent and organisation of official supervision.

¹ See Decree of January 27th, 1936 (Dziennik Ustaw, 1936, page 211).

4. DEFINITIONS.

LAW OF OCTOBER 27TH, 1932 (Dziennik Ustaw 1932, page 1941).

Article 1.—1. "Arms" within the sense of the present Law shall be deemed to mean any device for the purpose of causing bodily injury directly or indirectly.

Arms.

2. "Ammunition" shall be deemed to mean cartridges or projectiles for a fire-arm, and explosive projectiles of any kind.

Ammunition.

3. Finished or processed "essential parts" of arms or of ammunition shall be considered to be arms or ammunition. It shall be determined by executive regulation what parts are to be considered essential parts.

Essential parts.

4. Explosives shall be deemed to mean solid, liquid or gaseous bodies which develop destructive force through a physical (mechanical) or chemical agent.

Explosives.

5. The Minister of the Interior, together with the Minister of War and the Minister of Trade and Industry, shall have power to extend the provisions of the present Law by decree, in whole or in part, to objects or appliances or to essential parts of explosives, the use of which may constitute a menace to public security.¹

Article 2.—1. "Military arms" shall be deemed to mean arms which the military use for military purposes or which can be used by the military for military purposes.

Military arms.

2. A list of military arms shall be drawn up by decree for the Minister of the Interior.

Article 3.—The provisions of the present Law shall not apply to side-arms; but the Minister of the Interior, together with the Minister of War, and the Minister of Trade and Industry, may extend these provisions by decree, in whole or in part, to particular categories of side-arms.¹

Side-arms.

B. EXPLOSIVES.

DECREE OF JUNE 7TH, 1927 (Dziennik Ustaw 1927, page 697).

Article 8.—A concession shall be required for the exercise of the following branches of trade or industry :

Concession.

3. The manufacture and sale of all materials or objects of a pyrotechnical and explosive character.

* * *

¹ See Decree of January 27th, 1936 (Dziennik Ustaw, 1936, page 211).

LAW OF OCTOBER 27TH, 1932 (Dziennik Ustaw 1932, page 1941).

Authori-
sation.

Article 37.—Trade in explosives may not be conducted in a professional capacity without administrative authorisation.

Article 38.—1. The authorisations referred to in Article 37 shall be issued by the Voïvodie authorities of the General Administration.

.
Article 43: [See under " 2. External Trade " above].

SWEDEN.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The manufacture of war materials can be engaged in only by Swedish nationals or Swedish companies under Royal authorisation, granted under such conditions as may be found necessary, for an indefinite period, but subject to revocation. Such manufacture is placed, moreover, under supervision by the War Material Inspectorate of the Department of Trade. The account-books and relevant documents must be placed at the disposal of this authority, the officials of which have access at all times to the factories, and must be given any information requested concerning orders in hand. The costs of this supervision are borne by the manufacturers by means of annual contributions based on the value of the war materials sold (Royal Decree of June 20th, 1935).

Professional agents for the sale of war materials are also subject to authorisation, except when acting on behalf of authorised manufacturers (Royal Proclamation of June 5th, 1936).

The Swedish Government has informed the Secretariat that its national arms control legislation enables it to ascertain what undertakings are engaged in war material manufacture in Sweden, the extent of such manufacture in respect of the different categories of war material, and the volume, the value and the geographical distribution of exports, etc. In the Inspectorate of War Materials the Government possesses an organ which also follows developments in other countries and international events in this field.

2. EXTERNAL TRADE.

The Royal Decree of December 19th, 1930, as amended by later decrees, prohibits the export of war materials specified in annexed lists.

Nevertheless, according to a communication from the Swedish Government, authorisations for such exports may be granted by the Government; moreover,

in accordance with the Arms Traffic Convention of 1925, the exportation of material designed for war purposes is authorised only when intended for Governments.

The importation of fire-arms and ammunition is prohibited except by authorisation of the Minister of Social Welfare (Royal Proclamation of June 22nd, 1934).

3. INTERNAL TRADE.

The trade in fire-arms is conditional upon revocable permits granted by the Provincial Administration for a period not to exceed five years. The trade in ammunition is subject to special provisions. Registers of all sales of fire-arms and ammunition must be kept.

4. DEFINITIONS.

The very detailed and frequently modified list of war materials to which the export prohibitions apply (Decree of February 26th, 1937), is based on the nomenclature of the Customs tariff and covers every type of war material—not excluding sporting weapons and aircraft. With minor modifications, this list also applies in connection with the control of manufacture (Royal Proclamation of June 20th, 1935).

B. EXPLOSIVES.

The manufacture of and trade in explosives is regulated by Decree of May 18th, 1928. Officials of the explosives inspectorate may have access to explosives factories, warehouses, trading premises, etc., and may obtain information and samples of raw materials or finished goods. Explosives may be manufactured only under revocable authorisations obtained from the Provincial Administration. A special authorisation is also required for the trade in explosives.

The law divides explosives into those of the first class and those of the second class. The former include the principal explosive substances and appliances and may be manufactured only in factories, requiring prior inspection; the latter include ammunition for small arms, ignition devices, etc., and they may also be manufactured on premises other than factories.

The officials of the explosives inspectorate may have no interest in business concerns under their supervision (Instructions of November 29th, 1929).

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

ROYAL DECREE OF JUNE 20TH, 1935 (Svensk Författningssamling 1935, No. 395).

§ 1.—No person may engage in the manufacture of war material in the country unless the King has given authorisation therefor. Unless the manufacture in question is to be only on a small scale, such authorisation may be granted only to a Swedish national, a Swedish commercial company with no foreign partners, or a Swedish joint-stock company, the shares of which are issued to specific persons and the articles of association of which contain reservations referred to in § 2 of the Law of May 30th, 1916 (No. 156), regarding certain limitations of the right to acquire immovable property or mines or shares in certain companies, etc. The authorisation shall be granted until further notice and may be withdrawn by the King should there be justifiable grounds therefor.

Authorisation to manufacture war material.

The King shall determine what is meant by the term war material in the present Decree.¹

The present Decree shall not apply to Crown factories or workshops, or to Crown stocks.

§ 2.—Applications for authorisation to engage in the manufacture of war material shall contain particulars of the place where such manufacture is to be carried on, and the kind or kinds of war material which the applicant proposes to manufacture.

Applications for authorisation.

When granting authorisation, the King shall state what terms and conditions may be found necessary for the purpose of making use of the authorisation.

Terms and conditions.

§ 3.—The manufacture of war material shall be placed under the supervision of the authority appointed by the King in the manner stated hereinafter.

Supervision.

Administrative regulations regarding the organisation and work of this authority shall be issued by the King.²

§ 4.—Manufacturers of war material shall, in accordance with the detailed provisions to be issued by the King, make a declaration on oath to the supervisory authority regarding their manufacture of war material.

Declaration.

¹ See below, Royal Proclamation of June 20th, 1935, under "4. Definitions".

² Note by the Secretariat.—§ 2 of the Royal Proclamation of June 20th, 1935 (see below, under "4. Definitions"), reads as follows:

"The supervision of the manufacture of war material referred to in § 3 of the said Ordinance shall be exercised by the War Material Inspectorate of the Department of Trade."

Inspection. § 5.—Manufacturers of war material shall place their account books and other relevant documents, in so far as they refer to the manufacture of war material, at the disposal of the supervisory authority.

Such manufacturers must also, for the purpose of supervision, permit officials belonging to the supervisory authority, on such officials' demand, to enter the factory in which war material is manufactured, and must give the supervisory authority any information which it may require regarding orders in hand, goods manufactured and any circumstances connected therewith, and must also in other respects comply with the provisions laid down by the King or by the supervisory authority for the purpose of ensuring that the duty as to declaration has been properly fulfilled and that the provisions and conditions laid down have been observed in all other respects.

Persons who, in virtue of their official duties, acquire knowledge of the book-keeping or documents or obtain the information mentioned in the first or second paragraph, may not disclose particulars of business matters of which they have thus obtained knowledge except in so far as is required by the exercise of their duties.

Costs. § 6.—In order to cover the costs of the organisation and work of the supervisory authority, manufacturers of war material shall pay an annual contribution in accordance with provisions to be laid down by the King. Such contribution shall amount to a certain proportion—which shall be the same for all manufacturers—of the invoiced value of the war material sold.

Agents. § 7.—The King may decree that no person may, without Royal authorisation, conduct business in the country as agent for manufacturers of war material.

If such decrees have been issued, the King, on granting authorisation, shall state what stipulations and conditions may be deemed necessary for the purpose of making use of the authorisation.

* * *

ROYAL PROCLAMATION OF JUNE 5TH, 1936 (Svensk Författningssamling 1936, No. 250).

Definition. § 1.—“ War material ” for the purposes of the present Proclamation shall be deemed to be the kinds mentioned in § 1 of the Proclamation of June 20th, 1935 (No. 396) containing certain provisions in connection with the Decree of June 20th, 1935 (No. 395), regarding supervision of the manufacture of war material, etc.¹

Authorisation to act as agent. § 2.—Without authorisation from the King, no person in the country may engage in business as a commercial agent with a view to selling or offering for sale, or supplying in any other manner to any person within

¹ See below under “ 4. Definitions ”.

the country or abroad, war material or inventions of particular kinds of war material or methods for the manufacture of such material.

The above provision shall not apply, however, if the above-mentioned business is conducted for account of manufacturers who, in accordance with the provisions of the above-mentioned Decree, have obtained authorisation or otherwise possess the right to manufacture war material, in so far as the war material referred to in such authorisation or right is concerned, or in the case of the trade in explosives which is referred to in the Decree of May 18th, 1928 (No. 139),¹ regarding explosives, or the trade in fire-arms which is referred to in the Arms Proclamation of June 22nd, 1934 (No. 315).²

§ 3.—Applications for the authorisation referred to in § 2 shall contain particulars of :

Applica-
tions
for
authorisa-
tion.

- (1) The applicant's name, occupation and domicile;
- (2) The applicant's nationality;
- (3) The person or persons whom the applicant intends to represent as commercial agent;
- (4) The kinds of war material, inventions or methods of manufacture of war material in which the business is to be carried on.

The correctness of the particulars shall be confirmed by a certificate from two reputable Swedish citizens who are not under any disability in that respect.

2. EXTERNAL TRADE.

ROYAL DECREE OF DECEMBER 19TH, 1930, AS AMENDED BY DECREES OF MARCH 3RD, 1933, SEPTEMBER 29TH, 1933, OCTOBER 18TH, 1935 AND FEBRUARY 26TH, 1937 (Svensk Författningssamling 1930, No. 437; 1933, Nos. 67 and 560; 1935, No. 537; 1937, No. 65).

Article 1.—1. It is prohibited³ to export to foreign countries the goods of the following categories which appear in the Customs tariff with statistical nomenclature now in force under the following statistical numbers :

War
material
exports.

[The full text of this article is reproduced below under "4. Definitions".]

* * *

ROYAL PROCLAMATION OF JUNE 22ND, 1934 (Svensk Författningssamling 1934, No. 315).

§ 19.—No person may import fire-arms or ammunition into Sweden without authorisation from the Minister of Social Welfare; but such articles may be conveyed in transit to places within Sweden.

Fire-arms
imports.

If authorisation to import fire-arms has been granted to a person, he may also have possession of the arms for the purpose for which the authorisation was granted.

¹ See below under "B. Explosives".

² See below under "3. Internal Trade".

³ *Note by the Secretariat.*—The Secretariat has been informed by the Swedish Government that the prohibition applies except in the case of licences granted by the Government.

3. INTERNAL TRADE.

ROYAL PROCLAMATION OF JUNE 22ND, 1934 (Svensk Författningssamling 1934, No. 315).

Autho-
risations
for
trade
in
fire-arms.

§ 16.—Any person wishing to trade in fire-arms shall be required to apply for authorisation for that purpose to the provincial administration of the province in which the business is to be carried on.

Authorisation to trade in fire-arms may not be granted to persons other than those who are entitled to trade in general and have shown themselves to be respectable and trustworthy. If the authorisation is granted to a company or an association, there shall be a manager at the head of the business who is approved by the provincial administration and who fulfils the above-mentioned requirements. Such manager shall be responsible for the proper conduct of the business.

Authorisations may be granted only for a specified period not exceeding five years, and shall state the particular number and kind of fire-arms which may be kept at one time. The decision in the matter shall indicate the place where the business may be carried on.

If the person trading in fire-arms dies or becomes bankrupt, the executor of the property (Dödsboet) or the receiver of the bankrupt estate (Konkursboet) shall, if it is intended to continue the business, be required without delay to notify the provincial administration and, at the same time, propose a manager for the business. If such manager is approved by the provincial administration, the business may be continued under his responsibility for not more than a year from the death, or from the decision regarding the surrender of the property.

The authorisation may be withdrawn if there are special reasons for such a step.

Authorisations to trade in ammunition shall be subject to special provisions.

§ 17.—If a person trading in fire-arms possesses such arms for sale, or if a person trading in ammunition obtains such goods, he shall be required to apply for authorisation for that purpose to the provincial administration of the province in which the business is carried on.

Fire-arms and ammunition may not be transferred, nor may fire-arms be delivered to a person trading in such goods, unless he has received authorisation to possess the arms or obtain the ammunition.

Registers.

§ 18.—Persons trading in fire-arms or ammunition shall be required to keep special books showing their sales of such articles. In these books there shall be shown for each sale:

- (1) The date of the sale;
- (2) The name in full, occupation and domicile of the purchaser;
- (3) As regards fire-arms, the number and kind of arms and as regards ammunition, the kind or kinds and quantity sold;

(4) The provincial administration which issued the authorisation certificate produced by the purchaser as his authority and the date of issue of such certificate.

The duplicates of the authorisation certificates shall be attached to the book as vouchers.

The sales book, together with the vouchers, shall be kept for a period of not less than ten years from the date of the last entry and shall be available for inspection by the police authorities or the persons performing the functions of the police authorities.

The above provisions of the present section shall not apply to the sale of small-shot cartridges or cases of such cartridges.

Persons trading in fire-arms or ammunition shall be obliged to take such precautions regarding the fire-arms or ammunition in their possession as will prevent unauthorised persons from obtaining access to them.

§ 28.—The present Proclamation shall not apply to the Crown or to the State Commissioner of Police (Statspolisintendent) or to chiefs of police in towns or rural districts or to the higher authorities.

Exceptions.

* * *

ROYAL LETTER OF JUNE 22ND, 1934, TO THE ARTILLERY AND CIVIL DEPARTMENT OF THE ARMY ADMINISTRATION (Svensk Författningssamling 1934, No. 317).

II.—1. In so far as the arms and ammunition requirements of the army, navy and air force permit, the Artillery Department of the Army Administration, the Naval Administration and the Air Force Board may sell small arms—other than machine-rifles m/21—together with their accessories and ammunition, to the following :

Sale of small arms and ammunition therefor from the Crown stores.

(a) Rifle and athletic associations which have duly been authorised to be formed in the army, navy and air force;

(b) The Governing Board of the Rifle Union, and rifle unions and associations attached thereto;

(c) The Central Union of Swedish Reserve (Landstorm) Associations and reserve (Landstorm) unions and associations attached thereto, voluntary automobile corps and voluntary motor-boat corps;

(d) Civil State authorities and police authorities;

(e) Factories situated in Sweden which manufacture arms or ammunition, and

(f) Officers and non-commissioned officers and other individual persons.

3. The sale of arms and ammunition in the circumstances referred to above may take place only if the purchaser has obtained, in the manner prescribed in the Proclamation regarding Arms, authorisation to possess the arm or arms or to obtain the ammunition in question.

* * *

ROYAL PROCLAMATION OF JUNE 5TH, 1936 : [Sec above under "1. Manufacture"].

4. DEFINITIONS.

DECREE OF DECEMBER 19TH, 1930, AS AMENDED BY DECREES OF MARCH 3RD, 1933, SEPTEMBER 29TH, 1933, OCTOBER 18TH, 1935, AND FEBRUARY 26TH, 1937 (Svensk Författningssamling 1937, No. 65).

§ 1.—Clause 1 : Export abroad shall be prohibited in respect of the following articles contained in the current Customs tariff with statistical list of commodities, under the statistical numbers set forth below :

Statistical No.

ex 455 : 2	Phosgene (oxychloride of carbon).
ex 515	Diphenylaminochlorarsine (Adamsite), diphenylcyanarsine, diphenylchlorarsine, ethyldichlorarsine, phenyldichlorarsine, chlorovinylidichlorarsine (Lewisite) and methyldichlorarsine.
ex 540	Benzyl bromide, benzyl iodide, benzyl chloride, bromacetone, α -bromobenzyl cyanide, bromocyanogen, bromomethyl-ethylketone, bromoacetic acid ethyl ester, bromoacetic acid methyl ester, cyanoformic acid methyl ester (cyanocarbonic acid methyl ester), dibromodimethyl ether, dibromomethyl-ethylketone, dichlorodiethyl sulphide (mustard gas, yperite), dichlorodimethylether, phenylcarbylaminodichloride, iodacetone, iodacetic acid ethyl ester, chloracetophenone, chloracetone, chlorocyanogen, chloroformic acid dichloromethyl ester (dichloromethylchloroformate), chloroformic acid ethyl ester (chlorocarbonic acid ethyl ester), chloroformic acid monochloromethyl ester (monochloromethylchloroformate), chloroformic acid trichloromethyl ester (diphosgene, trichloromethylchloroformate, perchloroformic acid methyl ester), chloropicrine (trichloronitromethane, nitrochloroform), chlorosulphonic acid ethyl ester, chlorosulphonic acid methyl ester, methylbromethylketone, nitrobenzyl chloride (ortho-), palite (incompletely chlorated formic acid methyl ester), perchloromercaptan, thiophosgene and bromides of xylyl.
622	Black powder (saltpetre powder).
ex 623	Guncotton.
624	Smokeless powder.
625-626	Dynamite and other explosives not elsewhere specified.
627-628	Ignition devices.
630	Matchcord (other than black-powder cord) and ignition tubes.
ex 1405-1410	Armour-plate.

Statistical No.

- 1922-1923 Aircraft.
 1929-1940 Warships.
 ex 1966 Telemeters and parts thereof.
 ex 1993 }
 1994-1995 } Foils, sabres, swords, bayonets, cutlasses and similar weapons,
 ex 1996 } with or without scabbards and parts thereof.
- Revolvers and pistols, with or without accessories; finished parts thereof :
- 1997 Automatic, with or without magazine, even fitted with stock, of calibre exceeding 6.5 mm. and barrels exceeding 10 cm. in length; finished parts therefor.
 ex 1998 Other, and finished parts, except range pistols and air pistols and finished parts thereof.
- Rifles with or without accessories, and automatic rifles and machine-guns, unmounted; finished parts therefor :
- 1999 Military rifles and carbines; finished parts therefor.
 2000 Sporting-guns, rifled, of calibre 6 mm. or over, even with fixed barrel; finished parts therefor.
 ex 2001 Other sporting guns and finished parts therefor, except smooth-bore guns and finished parts therefor.
 2002 Machine-guns, automatic rifles and automatic pistols, unmounted; finished parts therefor.
 ex 2003 Other fire-arms and finished parts therefor, except range and instructional rifles, air-guns and spring-guns, and finished parts therefor.
- Implements of war not elsewhere specified and detached parts :
- 2004 Armour-plate.
- Other :
- 2005 Guns and howitzers of calibre :
 2006 Less than 15 cm.
 2007 15 cm. or over.
 2007 Mortars.
 2008 Machine-gun mountings.
 2009 Mountings other than those for machine-guns; limbers and ammunition wagons.
 2010 Sighting and firing apparatus.
 2011 Bomb-throwers and apparatus for dropping bombs and torpedoes.
 2012 Interrupter gears.
 2013 Tanks and armoured cars.
 2014 Other.
 2016 Shot and bullets, lead.

Statistical No.

2017	Means of ignition, not elsewhere specified, for projectiles and fire-arms.
	Cartridges :
	For small arms and machine-guns :
2018	For military use.
ex 2019	Other, except cartridges for small shot and cartridges for humane killers.
2020	For artillery.
	Cartridge cases :
	For small arms and machine-guns :
2021	For military use;
2022	Other.
2023	For artillery.
	Ammunition not elsewhere specified and parts thereof, projectiles for fire-arms :
2024	For army rifles, machine-guns and similar fire-arms.
2025	For pistols and revolvers of calibre exceeding 6.5 mm.
2026	Other.
	Other categories :
	Projectiles for guns, howitzer and mortars :
2027	Unfilled.
2028	Filled.
2029	Grenades, filled or unfilled.
2030	Mines and submarine bombs, filled or unfilled.
2031	Bombs other than submarine bombs.
2032	Torpedoes, filled or unfilled.
2033	Other.

Clause 2 : The export abroad of parts or accessories of aircraft shall also be prohibited.

Clause 3 : The provisions of Clauses 1 and 2 shall not prevent the departure from Sweden, together with such accessories as may be required, of aircraft employed in commercial traffic, or similar aircraft of foreign nationality arriving in Sweden from abroad which may make flights within Swedish territory.

* * *

ROYAL PROCLAMATION OF JUNE 22ND, 1934 (Svensk Författningssamling 1934, No. 315).

Fire-arms. § 1.—The term “fire-arms” in the present Proclamation shall be understood to denote arms from which bullets, smallshot or other projectiles may be fired by means of a charge of gunpowder or other means of propulsion,

whether such projectiles are solid, filled with an explosive charge, tear gas, poison gas or other substance having the same effect, or unfilled.

Separate barrels, tubes and breech pieces of such weapons shall be assimilated to fire-arms.

The provisions of the present Proclamation regarding fire-arms shall also apply to apparatus or other appliances which, as regards their effect and purpose, are comparable with fire-arms, such as air torpedoes, appliances for discharging gases, flame-throwers, hand grenades, bombs, mines and other such articles, filled or intended to be filled with an explosive charge, tear gas, poison gas or other substance having a similar effect.

The provisions of the present Proclamation shall not apply to muzzle-loading small arms, humane killers, appliances for firing signals or throwing lines, starting-pistols, sporting guns or pistols actuated by compressed air or by a spring, or apparatus or other appliances intended for nautical purposes.

§ 2.—The term “ammunition” in the present Proclamation shall be understood to denote :

Ammunition.

(1) Cartridges and bullets for fire-arms to which the Proclamation applies, and projectiles other than small shot, whether solid, filled with an explosive charge, tear gas, poison gas or other substance having a similar effect, or unfilled;

(2) Cartridge-cases and cases for charges for the ammunition referred to under (1);

(3) Tear gases, poison gases and other substances having a similar effect, and fuses, intended for use with ammunition under paragraph (1) or with apparatus or appliances to which the present Proclamation applies under § 1, third and fourth clauses.

In addition to the provisions of the present Proclamation, ammunition which is classed as explosive goods or contains poisonous substances shall also be subject to such special provisions as may be issued on the subject.

* * *

ROYAL PROCLAMATION OF JUNE 20TH, 1935 (Svensk Författningssamling 1935, No. 396).

§ 1.—The term “war material” in the above-mentioned Decree¹ shall be deemed to comprise, unless the King decides otherwise in special cases,

On the one hand, the following classes of articles contained in the current Customs tariff with statistical list of commodities under the numbers set forth below :

**War material
(manufacture).**

[The list which follows is identical with that contained in the Decree of December 19th, 1930, relating to arms exports, as amended by several

¹ Decree of June 20th, 1935 (see above under “I. Manufacture”).

subsequent decrees (and as reproduced above), with the following exceptions :

Items 622, 2016, 2024, 2025 and 2026 are omitted;

Items 2018-2020, read : " cartridges, other than for small-shot and cartridges for humane killers ";

Items 2021-2023, read : " cartridge cases for artillery, and other cartridge cases with percussion cap ".

Items 2027-2033 are introduced by the following :

" Ammunition not elsewhere specified, and parts thereof, other than projectiles for small-arms ".]

And, on the other hand, parts and accessories of aircraft.

B. EXPLOSIVES.

ROYAL DECREE OF MAY 18TH, 1928 (Svensk Författningssamling 1928, No. 189).

General provisions.

Chapter I.

Definitions.

§ 1.—The term " explosive goods " in the present Decree shall be understood to mean goods which consist of or contain products manufactured by chemical means or by mechanical mixing, of such a kind that they may, by percussion, friction, ignition or heating, be sharply decomposed to a substantial extent into explosive gases, and the use of which is based specifically on this characteristic.

§ 2.—Explosive goods shall be divided into two classes.

Explosive goods of the first class.

I. Explosive goods of the first class shall comprise the following :

(a) Fulminating mercury, fulminating silver, lead azide and substances of similar sensitivity, and compounds of which they form a component;

(b) Nitroglycerine, dinitromonochlorhydrine, dinitroglycol and similar explosive goods which contain such substances but are not classed as gunpowder, such as dynamite (various kinds) and explosive gelatine;

(c) Nitrocellulose;

(d) Explosive nitre compounds, such as trinitrotoluol, picric acid, tetranitromethylaniline, hexanitrodiphenylamine;

(e) Picric acid salts;

(f) Explosive mixtures containing ammonium nitrate as an acidifying component with or without a proportion of the substances enumerated under (b);

(g) Explosive mixtures containing a chlorate as an acidifying component;

(h) Explosive mixtures containing a perchlorate as an acidifying component with or without a proportion of the substances enumerated under (b);

(i) Explosive mixtures containing liquid air as an acidifying component;

(j) Black powder, brown powder, fuse powder and other nitre powder of similar kinds;

(k) Smokeless powder, porous, such as practice powder, blue powder;

(l) Smokeless powder, imporous, such as nitrocellulose powder, and nitroglycerine powder, ballistite, Nobel powder, powder used for military and naval small arms and guns;

(m) Mines, torpedoes, bombs and hand grenades, filled and with means of ignition;

(n) Projectiles filled and with means of ignition, for weapons having a calibre of more than 15 cm.;

(o) Fireworks with self-igniting components;

(p) Other explosive goods of similar sensitivity to those enumerated above.

II. Explosive goods of the second class shall comprise the following :

(a) Ammunition for small arms;

(b) Ammunition for arms larger than small arms, including smokeless powder suitable for loading fire-arms, other than that referred to under I (n);

(c) Mines, torpedoes and bombs, filled but without means of ignition;

(d) Hand grenades, filled but without means of ignition;

(e) Percussion caps of all kinds, explosion tubes, explosion capsules and friction capsules, as finished commercial goods;

(f) Fireworks other than those referred to under I (o), explosive toys, except those referred to under § 5, 1 (c) and other pyrotechnical goods;

(g) Powder fuses, in process of manufacture;

(h) Detonating fuses, as finished commercial goods;

(i) Detonating signals;

(j) Other explosive goods of similar sensitivity to those included above under II.

Should the question arise whether certain goods not included above are to be classed as explosive goods or as explosive goods of the first or second class, the (Swedish) Board of Commerce (Kommerskollegium) shall issue a regulation on the subject after consultation with the Explosives Inspectorate.

Explosive
goods
of the
second
class.

Exceptions. § 5.—1. The following shall be excepted from the application of the present Decree :

- (a) Fuse powder, as a finished commercial article;
- (b) Matches;
- (c) Bengal lights, " Russian " crackers and detonating powder otherwise comprised under explosive toys, as finished commercial goods.

2. The present Decree shall not apply to the Crown factories, workshops or stores, or to explosive goods belonging to the Crown and intended for military purposes, special provisions being applicable to them; but the provisions of the present Decree regarding transport shall apply even to such explosive goods, unless they are transported under the care of the military command or of some person appointed by a competent military authority.

**Withdrawal
of
authorisa-
tion.**

§ 6.—Any authorisation granted under the present Decree, even though valid for a specified period, may be withdrawn at immediate notice if the right conferred is improperly used.

**Explosives
Inspec-
torate.**

§ 7.—The Explosives Inspectorate, which has to give technical assistance to the competent authorities in the execution of the provisions of the present Decree, shall, whenever required to send officials to the owners or managers concerned, have access to the factory at which the explosive goods are manufactured and to the warehouses or other premises on which such goods are stored or kept for sale, obtain the information it requires regarding manufacture, storage and sale, and obtain samples of the materials used in manufacture and of finished goods made by the factory or imported from abroad.

All decisions issued by provincial administrations in virtue of the present Decree, and also decisions under § 53, shall be communicated to the Explosives Inspectorate in certified true copies by the authority issuing the decision.

The Explosives Inspectorate shall also be sent the reports of enquiries carried out by the police authorities in the event of accidents occurring through explosions or fires arising from work on explosives or in other connections through the handling, storage or transport of explosive goods.

Chapter II.

**Manu-
facture
Explosive
goods
of the
first class.**

§ 8.—Explosive goods of the first class may, with the exceptions arising out of the provisions of §§ 26 and 27,¹ be made only in factories and after authorisation has been obtained in the manner prescribed below.

**Applica-
tions for
authorisa-
tion.**

§ 14.—Applications for authorisation to make explosive goods of the first class in factories shall be submitted in writing to the provincial administration of the province in which the work is to be carried on.

¹ Not reproduced.

The application shall state :

The place in which it is proposed to carry on the work;

The kind or kinds of explosive goods which the applicant proposes to manufacture, and the nature, name and composition of the goods;

The maximum quantity of explosive goods or, if the applicant proposes to manufacture several kinds, the maximum quantity of each kind, which the applicant proposes to produce each day, the quantity which is to be present simultaneously in each workshop and the maximum quantity which the applicant wishes to store at one time in separate storage rooms situated on the premises used for manufacture or in the immediate neighbourhood thereof and in the factory store; and

The maximum number of persons whom it is proposed to employ simultaneously in each of the separate workshops.

§ 15.—1. Manufacture may not be begun before the factory building has been approved, after inspection, by the provincial administration.

Inspection

2. Such inspection shall be carried out, on application from the owner of the factory and at the latter's cost, by the Explosives Inspectorate by arrangement with the provincial administration in the presence of a representative appointed by that administration and of the owner of the factory or his representative.

3. A report on the inspection shall be drawn up and sent to the provincial administration. The report shall be signed by all persons who were present at the inspection and shall state whether the factory is equipped in accordance with the authorisation granted by the provincial administration as regards the establishment, and, if there are any divergences therefrom, it shall contain the opinion of the Explosives Inspectorate as to whether and to what extent such divergence may affect the approval of the factory.

Together with the approval of the building, the provincial administration shall issue a notice prohibiting unauthorised persons, on pain of fine, from entering the enclosed area of the factory.

§ 28.—No professional manufacture of explosive goods of the second class must take place unless an authorisation has been obtained in the manner prescribed below.

**Explosives
of the
second
class
(see § 2, II).**

§ 29.—1. Applications for authorisation to engage in the professional manufacture of explosives of the second class must be submitted in writing to the provincial administration of the province in which it is intended to carry on the manufacture.

The application shall state :

The place in which it is proposed to carry on the manufacture;

The kind or kinds of explosive goods which the applicant intends to manufacture and the maximum quantity of goods he proposes to manufacture per day;

The kind or kinds of explosive goods which the applicant proposes to employ for manufacture and the maximum daily quantity to be thus employed or to be present in the workshop;

The premises on which the applicant intends to store both the explosive goods to be employed for manufacture and the finished goods; also, the maximum quantity which the applicant wishes to store at one time on such premises;

The application should be accompanied by a description of the installation.

2. After hearing the Explosives Inspectorate, the provincial administration shall take a decision in the matter; if an authorisation to manufacture is granted, the decision should contain the necessary particulars of all the circumstances which, according to the above stipulations, should be mentioned in the application and also the special regulations and conditions which the provincial administration considers necessary to lay down in granting the authorisation.

§ 30.—If it is proposed to carry on the manufacture in a factory, the stipulations contained in §§ 12-24 shall be applicable *mutatis mutandis*; . . .

Chapter V.

Trade.

§ 56.—A special authorisation in accordance with the provisions of the present chapter is required for trading in explosives. Nevertheless, a person who has obtained an authorisation for the manufacture of explosives and who is entitled to engage in trade in general, may—with the exceptions arising under §§ 25, 26 and 27 of the present law—sell such explosives as finished goods, together with the necessary ignition devices, either from the place of manufacture or from a warehouse, for the establishment of which he has obtained an authorisation under § 44.

Chapter VII.

Importation.

§ 85.—1. Explosive goods, the composition of which is not known to the Explosives Inspectorate, may not be imported into Sweden. Further, except when in certain cases the Board of Commerce, after consultation with the Explosives Inspectorate, gives authorisation therefor, explosive goods of the first class which may not be manufactured in or transported within Sweden may also not be imported into Sweden.

2. Explosive goods which are imported may not be released by the Customs authority concerned unless the consignee shows that he is the proper person to obtain possession of the consignment in question, except when the kinds and quantities of goods are only such as, under § 55, paragraph 1, may be possessed without special authorisation.

INSTRUCTIONS OF NOVEMBER 29TH, 1929 (Svensk Författningssamling 1929, No. 365).

§ 1.—The officials of the Explosives Inspectorate shall consist of the Inspector of Explosives and such extraordinary staff as may be required.

**Explosives
Inspecto-
rate.**

§ 6.—An official of the Explosives Inspectorate may not on his own account or for account of others conduct or have a share or hold a post in a business concern which is under his supervision, nor may he, except with the permission of the Board of Commerce or unless he is bound to do so by law, undertake commissions in return for payment on behalf of such business concern.

**Business
interests
of
officials.**

§ 8.—The Inspector of Explosives shall be appointed by His Majesty the King.

**Appoint-
ment of
officials.**

The other officials of the Explosives Inspectorate shall until further notice be appointed by the Board of Commerce.

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. It begins with the first settlers who came to the continent in search of a better life. These early pioneers established small communities and slowly expanded their territory. Over time, the colonies grew into a powerful nation that fought for its independence from Great Britain. The American Revolution was a turning point in the country's history, leading to the formation of a new government based on the principles of liberty and democracy.

The United States has since become a global superpower, with a strong economy and a significant influence on the world stage. It has played a leading role in the development of modern technology and has been instrumental in promoting human rights and international cooperation. The country's history is a testament to the resilience and ingenuity of its people, who have overcome many challenges and built a nation that stands for freedom and justice for all.

The United States is a country of many faces, with a rich and diverse cultural heritage. It is a land of opportunity and innovation, where dreams are often realized. The American spirit is one of courage and determination, and it is this spirit that has shaped the nation's history and continues to inspire its people today.

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SWITZERLAND.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The private manufacture of arms was not, in the past, subjected to a system of control, except in the case of ammunition for military weapons which cannot be manufactured privately since the Federal Government has retained a monopoly for such manufacture (Ordinance of January 17th, 1876).

Under Ordinance of February 7th, 1876, the Federal arms factory at Berne was authorised to acquire detached parts of regulation small-arms either by manufacturing them itself or by purchasing them from private manufacturers; it was also given the right to carry out private orders, after having obtained authorisation therefor.

By a new Constitutional provision, approved on February 20th, 1938, in a national and cantonal referendum, the manufacture, as well as the import and export of arms, ammunition, explosives and other war material will henceforth be subject to a system of authorisations issued by the Federal authorities. Administrative regulations will shortly go into force.

2. EXTERNAL TRADE.

The new Constitutional provision referred to in the preceding paragraph subjects the import and export of arms to Federal authorisation and provides that the conveyance of arms in transit may also be made subject to authorisation.

According to the legislation obtaining heretofore, an export authorisation was required for the export of regulation small-arms and of small-arms not materially differing from regulation arms (Instruction of September 8th, 1908). The Secretariat has been informed by the Swiss Government that this provision is interpreted in the sense that an export authorisation is necessary for all arms capable of use for national defence. While the Federal arms factories were not in principle excluded from delivering war materials to foreign Governments, the submission of tenders for such transactions on the part of the competent military authorities was not approved in practice. (Decision of the Federal Council of July 27th, 1932.)

3. INTERNAL TRADE.

As in the case of arms manufacture, the trade in arms has not in the past been subjected to federal control, but such control will in future be exercised in accordance with the new Constitutional provision of February 20th, 1938.

4. DEFINITIONS.

The Federal Council, in accordance with the Constitutional provision of February 20th, 1938, will determine the arms, ammunition, explosives, other material and component parts to which the procedure of authorisation is to apply.

B. EXPLOSIVES.

The Constitutional provision, under which the Federal Government has a monopoly of the manufacture of and trade in gunpowder was confirmed in the referendum of February 20th, 1938. At the same time, the manufacture of and trade in explosives in general was made subject to Federal authorisation. Under the Law of April 30th, 1849, concessions may be granted to private undertakings for the manufacture and sale of gunpowder.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

DECREE OF JANUARY 17TH, 1876 (Recueil des lois 1876, II, page 47).

Federal
Ammunition
Depot
at Thoune.

Article 1.—The manufacture of military ammunition lies within the province of the Confederation (Article 169 of the Decree on Military Organisation). It shall be manufactured by the Federal Laboratory in accordance with existing rules and regulations.

* * *

DECREE OF FEBRUARY 7TH, 1876 (Recueil des lois 1876, II, page 69).

Federal
Arms
Factory at
Berne.

Article 1.—The Federal Arms Factory shall be responsible :

(a) For the acquisition of the component parts of regulation small-arms, either by direct manufacture or by purchase from private manufacturers;

(b) For the assembly of arms as required by the Federal authorities;

-
- (f) For the execution of orders on behalf of private persons, subject to official authorisation and in so far as its other duties allow;
 - (g) For the repair of arms sent to it for the purpose.

* * *

FEDERAL CONSTITUTION.

*Article 41.*¹— . . . The manufacture, acquisition and distribution of and trade in arms, ammunition, explosives and other war material, or component parts thereof, shall be subject to authorisation by the Confederation. Such authorisation shall be accorded only to persons and undertakings offering the guarantees required in the national interest. The rights of the establishments belonging to the Confederation itself are reserved. . . .

Authorisations.

The Federal Council shall issue by decree, without prejudice to Federal legislation, the regulations required for the execution of the second and third paragraphs.² In particular, it shall make detailed regulations concerning the grant, duration and withdrawal of authorisations, and the supervision of concession-holders. It shall further determine to what arms, ammunition, explosives, other material and component parts the present provisions apply.

Executive Regulations.

2. EXTERNAL TRADE.

INSTRUCTIONS OF SEPTEMBER 8TH, 1908.³

An authorisation is required for the export of :

- (1) All regulation small-arms to be exported, whether permanently or temporarily, in execution of a specific order;
- (2) All small-arms packed or despatched in sealed cases;
- (3) All small-arms of a calibre less than 8 mm. and not differing in any material particular from regulation arms.

Export of small-arms.

An export authorisation shall not be granted unless evidence is produced that export is to take place in execution of a specific order by agreement with the war material authorities.

The following shall be empowered to issue export authorisations :

- (1) The arms inspector of the military technical service;
- (2) The Federal Arms Factory;
- (3) The divisional arms inspectors;
- (4) The intendants of the Cantonal and Federal arsenals.

¹ New text adopted by national and cantonal referendum of February 20th, 1938.

² For the third paragraph, see below under "2. External Trade".

³ Text supplied by the Swiss Government.

The authorities enumerated under 1 to 4 above shall keep a record of all authorisations issued.

Such records shall show the name and address of the consignor, the type of arms, where appropriate with detailed specifications, the place of despatch and the date of the authorisation. . . .

Exceptions.

In accordance with the decision . . . of the Federal Military Department of October 31st, 1904, the present provisions shall not apply to regulation arms taken out of the country by Swiss marksmen proceeding to foreign shooting-matches.

* * *

DECISION OF THE FEDERAL COUNCIL OF JULY 27TH, 1932 (Extract from the Minutes).

**Export by
Federal
workshops.**

1.—The Federal workshops shall not in principle be precluded from supplying war material to foreign States.

2.—In practice, the request by the military technical service for authority to submit a tender with a view to a subsequent transaction is not granted.

* * *

FEDERAL CONSTITUTION.

*Article 41*¹.— . . .

Arms, ammunition and war material within the meaning of the present provisions may not be imported or exported without the authorisation of the Confederation. The Confederation shall further be entitled to make their conveyance in transit subject to its authorisation.

3. INTERNAL TRADE.

REGULATIONS OF MARCH 29TH, 1892 (Recueil des lois 1891/92, page 622).

**Small-
arms.**

Paragraph 1.—The Federal Arms Factory shall be authorised to sell regulation small-arms to persons resident in Switzerland; . . .

Such arms shall not be sold in quantities of less than five without a special order from the Head of the Federal Military Department.

**Component
parts.**

Paragraph 8.—The Federal Arms Factory shall be authorised to sell to persons resident in Switzerland component parts for the repair or reconditioning of regulation arms; such parts shall be inspected and stamped with the Federal mark. . . .

* * *

¹ New text adopted by national and cantonal referendum of February 20th, 1938 (see also above under "1. Manufacture").

ORDINANCE OF JUNE 14TH, 1895 (Recueil des lois 1895/96, page 203).

As the provisions of paragraph 1 apply only to the sale of small-arms of a calibre of less than 7.5 mm., the Federal Arms Factory shall be authorised to sell direct to the purchaser single small-arms of a calibre of 10.4 mm.

Amend-
ments to the
Regulations
of
March 29th,
1892.

* * *

FEDERAL CONSTITUTION.

Article 41 : [See above under " 1. Manufacture "].

4. DEFINITIONS.

FEDERAL CONSTITUTION.

Article 41 (last paragraph) : [See above under " 1. Manufacture "].

B. EXPLOSIVES.

FEDERAL CONSTITUTION.

Article 31.—The freedom of trade and industry is guaranteed throughout the territory of the Confederation.

The following are reserved :

(a) The monopoly . . . in respect of gunpowder . . .

Article 41.¹—The manufacture and sale of gunpowder are the exclusive prerogative of the Confederation.

* * *

LAW OF APRIL 30TH, 1849 (Recueil officiel, ancienne série, 1, page 164).

Article 1.—As from July 1st, 1849, the manufacture and sale of gunpowder throughout Switzerland shall be the exclusive prerogative of the Confederation.

Article 2.—As from that date, no person may manufacture or sell gunpowder without a licence.

Article 3.—Licences shall be issued according to requirements.

Persons applying for such licences must produce a recommendation from the Government of the canton in which they are domiciled and shall furnish security.

Article 4.—Licences may be withdrawn at any time if the holder fails to carry out his contractual obligations.

Article 5.—As soon as the present Law has been promulgated, the Confederation alone shall have the right to import gunpowder.

Article 8.—The manufacture of and trade in gunpowder shall be placed under the direction of a Powder Intendant.

Article 9.—The Federal Council shall be responsible for the execution of the present Law.

¹ See also above under " 1. Manufacture ".



UNION OF SOVIET SOCIALIST REPUBLICS.

I. SUMMARY.

The Central Government has a monopoly of the manufacture of war materials, in virtue of the constitutional provisions to the effect that industrial undertakings are the property of the State and that the direction of industries of all-Union importance is within the competence of the Central Government. In December 1936, it was decided to establish a Federal People's Commissariat for the defence industry.

The Central Government monopoly, which under the Constitution covers all external trade, also applies of course to the export and import of war materials.

By the terms of the Constitution, commercial undertakings of all-Union importance are placed under the direction of the Central Government.

II. EXTRACTS FROM LEGISLATION.

DECREE OF THE CENTRAL EXECUTIVE COMMITTEE, DATED NOVEMBER 12TH, 1923
(Vestnik Z.I.C. 1923, No. 10, Article 302).

1. In virtue of Articles 49 and 51 of the Fundamental Law (Constitution) of the Union of Soviet Socialist Republics,¹ a People's Commissariat for External Trade of the Union of Soviet Socialist Republics is hereby established, to direct all the external trade activities of the Union on the basis of the State monopoly of external trade.

External
trade
monopoly.

* * *

DECREE OF THE CENTRAL EXECUTIVE COMMITTEE, DATED DECEMBER 8TH, 1936
(Sobr. Zak. 1936, No. 63, Article 461).

The Central Executive Committee of the Union of Soviet Socialist Republics decides :

(1) To establish an All-Union People's Commissariat for the defence industry.

Commissariat for
the Defence
Industry.

* * *

¹ The Constitution of the U.S.S.R. of 1923, replaced by the Constitution of 1936 (see page 290).

CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST
REPUBLICS, OF DECEMBER 5TH, 1936.

- Nationali-
sation.** *Article 6.*— . . . workshops, factories, . . . are the property of
the State—that is to say, the property of the whole people.
- Article 14.*—The competence of the Union of Soviet Socialist Republics,
represented by the supreme organs of power and the administrative organs
of the State, extends to : . . .
- External
trade.
Industries,
etc.** (*h*) External trade on the basis of the State monopoly; . . .
 (*l*) The direction . . . of industrial and agricultural estab-
lishments and undertakings, and of commereial undertakings, of all-
Union importance; . . .
- Commissa-
riat for
the Defence
Industry.** *Article 77.*—The All-Union People's Commissariats comprise : . . .
the All-Union People's Commissariat for the defenee industry.
-

UNITED STATES OF AMERICA.

I. SUMMARY.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

The National Fire-arms Act of 1934, which deals principally with inter-State commerce (*i.e.*, between the individual States of the Union), also subjects the manufacture of fire-arms to registration with the District Collectors of Internal Revenue and to payment of a special tax, as well as to the maintenance of books and records of transactions.

Under Section 5 of the so-called Neutrality Act (Joint Resolution of May 1st, 1937)—dealing mainly with arms exports—every arms manufacturer is required to register with, obtain a certificate of registration from, and maintain records of manufacture as described by the Secretary of State.¹

Some of the States of the Union require special licences for manufacture of arms, from the point of view of the prevention of crimes and of safety against accidents.²

2. EXTERNAL TRADE.

Exporters and importers of arms, ammunition and implements of war, in addition to registering and maintaining records in the same manner as required of manufacturers, must obtain, respectively, export and import licences (Section 5 of the Act of May 1st, 1937). These are issued for each specific shipment to any person who has registered in accordance with the Act, the sole exceptions being those instances in which the exports in question would be in violation of the Act,³ or of any law of the United States,⁴ or of any treaty to which the United

¹ *Note by the Secretariat.*—The Federal Government is given extensive as regards the conservation, production and sale of helium gas, described as “a mineral resource pertaining to the national defence and to the development of commercial aeronautics” (Act of September 1st, 1937.)

² See Conference Documents, Vol. II, page 512, or document Conf.D.160, page 13.

³ Section 1 of the Act gives the President the right to place an embargo on arms exports in connection with international or civil war; upon proclamation of such an embargo, all licences already issued for arms exports to States involved become null and void.

⁴ Besides the Joint Resolution of January 31st, 1922 (summarised in the next paragraph of the text), the principal legislation having a bearing here is the Espionage Act of 1917, Part I of which prohibits the export of articles involving military secrets of interest to the national defence.

States is a party.¹ The administration of the Act is delegated to the Secretary of State, who, for certain purposes, is assisted by a National Munitions Control Board, consisting of the Secretary of State (Chairman) and the Secretaries of the Treasury, War, the Navy and Commerce; this Board issues an annual report to Congress containing such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of the arms trade.

The joint resolution of Congress, dated January 31st, 1922, authorises the President to impose restrictions upon exports to American countries or to countries in which the United States exercises extra-territorial jurisdiction, whenever he finds that "conditions of domestic violence" exist in these countries. In accordance with authority conferred upon him by proclamations issued by the President at various times under this resolution, the Secretary of State permits arms exports to China, Cuba, Honduras and Nicaragua only when informed by the Government of the country in question that it desires the shipment to take place.

The importation of fire-arms is subject to certain restrictions as prescribed in regulations issued by the Secretary of the Treasury (National Fire-arms Act of 1934).

3. INTERNAL TRADE.

Under the National Fire-arms Act of 1934, traders in certain fire-arms are subject to registration with the District Collectors of Internal Revenue, to payment of a special tax, and to the maintenance of books and records of transactions.

4. DEFINITIONS.

By Proclamation of May 1st, 1937, the President has set forth a list of arms, ammunition and implements of war to which Section 5 of the Act of the same date concerning arms exports and imports applies. This list corresponds, with some minor modifications, to the list contained in Article 4 of the texts drawn up at the Conference for the Reduction and Limitation of Armaments,² except that two categories have been added, one containing substances and appliances of chemical warfare and the other containing propellant powders and high explosives.

B. EXPLOSIVES.

Supervision and control over the private manufacture of and trade in explosives is within the jurisdiction of the several States, except in time of war.³

¹ See Convention to suppress Smuggling, dated March 11th, 1926, between the United States and Cuba; and the Inter-American Convention of February 20th, 1928, concerning civil strife.

² See Conference Documents, Vol. III, page 785, or document Conf.D.168.

³ See Act of October 6th, 1917, c. 83, paragraph 1 (U.S. Code Annotated, Title 50, Chapter 8).

The President, under the Act of June 3rd, 1916, is empowered to designate, for the exclusive use of the United States, such sites and to construct, maintain and operate at these sites such dams, plants, equipment, etc., as may be deemed best for production of nitrates or other products needed for the manufacture of munitions of war (as well as for the generation of power and the manufacture of fertilisers and other useful products). Surplus products not needed for military and naval purposes may be sold and disposed of under such regulations as the President may prescribe.

As already noted under "4. Definitions" above, Section 5 of the Act of May 1st, 1937, has been made to apply also to propellant powders and to high explosives.

II. EXTRACTS FROM LEGISLATION.

A. ARMS AND AMMUNITION.

1. MANUFACTURE.

NATIONAL FIRE-ARMS ACT OF JUNE 26TH, 1934¹ (U.S. Statutes at Large, Vol. 48, page 1236).

Section 2.—(a) Within fifteen days after the effective date of this Act, or upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer and dealer in fire-arms shall register with the collector of internal revenue for each district in which such business is to be carried on his name or style, principal place of business, and places of business in such district, and pay a special tax at the following rates: Importers or manufacturers, \$500 a year; dealers, other than pawnbrokers, \$200 a year; pawnbrokers, \$300 a year. . . . Fire-arms.

(b) It shall be unlawful for any person required to register under the provisions of this section to import, manufacture, or deal in fire-arms without having registered and paid the tax imposed by this section.

Section 9.—Importers, manufacturers and dealers shall keep such books and records and render such returns in relation to the transactions in fire-arms specified in this Act as the Commissioner [of Internal Revenue], with the approval of the Secretary [of the Treasury], may by regulations require.

Section 12.—The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this Act into effect.

* * *

¹ *Note by the Secretariat.*—A Bill designed to replace the National Fire-arms Act was passed by the Senate on February 24th, 1937, but has not yet been acted upon by the House of Representatives. [See below under "3. Internal Trade", page 205.]

JOINT RESOLUTION OF MAY 1ST, 1937, AND GENERAL REGULATIONS OF JUNE 1ST, 1937 :
 [see below under " 2. External Trade ", pages 198 and 200].

* * *

ACT OF SEPTEMBER 1ST, 1937 (Public, No. 411, 75th Congress, first session).

Helium. *Section 1.*—That for the purpose of conserving, producing and selling helium gas, the Secretary of the Interior, through the Bureau of Mines, is authorised :

Gas lands. (a) To acquire by purchase, lease or condemnation, lands or interests therein or options thereon, including but not limited to sites, rights-of-way and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but such lands or interests in lands may be acquired by condemnation only when necessary for the production or conservation of helium to meet the needs of the army and navy and other agencies of the Federal Government;

(b) To make contracts and agreements (with optional provisions where necessary) for the acquisition, processing or conservation of helium-bearing gas;

(c) To construct or acquire plants, wells, pipe-lines, compressor stations, camp buildings and other facilities, for the production, storage, repurification, transportation and sale of helium and helium-bearing gas; and to acquire patents or rights therein and reports of experimentation and research used in connection with the properties acquired or useful in the Government's helium operations;

(d) To dispose by lease or sale of wells, lands or interests therein, not valuable for helium production; to dispose of oil, gas and by-products of helium operations not needed for Government use; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium.

The Secretary of the Interior is hereby directed, if possible under the terms hereof, to acquire by purchase all properties developed or constructed by private parties prior to the passage of this Act for helium production, such purchase to be at a price or prices recommended to be fair and reasonable by at least two of a board of three appraisers, the members of which shall be selected as follows : One by the Secretary of the Interior, one by the owner of the properties sought to be acquired, and one by the two appraisers so selected. The Secretary of the Interior is authorised to incur obligations and enter into agreements for the purchase of such properties, and every such agreement shall be deemed a contractual obligation of the Government for the payment of the cost thereof, such payment to be made from any appropriations hereafter made for such purpose. . . .

Production. *Section 2.*—That the Bureau of Mines, acting under the direction of the Secretary of the Interior, is authorised to maintain and operate helium production and repurification plants together with facilities and accessories

thereto; to store and care for helium, to conduct exploration for and production of helium on and from the lands acquired, leased or reserved; and to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage and utilisation.

Section 3.—(a) That the army and navy and other agencies of the Federal Government may requisition helium from the Bureau of Mines and make payments therefor from any applicable appropriations by advancing or repaying to and for the use of said Bureau proportionate shares of the expenses incident to the administration, operation and maintenance of the Government's helium plants and properties.

Sale.

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its territories and possessions, or between the United States or its territories and possessions and foreign countries; provided, that no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States : . . .

Provided further, that, notwithstanding the foregoing provision, helium shall be sold for medicinal purposes at prices which will permit its general use therefor; and such sales of helium shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by said regulations.

Section 4 : [see below under " 2. External Trade ", page 204].

2. EXTERNAL TRADE.

JOINT RESOLUTION OF JANUARY 31ST, 1922 (U.S. Statutes at Large, Vol. 42, Part I, page 361).

Whenever the President finds that, in any American country, or in any country in which the United States exercises extra-territorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Prohibition of export of arms, etc., to certain countries. Exception.

PRESIDENTIAL PROCLAMATION OF MAY 4TH, 1922¹ (Department of State Publication No. 1023, page 22).

Exportation
of arms to
China.

. . . I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said joint resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, hereby made applicable to China,

¹ *Note by the Secretariat.*—The following is quoted from page 23 of Department of State Publication No. 1023 :

“ Similar Presidential proclamations, which are still in effect, were issued on March 22nd, 1924, in respect of Honduras; on September 15th, 1926, in respect of Nicaragua; and on June 29th, 1934, in respect of Cuba.

“ In accordance with the authority conferred upon him in these proclamations, the Secretary of State will permit the exportation to China, Cuba, Honduras and Nicaragua of the arms, ammunition and implements of war listed in the President's Proclamation of May 1st, 1937 [see below under “ 4. Definitions ”, page 207], only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the Government of the country into which the arms, ammunition or implements of war are to be imported that the exportation of the shipment be authorised.

“ The bringing about of notification to the Department of State through the appropriate embassy or legation that the Government of an importing State desires that the exportation of a shipment be authorised is a matter with regard to which the initiative and responsibility lie with the importing Government and the potential shipper.

“ In compliance with Article II of the Convention between the United States and Cuba to suppress smuggling, signed at Habana, March 11th, 1926, which reads in part as follows :

“ ‘ The High Contracting Parties agree that clearance of shipments of merchandise by water, air or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.’

and in compliance with the laws of Cuba, which restrict the importation of arms, ammunition and implements of war of all kinds by requiring an import permit for each shipment, export licences for shipments of arms, ammunition and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's Proclamation of May 1st, 1937 :

“ (1) Arms and small arms using ammunition of calibre .22 or less, other than those classed as toys;

“ (2) Spare parts of arms and small arms of all kinds and calibres, other than those classed as toys, and of guns and machine-guns;

“ (3) Ammunition for the arms and small arms under (1) above;

“ (4) Sabres, swords and military machetes with cross-guard hilts;

“ (5) Explosives as follows: Explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 % or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones;

“ (6) Tear gas ($C_6H_5COCH_2CL$) and other similar non-toxic gases and apparatus designed for the storage or the projection of such gases.

“ No export licences will be issued for shipments destined to China, Cuba, Honduras or Nicaragua of the appliances and substances listed under category VI in the President's Proclamation of May 1st, 1937 [see below under “ 4. Definitions ”, page 207].

“ In the case of shipments of arms, ammunition or implements of war from the United States not ostensibly destined to China, Cuba, Honduras or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export licence for the same until such convincing evidence has been presented to him.”

and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said joint resolution of January 31st, 1922, as made effective by this my proclamation issued thereunder.

* * *

NATIONAL FIRE-ARMS ACT OF JUNE 26TH, 1934 (U.S. Statutes at Large, Vol. 48, page 1236).

Section 2 (a) and (b) and Section 9 : [see above under "1. Manufacture", page 193].

Section 10.—(a) No fire-arm shall be imported or brought into the United States or any territory under its control or jurisdiction (including the Philippine Islands), except that, under regulations prescribed by the Secretary [of the Treasury], any fire-arm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such fire-arm is unique or of a type which cannot be obtained within the United States or such territory.

Importation of fire-arms.

(b) It shall be unlawful : (1) fraudulently or knowingly to import or bring any fire-arm into the United States or any territory under its control or jurisdiction (including the Philippine Islands), in violation of the provisions of this Act; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell or in any manner facilitate the transportation, concealment or sale of any such fire-arm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such fire-arm, such possession shall be deemed sufficient evidence to authorise conviction, unless the defendant explains such possession to the satisfaction of the jury.

* * *

ACT OF FEBRUARY 15TH, 1936 (U.S. Statutes at Large, Vol. 49, I, page 1140).

In the interest of national defence, it is hereby declared to be the policy of Congress and the purpose and intent of this Act to protect, preserve and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

Tin conservation.

*Section 2.—*There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon licence issued by the President of the United States. The President is authorised to grant licences upon such conditions and

regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

* * *

EXECUTIVE ORDER OF FEBRUARY 16TH, 1936.¹

**Tin
exports.**

Now, therefore, I, Franklin Delano Roosevelt, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid Act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licences for the exportation of tin-plate serap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.²

* * *

JOINT RESOLUTION OF MAY 1ST, 1937 (P.R. No. 27; 75th Congress;
Chapter 146; 1st Session).

**National
Munitions
Control
Board.**

Section 5.—(a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board") to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

**Registra-
tion.**

(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition of implements or war referred to in this Act, whether as an exporter, importer, manufacturer or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition and implements of war which he manufactures, imports or exports.

Certificates.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition or implements, of war which he exports, imports or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under

¹ Quoted from undated release of the Department of State.

² For detailed regulations, see page 31 of Department of State Publication No. 1023.

the provisions of this section shall pay a registration fee of \$500, unless he manufactured, exported or imported arms, ammunition and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration, in which case he shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$500 in the case of persons who manufactured, exported or imported arms, ammunition and implements of war to a total sales value of more than \$50,000 during the twelve months immediately preceding the renewal, or a fee of \$100 in the case of persons who manufactured, exported or imported arms, ammunition and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of \$400 to every person who shall have paid a registration fee of \$500 pursuant to this Act, who manufactured, exported or imported arms, ammunition and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration.

(d) It shall be unlawful for any person to export, or attempt to export from the United States to any other State, any of the arms, ammunition or implements of war referred to in this Act, or to import, or attempt to import, to the United States from any other State, any of the arms, ammunition or implements of war referred to in this Act, without first having obtained a licence therefor.

Licences.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation and exportation of arms, ammunition and implements of war as the Secretary of State shall prescribe.

Records.

(f) Licences shall be issued to persons who have registered as herein provided for, except in cases of export or import licences where the export of arms, ammunition or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licences shall not be issued.¹

Conditions of granting licences.

¹ Note by the Secretariat.—The treaty obligations which affect this provision include :

The Convention to suppress Smuggling between the United States of America and Cuba, dated March 11th, 1926 (see above, page 196);

The Inter-American Convention of February 20th, 1928, concerning the duties and rights of States in the event of civil strife, Article I of which deals, in part, with traffic in arms with States engaged in civil strife.

The Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva on June 17th, 1925, and ratified by the United States on June 21st, 1935—as soon as it should come into effect through ratification by the stipulated number of States (see document A.6(a).1937, Annex I, page 45).

Among the laws which may bring paragraph (f) of Section 5 of the Act of May 1st, 1937, into play are:

The Espionage Act of June 15th, 1917 (see below, page 203);

The Joint Resolution of January 31st, 1922, concerning arms exports to certain States (see above, page 195).

Inter-
national or
civil war.

(g) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act,¹ all licences therefore issued under this Act shall, *ipso facto* and immediately upon the issuance of such proclamation, cease to grant authority to export arms, ammunition or implements of war from any place in the United States to any belligerent State, or to any State wherein civil strife exists, named in such proclamation, or to any neutral State for transshipment to, or for the use of, any such belligerent State or any such State wherein civil strife exists; and said licences, in so far as the grant of authority to export to the State or States named in such proclamation is concerned, shall be null and void.

Government
purchases.

(h) No purchase of arms, ammunition or implements of war shall be made on behalf of the United States by any officer, executive department or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

Cuba.

(i) The provisions of the Act of August 29th, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 ed., title 50, sec. 72), are hereby repealed as of December 31st, 1937.²

Annual
report.

(j) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this Act, and full information concerning the licences issued hereunder.

Lists
of arms.

(k) The President is hereby authorised to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

* * *

GENERAL REGULATIONS OF JUNE 1ST, 1937 (Department of State
Publication No. 1023, page 6).

The Secretary of State promulgates the following regulations :

Registra-
tion.

1.—All persons engaged in the business of manufacturing, exporting or importing any of the arms, ammunition or implements of war enumerated in the President's Proclamation of May 1st, 1937,³ shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles

¹ Note by the Secretariat.—Sections 1-4 and 6-10 of this Act relate to prohibitions and restrictions on arms traffic, etc., in time of international or civil war.

² Note by the Secretariat.—The provisions in question read as follows : "The Secretary of War is authorised to sell, at the prices fixed and published by the Chief of Ordnance, to the Government of Cuba such articles and quantities of ordnance and ordnance stores as may be desired by that Government for the equipment of its troops and as may be approved by the President of the United States."

³ See below under "4. Definitions", page 207.

manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's Proclamation of May 1st, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

[Here follows specimen form.]

4.—Every person registered shall notify the Secretary of State of any change in the list of arms, ammunition and implements of war which he manufactures, exports or imports, and, upon such notification, the Secretary of State will issue to such person an amended certificate of registration free of charge, which will remain valid until the date of expiration of the original certificate issued to him.

5.—The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition and implements of war, is not considered as manufacture for the purposes of section 5 of the joint resolution.

Exceptions.

6.—Persons who are not engaged in the business of exporting or importing arms, ammunition or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition and implements of war within the meaning of section 5 of the joint resolution.

7.—The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the Act known as the National Fire-arms Act (48 Stat. 1236), approved by the President, June 26th, 1934. This Act imposes certain taxes and restrictions upon the manufacture of, importation of and commerce in certain fire-arms.

National
Fire-arms
Act.

[Here follow the definitions of these arms (see below under "4. Definitions", page 206, sec. 1(a).)]

Rules and regulations for the enforcement of this Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

8.—No person not registered under section 5 shall export or import any of the arms, ammunition or implements of war listed in the President's Proclamation of May 1st, 1937. All persons registered shall obtain from the Secretary of State a licence to cover each shipment exported or imported. Blank forms of application for licence similar to those printed below will be furnished by the Secretary of State upon request.

Applica-
tions for
licences.

[Here follows specimen form.]

9.—The Secretary of State will issue import licences to all applicants who have duly filled out an application for licence, provided that, in case

Issue of
licences.

the articles to be imported are fire-arms, as enumerated in the National Fire-arms Act of June 26th, 1934, referred to under 7 above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.

10.—The Secretary of State will issue export licences to all applicants who have duly filled out an application for licence, unless the exportation of arms, ammunition or implements of war for which a licence is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party.¹

Validity.

11.—Export and import licences are not transferable and are subject to revocation without notice, if the exportation or the importation authorised by the licence becomes illegal before the shipment is made. If not revoked, licences are valid for one year from the date of issuance.

12.—No alterations may be made except by the Department of State, or by collectors of Customs acting under the specific instructions of the Department of State, in export or import licences which have been issued under the seal of the Secretary of State.

Country of destination.

13.—Export or import licences which have been revoked or which have expired must be returned immediately to the Secretary of State.

14.—The country designated on the application for licence to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transhipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export licence is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export licence until he is informed of the country of ultimate destination in order that he may assure himself that the licence may be legally issued.

Miscellaneous.

16.—The originals of licences for the export and the import of arms, ammunition and implements of war must be presented to the collector of Customs at the port through which the shipment authorised by the licence is being made. Export licences and export declarations covering arms, ammunition and implements of war must be filed with the appropriate collector of Customs at least twenty-four hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel twenty-four hours before the lading of the vessel.

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¹ See above, page 198.

18.—Export licences for arms, ammunition and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

19.—Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 5 of the joint resolution, unless they are destined to a country to which the exportation of arms, ammunition, and implements of war is subjected to special restrictions other than the requirement that an export licence be obtained.

Transit.

20.—Persons who are registered as exporters or importers of arms, ammunition or implements of war under section 5 of the joint resolution may make application for export or import licences on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of paragraph 6 above, desire to make or receive occasional shipments of arms, ammunition or implements of war.¹

Occasional shipments.

Records of Manufacture, Export and Import.

The Secretary of State prescribes that all persons required to register under section 5 of the Joint Resolution approved May 1st, 1937, amending the Joint Resolution of August 31st, 1935, shall maintain, subject to the inspection of the duly authorised agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition and implements of war manufactured by them for export, and similar records of all arms, ammunition and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

Records of manufacture.

Special Provisions in regard to Military Secrets.

Title I of the Espionage Act, approved June 15th, 1917, reads in part as follows :

Military secrets.

“Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers or transmits, or attempts to, or aids or induces another to, communicate, deliver or transmit, to any foreign Government, or to any faction or party or military or naval force within a foreign country, whether recognised or unrecognised by the United States, or to any representative, officer, agent, employee, subject or citizen thereof, either directly or indirectly, any document, writing,

¹ For Sections 21-30 of General Regulations, see below under “ 4. Definitions ”, page 209.

code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance or information relating to the national defence shall be punished by imprisonment for not more than twenty years”

The Secretary of State will not issue a licence authorising the exportation of any arms, ammunition or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this Act if, in their opinion, they involve military secrets of interest to the national defence. The articles which may be so considered are articles falling within one of the following categories :

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with army or navy specifications and submitted to either Department for evaluation for procurement.

Prospective exporters of arms, ammunition and implements of war should, before applying for a licence to authorise the exportation of any article falling within the above categories which may possibly involve military secrets of interest to the national defence, communicate with the Secretary of State in advance of the proposed shipment, in order that he may be in a position to ascertain for the prospective exporter whether or not military secrets are, in fact, involved therein.

* * *

ACT OF SEPTEMBER 1ST, 1937 (Public, No. 411, 75th Congress).

Helium
exports.

Section 4.—No helium gas shall be exported from the United States or from its territories and possessions until after application has been made to the Secretary of State and a licence authorising said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior : provided that, under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under licence granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any

foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1st, 1937 (public resolution, numbered 27, of the seventy-fifth Congress), while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee and intended use of each proposed exportation.

The National Munitions Control Board shall include in its annual report to the Congress full information concerning the licences issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

3. INTERNAL TRADE.

NATIONAL FIRE-ARMS ACT OF JUNE 26TH, 1934 (U.S. Statutes at Large, Vol. 48, page 1236).

Section 2 : [see above under " 1. Manufacture ", page 193].

Section 4.—(a) It shall be unlawful for any person to transfer a fire-arm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Commissioner. . . .

Transfer
of
fire-arms.

(c) Every person so transferring a fire-arm shall set forth in each copy of such order the manufacturer's number or other mark identifying such fire-arm, and shall forward a copy of such order to the Commissioner. The original thereof, with stamps affixed, shall be returned to the applicant.

Sections 9 and 12 : [see above under " 1. Manufacture ", page 193].

Section 13.—This Act shall not apply to the transfer of fire-arms (1) to the United States Government, any State, territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any fire-arm which is unserviceable and which is transferred as a curiosity or ornament.¹

Exceptions.

¹ Note by the Secretariat.—A Bill designed to replace the National Fire-arms Act was passed by the Senate on February 24th, 1937, but has not yet been acted upon by the House of Representatives. Following are some of its principal provisions :

FEDERAL FIRE-ARMS BILL (75th Congress, 1st Session, S. 3).

" Section 2.—(a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a licence issued under the provisions of this Act, to transport, ship or receive any fire-arm or ammunition in inter-State or foreign commerce.

" (b) It shall be unlawful for any person to receive any fire-arm or ammunition transported or shipped in inter-State or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such fire-arms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

" (c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any fire-arm in inter-State or foreign commerce to any person other than a licensed manufacturer or

4. DEFINITIONS.

NATIONAL FIRE-ARMS ACT OF JUNE 26TH, 1934, AS AMENDED BY ACT OF APRIL 10TH, 1936 (U.S. Statutes at Large, Vol. 48, page 1236, and Vol. 49, page 1192).

Fire-arms.

Section 1.—(a) The term “fire-arm” means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine-gun, and includes a muffler or silencer for any fire-arm whether or not such fire-arm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the calibre of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.¹

Machine-guns.

(b) The term “machine-gun” means any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manual reloading, by a single function of the trigger.

* * *

dealer in any State the laws of which require that a licence be obtained for the purchase of such fire-arm, unless such licence is exhibited to such manufacturer or dealer by the prospective purchaser.

“*Section 3.—(a)* Any manufacturer or dealer desiring a licence to transport, ship or receive fire-arms or ammunition in inter-State or foreign commerce shall make application to the Secretary of Commerce, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of \$100 and, if a dealer, shall pay a fee of \$1.

“*(b)* Upon payment of the prescribed fee, the Secretary of Commerce shall issue to such applicant a licence which shall entitle the licensee to transport, ship and receive fire-arms and ammunition in inter-State and foreign commerce unless and until the licence is suspended or revoked in accordance with the provisions of this Act: provided that no licence shall be issued to any applicant within two years after the revocation of a previous licence.

“*(d)* Licensed dealers shall maintain such permanent records of importation, shipment and other disposal of fire-arms and ammunition as the Secretary of Commerce shall prescribe.

“*Section 4.—*The provisions of this Act shall not apply with respect to the transportation, shipment, receipt or importation of any fire-arm or ammunition sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, territory or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, territory or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express or armoured-truck company organised and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of Commerce: provided, that such bank, public carriers, express and armoured-truck companies are granted exemption by the Secretary of Commerce; nor to the transportation, shipment or receipt of any antique or unserviceable fire-arms or ammunition possessed and held as curios or museum pieces.”

¹ *Note by the Secretariat.*—The Bill referred to in the note on the preceding page contains the following definition:

“The term ‘fire-arms’ means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a fire-arm muffler or fire-arm silencer.”

PRESIDENTIAL PROCLAMATION OF MAY 1ST, 1937 (Department of State Publication No. 1023, page 4).

. . . the articles listed below shall, on and after June 1st, 1937, be considered arms, ammunition and implements of war for the purposes of section 5 of the said joint resolution of Congress :¹

Category I :

Categories
of
arms.

- (1) Rifles and carbines using ammunition in excess of calibre .22, and barrels for those weapons;
- (2) Machine-guns, automatic or autoloading rifles and machine-pistols using ammunition in excess of calibre .22, and barrels for those weapons;
- (3) Guns, howitzers and mortars of all calibres, their mountings and barrels;
- (4) Ammunition in excess of calibre .22 for the arms enumerated under (1) and (2) above, and cartridge-cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;
- (5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;
- (6) Tanks, military armoured vehicles and armoured trains.

Category II :

Vessels of war of all kinds, including aircraft carriers and submarines, and armour plate for such vessels.

Category III :

- (1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, which are designed, adapted and intended for aerial combat by the use of machine-guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below :
- (2) Aerial-gun mounts and frames, bomb-racks, torpedo-carriers, and bomb or torpedo release mechanisms.

Category IV :

- (1) Revolvers and automatic pistols using ammunition in excess of calibre .22;
- (2) Ammunition in excess of calibre .22 for the arms enumerated under (1) above, and cartridge-cases or bullets for such ammunition.

Category V :

- (1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

¹ Joint Resolution of May 1st, 1937 : [see above under " 2. External Trade ", page 198].

- (2) Propellers or air-screws, fuselages, hulls, wings, tail units, and under-carriage units;
- (3) Aircraft engines, unassembled, assembled, or dismantled.

Category VI :

- (1) Livens projectors and flame throwers;
- (2) (a) Mustard gas (dichlorethyl sulphide);
- (b) Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);
- (c) Methylchlorarsine;
- (d) Diphenylchlorarsine;
- (e) Diphenyleyanarsine;
- (f) Diphenylaminechlorarsine;
- (g) Phenylchlorarsine;
- (h) Ethylchlorarsine;
- (i) Phenyl dibromarsine;
- (j) Ethyl dibromarsine;
- (k) Phosgene;
- (l) Monochloromethylchlorformate;
- (m) Trichloromethylchlorformate (diphosgene);
- (n) Dichlorodimethyl Ether;
- (o) Dibromodimethyl Ether;
- (p) Cyanogen Chloride;
- (q) Ethylbromacetate;
- (r) Ethyliodoacetate;
- (s) Brombenzyleyanide;
- (t) Bromacetone;
- (u) Brommethyleneethyl ketone.

Category VII :

- (1) Propellant powders;
- (2) High explosives as follows :
 - (a) Nitrocellulose having a nitrogen content of more than 12 %;
 - (b) Trinitrotoluene;
 - (c) Trinitroxylene;
 - (d) Tetryl (trinitrophenol methyl nitramine or tetranitromethylaniline);
 - (e) Picric acid;
 - (f) Ammonium picrate;
 - (g) Trinitroanisole;
 - (h) Trinitronaphthalene;
 - (i) Tetranitronaphthalene;
 - (j) Hexanitrodiphenylamine;
 - (k) Pentaerythritetetrinitrate (Penthrite or Pentrite);
 - (l) Trimethylenetrinitramine (Hexogen or T₄);
 - (m) Potassium nitrate powders (blacksalpetre powder);
 - (n) Sodium nitrate powders (black soda powder);
 - (o) Amatol (mixture of ammonium nitrate and trinitrotoluene);

- (p) Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
- (q) Schneiderite (mixture of ammonium nitrate and dinitro-naphthalene, with or without other ingredients).

* * *

GENERAL REGULATIONS OF JUNE 1ST, 1937 (Department of State
Publication No. 1023, page 18).

21.—Arms, ammunition and implements of war which are more than 100 years old will not be considered as arms, ammunition or implements of war within the meaning of section 5 of the joint resolution.

Exceptions,
further
defi-
nitions, etc.

22.—Rifles, carbines, revolvers and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 5 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Secretary of the Treasury under the National Fire-arms Act of June 26th, 1934, referred to in 7 above,¹ as may be applicable in the premises.)

23.—Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 5 of the joint resolution.

24.—Arms, ammunition and implements of war which are shipped or transported from a port of the United States for the exclusive use of the armed forces of the United States will not be considered as exported within the meaning of section 5 of the joint resolution.

25.—Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and re-export, will not be considered as imported within the meaning of section 5 of the joint resolution. An export licence must be obtained, however, before such articles are re-exported.

26.—Licences are required for the export or the import of those articles only which are specifically mentioned in the President's Proclamation of May 1st, 1937. No licence is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, unless those parts are shipped in such a manner as to constitute, in fact, a complete unit or article in unassembled form. The only exceptions to this ruling are in the case of aircraft wheels and aircraft propeller blades, which are considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a licence is required

¹ See above under " 2. External Trade ", page 201.

for the export of wheels and propeller blades, even when they are shipped alone.

27.—Forgings and castings for any of the arms, ammunition or implements of war enumerated in the President's Proclamation of May 1st, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings or castings for arms, ammunition and implements of war, are considered as constituting arms, ammunition and implements of war for the purposes of section 5 of the joint resolution, and licences will be required for their export or import.

28.—A licence is required for the export of all articles listed in subsection (5) of category I of the President's Proclamation of May 1st, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a non-lethal gas or fluid having a common non-military use will be considered as *prima-facie* evidence that the article is not intended for war purposes. No licence is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for non-military use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a non-lethal gas or fluid or can be proven to be adapted and intended solely for a specific non-military use.

29.—The term "propellant powders", as used in paragraph (1) of category VII of the President's Proclamation of May 1st, 1937, applies to propellant powders in bulk form. It does not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licences will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain propellant powder.

30.—Aeroplanes flown or shipped from the United States will not be considered as exported within the meaning of section 5 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's Proclamation of May 1st, 1937, in any foreign country. Should the owners, after the departure of a plane flown or shipped from the United States without an export licence, propose to place the plane under foreign registry or to have it operated by a pilot not holding a United States licence, or to dispose of the plane or any of the essential parts referred to in any foreign country, the plane, or the part in question, must be returned to the United States and a licence obtained for its export to the country concerned. Aeroplanes of American registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 5 of the joint resolution. Aeroplanes of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 5 of the joint resolution.

B. EXPLOSIVES.

ACT OF JUNE 3RD, 1916 (U.S. Code, Title 50, § 79).

The President of the United States is authorised and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilisers and other useful products by water-power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorised and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or non-navigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this section; and is further authorised to construct, maintain and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses and other plants and equipment or other means than water-power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilisers and other useful products.

**Nitrate
plants.**

The President is authorised to lease, purchase or acquire, by condemnation, gift, grant or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation, materials, minerals and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is authorised and empowered to employ such officers, agents or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified and to authorise and require such officers, agents or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

The plant or plants provided for under this section shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

ANNEX I.

MATERIAL FOR DEFENCE AGAINST CHEMICAL WARFARE (EXTRACTS FROM LEGISLATION).

Belgium.

ROYAL DECREE OF JULY 17TH, 1934 (Recueil des Lois 1934, page 1604).

Article 1.—The manufacture, sale, distribution, transfer (with or without payment) of every type of device or appliance of any kind designed to protect the population against the dangers of aero-chemical attack, and of their essential constituent elements, shall be subject to prior authorisation from the Minister of National Defence.

Article 2.—Applications for authorisations shall be accompanied, for every type of device or appliance, by the following :

(1) The payment outright of a lump sum of one thousand francs to cover the costs of studies and experiments in connection with the device or appliance;

(2) The deposit of a sufficient number of models to ascertain the efficacy of the material and to enable the proposed type to be exactly determined.

Models will not be returned.

Article 3.—For purposes of sale, offering for sale, distribution, transfer (with or without payment) after the issue of the authorisation mentioned in Article 1, every device or appliance mentioned in Article 1 must conform to the model which has been deposited and authorised.

France.

DECREE OF OCTOBER 30TH, 1935 (Journal officiel 1935, page 11523).

Article 1.—No one shall manufacture or offer for sale devices for individual or collective protection against gas used in warfare, whatever their name, type or form, without having first obtained a licence.

Article 2.—Such licence will be granted or refused after consultation with the competent services responsible for :

(1) Approval of the prototypes of the devices submitted;

(2) Inspection, during manufacture and after completion of manufacture, of the lots offered for sale by the supplier.

Licences to manufacture may be granted, without State guarantee, for any device of which the prototype has been approved.

Licences to sell may be granted, without State guarantee, for any lot of devices which have fulfilled inspection requirements in regard to manufacture.

Article 4.—Public administrative regulations¹ countersigned by the Ministers of War, of the Interior and of Public Health will prescribe the measures for ensuring the enforcement of the present Decree. . . .

Article 5.—The expenditure arising out of the application of the present Decree shall be borne by the manufacturers authorised to engage in the manufacture of the devices.

It shall be recovered in the form of special fees, under the conditions laid down in the public administrative regulations.

* * *

DECREE OF AUGUST 14TH, 1936 (Journal officiel 1936, page 8834).

Article 1.—The list of material mentioned in Article 1 of the Law of August 11th, 1936,² is fixed as follows :

.
Category III.—Material for protection against gas.

* * *

DECREE OF MARCH 13TH, 1937³ (Journal officiel 1937, page 3158).

Article 1.—The establishment for the manufacture of devices for protection against gas used in warfare, operated at St. Priest (Rhône) by the Company for the Study and Manufacture of Protective Material, shall be expropriated and transferred to the French State.

Expropriation shall apply to the following :

(1) The land, whether built upon or not, occupied by the said establishments. . . .

(2) The material, plant, stocks of all kinds, including products in process of machining or assembling, and the movable equipment existing in the establishments, as it may be fixed by a cross inventory.

Article 2.—The taking over of the establishments by the War Administrative Services shall be effected on a date to be fixed by decree of the Minister of National Defence and War.

¹ *Note by the Secretariat.*—For these regulations, see the Decrees of February 27th and November 3rd, 1936, and the Decree of February 15th, 1937.

² See above, under France, "1. Manufacture", page 87.

³ Quoted by way of example.

Italy.

LAW OF MAY 23RD, 1932 (Leggi e decreti 1932, II, page 807).

Article 1.—The production and sale of gas-masks for the use of the civilian population in the case of a war during which Italian territory is exposed to the risk of chemical attacks shall be left to the initiative of industry and commerce, but shall be regulated and controlled in the manner specified in the following articles.

Article 2.—The production and sale of the different types of masks referred to in the preceding article, including parts for filtering and purifying air, shall be subject to a licence and to payment of a concession fee of 500 lire.

Article 3.—Undertakings which propose to manufacture gas-masks for the use of the civilian population must first apply for authorisation to the War Ministry (Directorate of the Military Chemical Centre), supplying in respect of each type of mask such information and such specimens as the competent authority may consider necessary to enable it to ascertain the efficacy of the appliance and to determine exactly the type proposed. The type of mask in question may not be manufactured for sale until the prescribed licence has been obtained.

* * *

REGULATIONS OF MAY 29TH, 1933 (Leggi e decreti 1933, IV, page 3249).

Article 21.—With a view to ensuring the strictest possible application of the provisions of law No. 551 of May 23rd, 1932, and of the present regulations, the War Ministry (Directorate of the Military Chemical Centre) shall be authorised to supervise the manufacture of anti-gas appliances of any description intended for export.

To this end, undertakings manufacturing anti-gas appliances intended for export shall be required to notify the above-mentioned Ministry and to furnish such information and data as may be required by that Ministry.

Article 22.—Masks or parts of masks imported from abroad in accordance with the Customs regulations now in force may not be offered for sale unless the importer has obtained a licence as stipulated in Article 2 of the law and the present regulations.

The importer must submit his application for a licence in accordance with the rules and conditions applicable to manufacturers of masks, already laid down in the present regulations. . . .

Article 23.—Masks of foreign origin the sale of which has been authorised shall bear marks and signs which shall be plainly visible, in accordance with the instructions issued by the licensing authority.

Sweden.

DECREE OF JUNE 11TH, 1937¹ (Svensk Författningssamling 1937, No. 326).

§ 1.—The term “ gas protection material ” shall be understood to denote, in the present Decree, gas-masks affording protection against gases used in warfare, protective appliances employing oxygen, filtering appliances for gas-protection chambers, and any other gas-protection material to the provisions of which the King prescribes that the present Decree shall apply.

§ 2.—No person in Sweden may engage in the manufacture of gas-protection material without having received an authorisation for that purpose from the King. For the granting of such authorisations the King shall lay down such provisions and conditions as may be found necessary for the use of the authorisation.

§ 3.—The manufacture of gas-protection material shall be subject to supervision by such authority as the King may appoint.

§ 4.—Manufacturers of gas-protection material shall be under obligation to admit inspecting officials of the supervisory authority, on demand, to the premises on which the manufacture is carried on, to give the supervisory authority all the information it may require regarding manufacture and circumstances connected with manufacture, and in other respects to comply with such regulations as the King or the supervisory authority may issue for the adequate supervision of manufacture.

No person who in his official capacity obtains the information referred to above may disclose particulars of the matters of which he has thus obtained knowledge except in so far as is required for the exercise of his duties.

§ 5.—No gas-protection material may be sold other than material of the kinds approved by the supervisory authority provided for in § 3.

§ 6.—No person may sell material as provided for in § 5 without having received an authorisation for that purpose from the office of the Governor-General (Överståthållarämbetet) of Stockholm in respect of that city, and elsewhere from the provincial authority of the province in which the business is to be carried on.

§ 7.—Persons selling gas-protection material shall be required to admit to the trading premises inspecting officials of the supervisory authority or the police authority whenever such admission is demanded, to give such officials or such authorities all information required regarding the gas-protection material sold, and in other respects to comply with such regulations as may be issued by the King or the supervisory authority for the purpose of ensuring adequate supervision of sales.

¹ *Note by the Secretariat.*—For detailed regulations, see Royal Proclamation of June 11th, 1937, Svensk Författningssamling 1937, No. 327.

The provisions of the second paragraph of § 4 shall be applicable to the officials or authorities referred to in the present paragraph.

§ 8.—No person may import gas-protection material into Sweden without an authorisation from the supervisory authority, but such material may be conveyed in transit to places within Sweden.

§ 10.—The present Decree shall not apply to the manufacture, sale or import of material for the armed forces or for the Air Protection Inspectorate.

Switzerland.

DECREE OF SEPTEMBER 29TH, 1934 (Recueil des lois 1934, page 688).

Article 2.—The Confederation shall be responsible, *inter alia*, for the following :

.
(d) the supervision of the manufacture and importation of passive defence material of every kind.

* * *

DECREE OF MAY 7TH, 1935 (Recueil des lois 1935, page 293).

Article 1.—In accordance with Article 2 (d) of the Federal Decree of September 29th, 1934, the Confederation shall supervise the manufacture and importation of passive defence material of every kind.¹

Article 2.—The term “passive defence material” shall, for the purposes of the present Decree, be taken to mean any appliance which, by its nature, serves for defence against air attack by gas or for instruction in passive defence.

The present Decree shall also be applicable to material which serves for industrial defence or for the fire-brigade, if it can also be employed for air defence. . . .

Article 3.—No passive defence material may be offered for public sale unless the Federal authority designated in Article 5 has inspected a model of such material and has declared it fit for sale.

Article 4.—The importation of passive defence material shall be subject to the formality of a permit.

A permit shall be granted only for material which has been passed for sale by the Federal authority designated in Article 5.

¹ *Note by the Secretariat.*—For the regulations of November 18th, 1935, giving effect to this decree, see Recueil des lois 1935, page 785. See also the Ordinance of August 27th, 1936, Recueil des lois 1936, page 690.

The Swiss Customs offices shall allow entry into the country only of material for which an import permit has been granted. The consignor or the consignee may apply for a decision by the Testing Laboratory.

The Customs offices shall refuse entry at the frontier to material which is declared unacceptable by the laboratory, whether in general or in a particular case.

Article 5.—The Department of the Interior (Testing Laboratory at Zurich and Public Health Service at Berne) shall supervise the manufacture and import of defence material.

It shall allocate questions arising out of such supervision either to the Testing Laboratory or to the Public Health Service and shall fix the fees chargeable.

Article 6.—The agents of the Confederation in charge of supervision shall have access to all premises on which passive defence material is manufactured, stored or sold.

They shall be authorised to inspect at any time such material and the raw materials used in making it, and to have sequestrated by the competent authority such material as does not fulfil the requirements of the present Decree or the executive regulations thereof. . . .

Article 7.—The Department of the Interior, in agreement with the Military Department, shall issue detailed provisions as to the conditions and requirements which must be fulfilled in placing material on sale.

Article 8.—The present Decree shall not be applicable to passive defence material acquired by the military authorities of the Confederation.

Article 9.—In the case of material which has already been placed on the Swiss market, the authorisation referred to in Article 3 shall be applied for within the time-limit specified by the Department of the Interior.

ANNEX II.

EXTRACTS FROM THE REPORT, DATED APRIL 13TH, 1935, ON THE PROGRESS OF THE WORK OF THE COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

[Reproduced from document Conf. D.168, which is reprinted in full in Conference Documents, Vol. III, pages 785-858.]

II. DRAFT TEXTS.*¹

Article 4.^{2,3,4}

For the purposes of the present Convention, five categories of arms and implements of war are established as follows :

Category I.—Military Armaments.

Arms, ammunition and implements of war, designed or intended for land, sea or air warfare, until such time as they may form part of the material coming under Categories II or III :

1. Rifles and carbines, and their barrels and bolts.
2. Machine-guns, automatic rifles and machine-pistols of all calibres, and their barrels and bolts.
3. Guns, howitzers and mortars of all calibres and their mountings, barrels, recoil mechanisms and recuperators.
4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.
5. Grenades, bombs, torpedoes and mines—filled or unfilled—and apparatus for their use or discharge.
Periscopes for submarines.

* *Note by the Secretariat.*—The text here reproduced was proposed by a majority of the Committee. Additional headings proposed by certain delegations are inserted in smaller type.

¹ Part II (Draft Texts) and Part III (Observations and Reservations) are an inseparable whole, and must consequently be examined simultaneously.

[*Note by the Secretariat.*—For relevant extract from Part III, see below, page 221.]

² See general observations of the **Technical Committee** and the reservations by several delegations, paragraph 23 of report.

³ See reservation by the **Japanese** delegation, paragraph 24 of report.

⁴ See reservation by the **French** delegation, paragraph 25 of report.

6. Tanks, armoured vehicles and armoured trains and armour and bullet-proof plates shaped for these vehicles.

The delegations of the U.S.S.R., Poland and Czechoslovakia propose to add another heading as follows :

Appliances and substances intended exclusively for chemical and incendiary warfare.¹

Category II.—Naval Armaments.

Vessels of war of all kinds, including aircraft-carriers and submarines and their arms, ammunition and implements of war mounted on board and forming part of their normal armament.

*Category III.—Air Armaments.*²

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine-guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the arms or appliances referred to in paragraph 2 below.

2. Special guns and machine-guns for aircraft, and their gun mounts and frames.

Bomb-racks and torpedo-carriers, and bomb or torpedo release mechanisms.

Category IV.

Arms and ammunition capable of being used for both military and non-military purposes :

1. Revolvers and automatic pistols, provided the weight of the weapon is over 630 grammes (1 lb. 6 oz.), and ammunition therefor.

The delegation of the U.S.S.R. proposes the addition of another heading as follows :

Powder and explosives other than those mentioned in paragraph 4 of Category I, and the raw materials used in their manufacture.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire ammunition that can be fired from fire-arms in Category I.

Category V.

1. Aircraft, assembled or dismantled, both heavier than and lighter than air, other than those included in Category III.

¹ See reservations by the delegations of Sweden and Switzerland, paragraph 26 of report.

² See reservation by the delegation of Czechoslovakia, paragraph 27 of report.

2. Airscrews, fuselages, hulls, tail units and undercarriage units.

3. Aircraft engines.

4. The following essential component parts of aircraft engines covered by paragraph 3 above : crankshafts, cylinders, superchargers.

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III. OBSERVATIONS AND RESERVATIONS REGARDING THE DRAFT TEXTS.

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Article 4.

23. Text adopted by the Technical Committee on Manufacture and Categories.

The reservations and observations submitted in this Committee (document Conf. D./C.C.F./C.T.24(1)) were as follows :

In adopting document Conf. D./C.C.F./C.T.22(1), the Technical Committee considered that this document was only an attempt at solutions of a purely technical character, and was only accepted by the members of the Technical Committee with reservations as to the assent of their respective Governments.

Reservation by the delegation of the U.S.S.R. supported by the delegations of Czechoslovakia and Poland. Appliances and substances exclusively intended for chemical and incendiary warfare do not figure in the categories of arms and implements of war to be subjected to regulation under the draft.

In this connection, the U.S.S.R. delegation has proposed the text shown on page 9 of the draft, supported by the delegations of Poland and Czechoslovakia.

The Soviet delegation consequently feels that it must draw attention once more to the fact that the Geneva Protocol of June 17th, 1925, regarding the prohibition of chemical weapons, is still, unfortunately, awaiting ratification by several States, while the development of chemical means of warfare in recent years represents a considerable danger.

Hence the U.S.S.R. delegation reserves its attitude on this problem and considers it necessary to raise the point once more at a plenary meeting of the Committee or of the General Commission.

As a result of discussions in the Committee on Categories, gunpowder and explosives are mentioned only in connection with the articles enumerated in Item 4 of Category I.

Nevertheless, the manufacture of and trade in gunpowder, explosives and their raw materials are, in certain cases, directly connected with military requirements. For this reason, the U.S.S.R. delegation insists on the inclusion in Category IV (appliances and substances) of its amendment appearing in the Draft Texts.

The majority of the Committee was unable to accept the amendment proposed by the Soviet delegation in regard to appliances and substances destined exclusively for chemical and incendiary warfare. It was pointed out that the Special

Committee on Chemical Warfare set up by the Conference for the Reduction and Limitation of Armaments had, after a full examination of the question, found it impossible, from a technical point of view, to draw up a list of these appliances and substances, for the reasons given in its report (document Conf. D.152, of December 13th, 1932).

24. The Japanese delegation entirely reserves its attitude on the question of categories, it having no military expert available at the moment.

25. The French representative stated that the arrangement proposed could not be regarded as definitely established until the treatment applicable to each category had been fixed and the suggestions of the Technical Committee on Expenditure discussed; he reserved the French delegation's full freedom of action in the event that certain relevant provisions are modified in the course of subsequent discussion.

26. The Swedish and Swiss delegations reserve their attitude in regard to chemical materials until a sufficiently clear definition of the expression "Appliances and substances exclusively intended for chemical and incendiary warfare" has been found. They consider, further, that it would be regrettable in the present Convention to authorise the manufacture of and trade in arms of which the use is already prohibited by international law.

27. The Czechoslovak delegation drew the attention of the Technical Committee to the necessity of mentioning in Category III the principal component parts manufactured for air armaments. This is why it could not accept the actual text of Category III, and it has made a reservation on this point.

ANNEX III.

NATIONALISATION AND SUPERVISION OF THE MANUFACTURE OF IMPLEMENTS OF WAR IN FRANCE.

*Note communicated by the French Government
on October 11th, 1937.*^{1 2}

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¹ The letter accompanying the note reads as follows :

“ By paragraph 3 of the resolution which it adopted on May 31st last, the Bureau of the Conference for the Reduction and Limitation of Armaments instructed the Secretariat of the League of Nations ‘ to collect and communicate to the members of the Bureau any useful information obtainable as to the present position in regard to the national control of the manufacture of and trade in arms in the principal countries ’.

“ In response to the desire expressed by the Bureau, and as a contribution towards the fulfilment of this wish by direct co-operation in the enquiry carried out on this question by the Secretariat of the League of Nations, I have the honour to forward to you herewith a note on the nationalisation and control of war manufacture, as these have been carried into effect by the French Government.”

² This note has also been reproduced in document Conf. D.183 of March, 1st 1938.

I. GENERAL OBSERVATIONS.

Article 8 of the Covenant of the League of Nations denounces the evil effects of the manufacture of armaments by private enterprise, while Article 23(d) asserts the need for general supervision of the trade in arms and ammunition.

In spite of the efforts made, it has not hitherto proved possible to bring about the successful application of the above provisions of the Covenant by means of an international Convention regulating the manufacture of and trade in war material in the different countries.

Nevertheless, in the light of the negotiations conducted at Geneva on these subjects, a number of general principles have emerged from the labours of the Disarmament Conference. From these principles, countries sincerely desiring to further the organisation of peace have felt able to draw guidance, while proceeding, as a first step, to apply to their own nationals measures of regulation and control which it is hoped will later be extended to all other countries.

Among the States imbued with good-will, France had little hesitation in putting those principles to the test for her own account, inasmuch as they are in harmony with the aspirations so insistently voiced by French public opinion.

French public opinion has indeed always protested against the enhanced profits which may accrue to private persons from the manufacture of armaments as a result of international discord or threats of war.

Legislation of 1935.

Accordingly, as early as 1933,¹ legislation on the subject was passed. Its object was to organise—both from the standpoint of internal or external security, and from the fiscal or administrative standpoint—a certain measure of supervision, exercised by public authorities over the manufacture of, trade in or possession of war material. Particular mention should be made in this connection of:

1. *Decree of September 3rd, 1935*, with the Ordinance of the same date,² regulating the export of war material.

These provide that previous authorisation must be obtained from the Finance Minister before war material can be exported. Such authority will only be granted subject to the consent of the Minister for Foreign Affairs, the Minister of the Interior and one of the National Defence Ministers (land, naval or air forces, as the case may be).

¹ The beginning of the French Government's efforts to institute supervision of the manufacture of armaments might be placed as far back as 1933, when the question was considered in connection with a draft law to restore the equilibrium of the budget. M. Daladier, at that time President of the Council of Ministers, had inserted provisions in the draft law to ensure the supervision of the manufacture and sale of implements of war. Although favourably reported on by the Finance Commission, this draft failed to become law.

² *Journal officiel*, September 11th, 1935, pages 9930, 9931.

2. *Decree-law of October 23rd, 1935*,¹ regulating the importation and manufacture of, trade in and possession of arms; supplemented by the *Public Administrative Regulations of December 16th, 1935*, and the *Ordinance of January 13th, 1936*.²

Under these measures, the importation into France of arms, ammunition and all offensive and defensive weapons is prohibited, except where specifically permitted in the case of certain sporting (game or target-shooting) fire-arms.

The manufacture of arms is only allowed subject to previous authorisation from one of the Defence Ministers, and is strictly supervised.

Trade in arms is also subject to regulations, which include :

Declaration to the Prefecture;
Keeping of registers open to inspection.

Finally, the possession of all fire-arms must be declared.

Disregard of these provisions entails severe punishment by imprisonment or fine.

3. *Decree-law of October 30th, 1935*,³ setting up administrative control of transactions in war materials, supplemented by the Decree of May 29th, 1936.⁴

In this sphere, a Decree-law of July 16th, 1935,⁵ had already instituted a special tax of 20% on profits from the fulfilment of contracts entered into with the War, Navy and Air Ministries.

Whereas, however, the latter provision applied, in principle, to all undertakings engaged on national defence work, the Decree of October 30th, 1935, applies only to persons supplying war material, a definition of which is given in the Geneva Convention of June 17th, 1925; the list which appears in that Convention is repeated in the French text.

These measures enable the departments contracting for war supplies to impose upon the contractors supervision by a Government agent, under threat of administrative sanction.

* * *

Law of August 11th, 1936.

The above provisions were dictated much more by domestic considerations than by principles laid down at Geneva. Hence the French Parliament, taking those principles as a basis, and judging, moreover, that the concept of public service to the State is nowhere better exemplified than in the production of the means necessary for the country's defence, thereupon undertook to prepare a veritable *national statute of war industries*. This is the aim of the "*Nationalisation*" Act of August 11th, 1936.

¹ *Journal officiel*, October 24th, 1935, page 11202.

² *Bulletin officiel*, Partie permanente, 1936, page 36.

³ *Journal officiel*, October 31st, 1935, page 11509.

⁴ *Journal officiel*, May 31st, 1936, page 5797.

⁵ *Journal officiel*, July 18th, 1935, page 7671.

The introductory statement to this Act declares as follows :

“ France has recently given striking evidence of her loyalty to the international organisation of peace through collective security and progressive disarmament. Concrete form can at once be given to the desires of public opinion by far-reaching nationalisation of war industries and strict control of the activities of undertakings that remain unexpropriated. . . .

“ France’s example will encourage international opinion to recognise the need for the immediate organisation of national control, for the Geneva discussions have shown that such control is the primary condition for any international regulation of the production of war material, and that without international regulation it is vain to hope for the armaments race to be stopped.”

To secure the object in view, the Act provides for two types of measures :

(1) **Expropriation**, in whole or in part, of undertakings manufacturing war materials, within the limits of the normal requirements of national defence.

This is the purport of Article 1, which reads as follows :

“ *Article 1.*—Before March 31st, 1937, decrees adopted by the Council of Ministers, on the proposal of the Minister of National Defence and War, the Minister of Marine or the Air Minister, may order the expropriation, in whole or in part, of undertakings manufacturing or trading in war material.

“ War material shall include :

- “ (1) Fire-arms, and ammunition therefor;
- “ (2) Implements for the carriage of fire-arms and for the use of fire-arms in war (fighting aircraft, warships, vehicles used in warfare);
- “ (3) Material required for protection against noxious gases.

“ Failing free agreement within one month of the publication of the decree of expropriation, the amount of compensation shall be determined as follows :

“ Compensation shall be based on the value of the undertaking on the date on which expropriation takes place, with sole reference to the loss resulting from eviction; in no case may any profit whatsoever accrue to the person expropriated.

“ The amount shall be determined by two arbitrators, appointed by the Minister and the expropriated party respectively. Should the latter fail to appoint an arbitrator within fifteen days of being called upon to do so, an appointment shall be made by means of a Court Order from the President of the Civil Court of the district in which the expropriated undertaking is situated.

“ The two arbitrators shall reach a decision within three months of their appointment, unless the parties agree to prolong that period.

“ Should they fail to agree upon the amount of compensation, the two arbitrators shall appoint a third arbitrator.

“Should they fail to agree upon this appointment, the third arbitrator shall be appointed, at the request of either party, by the First President of the Court of Appeal of the district in which the undertaking is situated.

“The third arbitrator shall reach a decision within one month of his appointment.

“Arbitrators shall not be bound to observe any special form of procedure.

“The arbitral award, which shall be communicated to the parties through the Minister, shall be open to appeal before the Council of State, under the stipulations of the Decree of July 22nd, 1806, as amended by Article 24 of the Law of April 13th, 1900.

“The public authorities may take over the expropriated undertaking as from the date of publication of the decree of expropriation, on condition that they prepare an inventory in the presence of the other party, and pay provisional compensation to those entitled thereto.

“The arbitral award shall be registered free of tax and shall be given executory validity by the First President of the Court of Appeal.”

(2) **Strict supervision** of the activities and profits of non-expropriated private undertakings chiefly or partly engaged in manufacturing and trading in war material.

This is the purport of Article 2, which reads as follows :

“*Article 2.*—As from the date of promulgation of the present Law, undertakings manufacturing or selling war material as defined in Article 1, may only continue, and the activities of their intermediaries and publicity agents may only be pursued, subject to authorisation and supervision by the Government.”

Both the above types of measure were necessary; for although expropriation appears to be the best and the most thorough-going solution, since it transforms private factories and workshops engaged in armament production into Government undertakings, yet it was not possible or desirable to apply it to all private industry.

In the enforcement of the Nationalisation Law, account had to be taken, in particular, of the profound differences existing between the War, Navy and Air Departments in the matter of the organisation of the manufacture of land, sea and air armaments; and more especially of the varying parts played in each of those three spheres by Government and private undertakings respectively.

Thus the Navy Department, following ancient tradition, was already producing in its own arsenals a very great proportion of the warships, artillery and ammunition required for the naval forces.

The War Department, although possessing a considerable number of its own factories, turned to private industry for an appreciable part of its arms and ammunition and for the whole of its tanks, armoured cars, etc.

The Air Department had no Government factories under its control, and therefore obtained all its aircraft bodies and engines from private industry.

In this way, the Navy and War Ministries, being already in possession of units possessing experience of the manufacture of most war supplies, were able, by means of total or partial expropriation, to turn a considerable number of

private undertakings into Government factories, thus achieving nationalisation properly so called.

The Air Ministry, on the other hand, possessing no means for furnishing supervisory staff for expropriated undertakings, was unable to turn these into Government factories, and therefore confined itself to contributing expropriated assets to the working capital of the "national companies", a majority of the stock of which is held by the Government. In this case, therefore, nationalisation takes the shape of Government supervision.

II. NATIONALISATION.

Nationalisation properly so called entails the expropriation and the transforming of the undertakings affected into Government undertakings in the sense of Article 1 of the Law summarised above.

In conformity with a series of Decrees adopted between October 1936 and March 1937, *twelve factories, groups of factories or workshops of private factories* were expropriated by the War and Navy Departments and transformed into Government undertakings. Among the undertakings affected by this step, mention may be made of the factories or workshops of Schneider, Renault, Brandt, Hotchkiss, etc., all specialised in the manufacture of war material or ammunition.

Measures taken.

(a) *Expropriation : Occupation : Compensation.*

According to the provisions of the Law of August 11th, 1936, an expropriation decree transfers ownership to the State, the occupation of the undertaking being brought about by a ministerial ordinance.

The expropriation decree specifies the properties covered—*i.e.*, on the one hand, the land, whether built upon or not, which is further described in the cadastral survey attached, and, on the other hand, the existing equipment, tools, stocks of every description, including materials in course of manufacture or assembly, and furnishing, as enumerated in an inventory drawn up in the presence of the expropriated party.

As the date of taking over is not specified in the Law and may be decreed at a suitable moment, the execution of the relevant provisions can be carried out with the necessary elasticity.

In particular, the procedure laid down enables the various problems of a technical and financial character involved in expropriation to be taken into account. No risk is run by the State, since, during the transition period which elapses before the process is completed, the undertakings concerned are, in practice, under Government supervision; the military engineers appointed to take charge of the undertaking utilise this interval to make themselves familiar with their duties, in contact with the civilian directors who are still exercising their former functions. In addition, the Government is able at any time, under the provisions of the Law itself, to take over the undertaking at once, if circumstances so require.

The transitional period also makes possible the fixing of the *provisional compensation* which, under Article 1 of the Act, must be paid by the public authorities when the undertaking is taken over.

This compensation must, in general, fulfil two conditions: it must be substantial in amount, but, at the same time, it must be low enough to ensure that in no case shall it ultimately be found to exceed the value of the expropriated undertaking and equipment.

Final compensation must be determined within one month of the date either of notification of the expropriation decree, or of the notification of the Ordinance specifying the date at which the undertaking will be taken over.

Under Article 1 of the Law of August 11th, 1936, the amount of compensation is based upon the value of the undertaking on the date of expropriation, with sole reference to the loss resulting from eviction, no profit whatsoever accruing to the expropriated party.

According to circumstances, the fixing of the final amount of compensation for expropriation is the consequence either of free agreement between the parties, or of an arbitral award.

Free agreement results from offers made by the authorities to the parties concerned. The amount of such offers is determined by the Minister, on the proposal of a Committee which includes a representative of the Finance Department.

As soon as the offer is accepted, the process is completed.

In case of refusal, arbitration proceedings commence; they may consist of a number of stages, the final one being an appeal before the Conseil d'Etat.

(b) *Organisation and Operation.*

Very detailed provisions are laid down for the smooth and frictionless organisation of the management and operation of factories turned into Government undertakings.

They may be summarised as follows:

As soon as expropriation has been decreed, a military engineer is appointed as manager of the expropriated undertaking, which, when it has been taken over, becomes a Government factory and is run under direct Government administration.

The higher staff of the undertaking is kept on, in so far as its co-operation is deemed necessary.

Subject to certain transitional provisions, the subordinate staff in general comes under the regulations applied to workers and employees of the Government Departments concerned.

The planning departments of the expropriated undertakings are, as a rule, attached to the new undertakings.

It has proved necessary, however, to take certain transitional measures to ensure that the preparatory work already begun should continue under satisfactory conditions.

All the necessary steps have been taken to stimulate and foster research work relating to national defence.

III. SUPERVISION OF UNDERTAKINGS MANUFACTURING AND SELLING WAR MATERIALS.

This supervision, as already stated, is provided for in Article 2 of the Law of August 11th, 1936, the stipulations of which have been amplified by the following :

Decree of August 17th, 1936, laying down the general conditions for ensuring the supervision of private undertakings engaged in manufacturing and trading in war material;

Decree of August 18th, 1936, providing for the organisation of supervision of private undertakings;

Decree of August 18th, 1936, laying down conditions for the grant of licences and authorisations to private undertakings;

Decree of January 16th, 1937, laying down the conditions governing State participation in undertakings engaged in manufacturing or trading in war material, where such participation exceeds two-thirds of the share-capital;

Decree of January 6th, 1937, relating to financial participation by the State.

The Law of August 11th, 1936, has made possible :

- (a) The organisation of *internal supervision* of undertakings, by means of financial participation by the State;
- (b) The organisation of *external supervision* carried out by officials of the three Defence Departments, their activities being co-ordinated by the General Directorate for the Control of War Material.

A. *Financial Participation.*

By means of financial participation, the State may become the owner of the majority of the shares of the undertaking. This is the method employed in all the nationalisation operations carried out by the Air Ministry. A distinction must be made between this method and that applied by the War and Navy Departments.

1. *System employed by the Air Ministry.*

The Government acquires by purchase or expropriation such assets of undertakings as are deemed necessary for the satisfactory working of the aircraft industry.

Such assets constitute the Government's contribution to the companies known as "national aircraft construction companies", of which there are at present six, distributed in the main geographical divisions of the country.

This form of nationalisation has the advantage of retaining, in the companies so formed, the full participation of the technical collaborators who have up to the present been engaged in promoting the growth of the aircraft industry.

Lastly, a Sales Department, the "French Office for Air Equipment Exports", representing the national companies, is in charge of trade relations with foreign countries.

Expropriations decreed on the initiative of the Air Department (Decrees of January and February 1937) cover seventeen private undertakings engaged in aeroplane or seaplane construction or the manufacture of war material.

2. *System employed by the War and Navy Departments.*

Having turned a number of expropriated undertakings into Government factories, the War and Navy Departments now propose to take a financial share in a number of private armament undertakings in respect of which no expropriation measures have been taken.

This participation will secure for the Government, through the intermediary of its representatives on the administrative bodies and at general meetings of the companies, a very effective power of control over the manufacture of war material, the preparation of industrial mobilisation, and the extent of the profits.

In order to provide for exports of war material, where authorised by the Government, the War Department is also contemplating the creation of joint sales organisations in foreign countries.

3. *Rules applied in All Cases of Financial Participation.*

It has just been shown that the Government may become a majority or a minority shareholder.

Even in the latter case, the system of financial participation gives it far-reaching means of action.

Undertakings in which the State thus assumes a financial part must become limited liability companies, subject to the provisions of French legislation. Such participation can be brought about in one of the following ways :

By an agreement for the purchase of a part of the capital corresponding to the amount of the Government's participation;

By Government purchase of an additional issue of capital equivalent to the amount of its participation;

By the transfer, either to an existing or to a new company, of assets expropriated by the Government in virtue of the Law of August 11th, 1936.

The Government thus secures representation at the initial general meeting of the company or at subsequent ordinary or extraordinary meetings. It exercises such voting powers as the Articles of Association provide. It must be granted at least two directorships, and appoints a special controlling agent to follow the activities of the company. The agent is duly summoned to attend general meetings, meetings of the Board of Directors and, where appropriate, meetings of the Committee of Management or other similar bodies; and it is able to oppose such decisions as appear to it to run counter to the interests or rights of the State, especially in matters affecting national defence.

B. *Supervision Proper.*

1. *Object and Scope.*

Taken as a whole, the system of supervision laid down in the Law of August 11th, 1936, aims at the exercise of general supervision of the manufacture and sale of war material.

Taken in greater detail, its objects, in the *technical, administrative, financial and statistical fields*, are to bring together data relating to manufacturing processes and the expansion of means of production, to watch over the application of legal provisions, and to supervise the profits and expenditure of the undertakings concerned.

The system applies :

- To factories (manufacture, assembly, filling of ammunition, etc.);
- To sales organisations (imports, exports, internal trade);
- To intermediaries and publicity agents.

The system appreciably limits the former freedom of the parties affected, whether companies or individuals; they are now placed in a position of close dependence upon the State.

2. *Methods of Enforcement.*

Apart from the system of financial participation by the State, to which we need not revert, the law lays down the following methods of enforcement :

- The grant of a licence;
- The grant of an authorisation.

Manufacturing undertakings may now no longer pursue their activities unless they obtain a *manufacturing licence* from the State. The validity of this licence is limited to five years, but it can be renewed for a similar period upon expiry. When it is added that the licence so granted may be cancelled by the State at any moment on the ground of disregard of relevant laws and regulations, the severity of the means placed at the disposal of the State under the present system will be appreciated.

Sales organisations are covered by an analogous system : they may only pursue their activities after obtaining a *special and revocable authorisation* from the State. Similarly, intermediaries and publicity agents working for manufacturing or sales undertakings must, in order to pursue their activities, submit to a similar degree of State supervision and comply with provisions closely resembling those applied to the undertakings for which they work.

3. *Organisation of Supervision.*

In order to ensure the due enforcement of the various provisions relating to the supervision of the manufacture and sale of war material, the following bodies have been set up :

- Special control groups within each of the National Defence Ministries;
- A General Co-ordination and Centralisation Service for the supervision of the manufacture of and trade in war material.

The *control groups* are set up with the aid of the control services of the National Defence Departments. Officials belonging to them carry out detailed enquiries on the spot, in order to complete and check the information supplied by the undertakings. They examine carefully the activity of the undertakings, their structure, working, technical equipment and the outcome of their financial and industrial activity. In each Ministry, these organs are under the immediate authority of the Inspectorate.

A General Co-ordination and Centralisation Service was set up in September 1936. It is attached to the Ministry of National Defence and War, and constitutes the *General Inspectorate of War Material*, under the direction of a General Inspector of Army Administration.

It also includes one inspector and one technical representative for each of the three National Defence Departments.

An Ordinance of December 10th, 1936, defines the *inter-departmental functions* of this General Inspectorate, which, under the authority of the Permanent Committee for National Defence, fulfils the following main purposes :

- (1) To examine applications for, and recommend the grant, renewal or withdrawal of, licences;
- (2) To co-ordinate the activities of the control groups and the implementation of their work;
- (3) To centralise and check all statistical information relating to the manufacture and sale of war material;
- (4) Eventually, to prepare the material to be submitted to the international supervisory organs.

The work of centralisation and co-ordination carried out by this body has proved specially important and fruitful.

It has proved *important*, not only because of the number of questions dealt with, but also because of the relative complexity of the supervisory activities that are now being carried out, as has been seen, under extremely diverse conditions. This is more particularly the case, since the system instituted by the Law of August 11th, 1936, has not entirely replaced the earlier system to which reference is made in the first part of this memorandum; in certain respects, the two systems still exist side by side.

The work of centralisation and co-ordination has proved *fruitful* through the use made of the information collected. All this information is placed in the files of the General Inspectorate, which keeps up-to-date lists of manufacturing and sales undertakings and is in a position to supply any statistical information required by Ministers and by the Permanent Committee of National Defence or, eventually, by the international supervisory organs.

* * *

CONCLUSION.

It will be seen that resort to the means of action placed at the disposal of the three departments of National Defence by the Nationalisation Law of August 11th, 1936, has led, through the combined use of expropriation, financial participation by the State, and direct supervision of undertakings engaged in the manufacture of and trade in armaments, to the creation of a "national statute of war industries".

France has thus, for her part, fulfilled the primary condition for setting up international supervision of war industries. Her example, if followed elsewhere, should lead to the successful outcome of the negotiations on publicity and on the general limitation of armaments.

ANNEX IV.

CONTROL OF EXPORTS OF WAR MATERIAL IN THE UNITED KINGDOM.

(EXTRACT FROM MEMORANDUM PREPARED BY THE BOARD OF TRADE
IN COLLABORATION WITH THE FOREIGN OFFICE, ADMIRALTY, WAR OFFICE,
AIR MINISTRY AND BOARD OF CUSTOMS AND EXCISE ¹.)

Board of Trade Powers and Action.

19. The Board of Trade is responsible for the issue of export licences in connection with the control of arms.

20. The Board of Trade powers to regulate the export of arms from the United Kingdom are derived from Section 8 of the Customs and Inland Revenue Act, 1879, as amended and extended by Section 1 of the Exportation of Arms Act, 1900, and Section 17 of the Finance Act, 1921. Under these enactments, power is given to prohibit by Proclamation or Order-in-Council the export or coastwise shipment of weapons and munitions of war of every description, as well as fire-arms not being weapons of war and ammunition for such fire-arms (see Annex A).²

21. The present arms export licensing system has been in force without substantial alteration since 1921, but is now based on the Arms Export Prohibition Order-in-Council of 1931 which specifies twenty classes of material the export of which from the United Kingdom is prohibited except under licence (see Annex B).² Open general licences (Annexes C² and D²) issued about the same time as the Order-in-Council permit the unrestricted export (except to certain destinations in Asia and Africa) of specified materials in those classes, such as shot-guns and their ammunition and industrial explosives which are not in fact war material. The general effect is that the export of war material and rifled weapons of every description is subject to the issue of a specific licence by the Board of Trade, whatever may be the destination. (Aircraft which have no armament do not require a specific licence on export unless the destination is Abyssinia.)

22. The general procedure in connection with export licences is that application is made to the Board of Trade for the issue of a licence. The Board then

¹ Appendix I of the Minutes of evidence taken before the Royal Commission on the Private Manufacture of and Trading in Arms at its twelfth sitting, on November 27th, 1935.

² Not reproduced.

consults the Foreign Office, and also the Service Departments in some cases, as to whether a licence should be issued, and, if no objection is received, the licence is given. The licence provides that the owner or shipper shall, if required by the Customs, produce proof that the goods were duly delivered at the destination named in the licence. The usual form of licence for war material (Annex F),¹ which is restricted to exports to foreign Governments, has no time-limit on its validity, but is subject to the condition that it "may be modified or revoked at any time by the Board of Trade if they deem it necessary to do so (a) in the interests of imperial security; or (b) in consequence of any international agreement to which His Majesty's Government are or may become a party". The alternative form of licence (Annex G)¹ which is limited in validity to three months and subject to the condition that it "may be modified or revoked at any time by the Board of Trade without reason given" is used in those cases in which it is considered necessary to have a larger measure of control—*e.g.*, in the case of dealers in arms. Thus there is effective control over the export of all arms and ammunition for war purposes.

Customs Procedure on Exportation.

23. (a) Arms must be entered before shipment under Orders made by the Board of Customs and Excise under Section 139 of the Customs Consolidation Act, 1876. Explosives as defined by the Explosives Act, 1875, must also be pre-entered under the above section. (Ordinarily the only Customs document required for exported goods is a specification which may be presented six days after the exporting vessel has cleared.)

(b) The Board of Trade licence is endorsed by the Customs Officer with the nature and quantity of the goods loaded and is then returned to the shipper (or, where the licence so requires, to the Board of Trade) until such time as the quantity authorised under the licence has been shipped. It is then marked "Exhausted" and retained in the Department, or, if the terms of the licence so require, returned to the Board of Trade.

(c) The packages are identified by the Customs Export Officer prior to shipment. A special watch is kept on the loading of goods into ships bound for Italy to see that arms do not go on board. An occasional test examination of other export goods is made with a view to seeing that no arms are shipped without pre-entry.

Admiralty Control over Vessels of War.

24. The control of the building, equipping and despatching of vessels of war under the Foreign Enlistment Act, 1870, and the Treaties of Washington Act, 1922, is carried out by the Admiralty, but naval armaments exported separately from a vessel of war are subject to the licensing procedure outlined above.

¹ Not reproduced.

Foreign Office Action.

25. The Secretary of State for Foreign Affairs is concerned in two ways with the issue of licences for the export of war material.

(1) He receives a notification from the Board of Trade that a licence has been applied for, and advises that the licence should or should not be issued.

(2) In exceptional circumstances, he may inform the Board of Trade that the export of arms to a particular country or region is undesirable.

26. Each application for the issue of a licence received from the Board of Trade is considered on its merits, and consideration is given by the Secretary of State for Foreign Affairs to the following circumstances :

(1) The nature of the consignment.

(2) The consignee. The general practice of His Majesty's Government is to issue licences for the export of war material only to Governments or to the accredited agents of Governments for delivery to them. In the case of material for testing purposes, samples for demonstration or exhibition, or accessories, reputable firms may be accepted as consignees.

(3) Conditions obtaining in the country to which the arms are to be exported. It may, for example, be desirable to refuse or suspend licences in time of civil disturbance.

(4) The international situation. It has, for example, been found desirable to refuse applications for licences to export arms to countries whose relations with other countries are strained.

(5) Treaty provisions. The export of arms to certain countries—for example, Abyssinia—is regulated by treaty. The Secretary of State for Foreign Affairs satisfies himself that the export of a consignment is in accordance with the treaty provisions in force before assent to the issue of a licence is given.

(6) Special circumstances. In the case of certain countries, evidence that the Government of the importing country has authorised the import is required. For example, in the case of China, the authority of the Chinese Central Government countersigned by the Chinese Ambassador in London is required before a licence is issued. Some other countries have requested that reference should be made to their representatives in London before licences are issued.

(7) An embargo on the export of arms to a particular country or countries may be in force.

Action by Service Departments.

27. The concern of the Service Departments is to keep under observation the general trend of exports of arms. This information is conveniently obtained from the applications for licences. If any unusual movement of arms were observed, which bore upon the policy of His Majesty's Government, it would be

expected that the Service Departments would call the attention of the Foreign Office to the facts.

A watch is also kept upon the applications to ensure that no weapons of secret design are exported; but, as stated below, the understanding with the manufacturers is so close that the possibility can virtually be ruled out, quite apart from the operation of the licensing system.

THE ARMS EXPORT LICENSING SYSTEM.

Objects of Licensing System.

28. From the historical part of this memorandum,¹ it will have been observed that, before the war, there was a power to prohibit but no licensing system. It may therefore be presumed that the primary objects of pre-war legislation were to conserve national resources and to prevent in time of actual or threatened war the export of arms and other material for use against this country and its allies. The war brought with it both prohibition of exports and a licensing system which survived after the war. Since then the powers have been adapted in peace time to other purposes, both national and international. A problem created by the war is described in the preamble to the Arms Traffic Convention, 1919, as "the accumulation in various parts of the world of considerable quantities of arms and munitions of war, the dispersal of which would constitute a danger to peace and public order," and the Preamble then goes on to state that "in certain parts of the world, it is necessary to exercise special supervision over the trade in, and the possession of, arms and ammunition". The maintenance of the arms export licensing system, when other forms of prohibition on export disappeared after the war, appears to have had as its main aims the prevention of arms reaching native races, subversive elements and disarmed ex-enemy countries. The system has since found other uses, such as facilitating the imposition of embargoes on exports of arms and assisting foreign Governments in regulating arms imports.

Open General Licences.

29. Under the existing system, open general licences allow the export, without specific licences, of some categories of arms and ammunition and also of aircraft and aircraft engines, to any destination except certain areas in Asia and Africa. It will have been gathered from the historical section of this memorandum that this roundabout method of providing for the licensing of the articles in question when destined to the special areas was maintained because of the limitations of existing legislation under which prohibitions relating to the export of arms in peace time must be general in character. Hence, in order to give effect to the Ethiopian Arms Treaty, a general prohibition had to be put into force.

30. Three open general licences have been issued by the Board of Trade. The first (Annex C)¹ has the effect of requiring the issue of a specific licence for the export to Abyssinia of (a) aircraft, assembled or dismantled, and aircraft

¹ Not reproduced.

engines, and (b) bayonets, swords and lances, and component parts thereof. The second (Annex D)¹ has the effect of requiring the issue of a specific licence for the export to specified land and maritime zones in Africa and Asia of (a) smooth-bore shot-guns and ammunition for use therewith, (b) specified brands of smokeless gunpowder used in the manufacture of shot-gun cartridges, and specified industrial explosives. The third (Annex E)¹ enables persons who hold fire-arm certificates to take abroad, without obtaining a specific licence, the fire-arms and ammunition described in the fire-arm certificate.

Specific Export Licences.

31. So far as concerns the regulation of what is without question, war material, specific licences have to be obtained from the Board of Trade. The general procedure in connection with the issue of export licences is stated in paragraph 22 of this memorandum. The duty of preventing the export of unlicensed exports of arms where a licence is required falls upon the Board of Customs and Excise.

32. The list of articles for which export licences are required is set out in the Arms Export Prohibition Order, 1931 (Annex B).¹ It includes articles which are not war material. In fact, the number of licences issued for war material is only a very small percentage of the total number of licences issued (see Annex H). Thus specific export licences are required under item (iii) for cartridges for some kinds of sporting-weapons and for fire-arms used for industrial purposes; under item (iv) for explosives which can be used for both military and industrial purposes but which are exported for industrial purposes; under item (v) for rifled sporting-weapons and for industrial apparatus such as humane cattle-killers; and under item (viii) for the large quantities of fuses for industrial use.

Aircraft.

33. Unarmed aircraft and aircraft engines would not fall within the scope of the system of export licences if it were not for the Ethiopian Arms Traffic Treaty of 1930 (see paragraph 11),¹ which required every consignment of aircraft and aircraft engines to Abyssinia to be specifically licensed. But the Air Ministry have had for many years a working arrangement with the manufacturers who supply aircraft and engines for the R.A.F., under which the consent of the Ministry is obtained before foreign orders for aircraft and engines are accepted and that Department consults the Foreign Office where considerations of foreign policy appear to be involved. A note on the Air Ministry action regarding export by the trade of aircraft and aero engines is attached as Annex I. The draft Arms Traffic Convention now under consideration by the League of Nations provides for the licensing, on export, of all aircraft, whether military or civil, and also aircraft engines, as well as certain definite component parts of aircraft. If the Convention is brought into operation, effect will of course be given to this provision.

¹ Not reproduced.

Licences issued and refused.

34. A statistical statement is attached (Annex H) which shows the number of arms export licences issued and the number of applications for licences to export war material refused in each year since 1929.

35. The number of licences refused is small, but this is to be expected as the suppliers well know the position and accordingly do not apply for licences where they know they will not be granted. Apart from this, the Service Departments have a close understanding with the manufacturers, which enables them effectively to control the export of arms which might be prejudicial to imperial security without recourse to the licensing system. When an embargo is in force, the situation is that a total prohibition on the supply is imposed. If the position is doubtful, the prospective supplier usually makes enquiries as to the position before taking steps to endeavour to secure an order, and accordingly it is unusual for an application for a licence to be received when the circumstances are such that the application would be refused.

Board of Trade, November 18th, 1935.

Annex H.

Statement showing the total number of arms export licences (including licences for industrial purposes and sporting-arms) issued in each of the following years :

Year	Number of licences
1929	12,598
1930	11,314
1931	10,992
1932	10,897
1933	10,539
1934	10,485
1935 (to September 30th)	8,289

Statement showing the number of licences included in the above statement which were issued for the export of war material, and the number of applications for licences for the export of war material which were refused in each of the following years :

Year	Number of licences	
	Issued	Refused
1929	325	5
1930	411	3
1931	435	1
1932	410	3
1933	413	—
1934	413	7
1935 (to September 30th)	309	7

Annex I.

Export by the Trade of Aircraft and Aero Engines.

1. The primary concern of the Air Ministry in dealing with exports of aircraft and aero engines is to balance the advantages to the industry and to national defence of a healthy export trade against the necessity of retaining the advantage of whatever lead British research and inventive genius give us over other nations.

2. No individual licence is required for the export of unarmed aircraft and aero engines, except in the single case (until recently) of Ethiopia. To ensure that exports are not made which would be contrary to public policy, an agreement has been made with the industry which ensures that the firms notify the Air Ministry whenever a foreign order is in contemplation. Owing to the good relations that exist between the Department and the industry and also by reason of the fact that, in the main, the firms depend on Air Ministry orders for their livelihood, and that, in an extreme case, the powers of the Official Secrets Acts might be invoked, the firms invariably conform with the wishes of the Air Ministry in their dealings with foreign customers, notwithstanding that the licensing system does not apply (except to the extent stated) to unarmed aircraft and engines. For example, in the later stages of the Chaco war, the firms loyally observed the request of the Air Ministry not to supply aircraft to Bolivia and Paraguay.

3. In order to assist the firms in gauging beforehand what aircraft or engines are likely to receive approval for export, and, at the same time, to indicate to the Press what degree of publicity is permissible, a system has been devised whereby aircraft and engines are assigned to three categories, secret, part publication and open. Aircraft and engines on the secret list are not allowed to be described or even mentioned; those on the part publication list may be described in general outline, although not in detail, and firms are permitted to make tentative approaches to foreign Powers regarding the sale of these aircraft and engines abroad. Those on the open list can, in general, be freely sold abroad, but the prior consent of the Air Ministry is required for the sale of manufacturing rights for their construction in foreign countries.

4. The principles governing the transfer from one list to another are as follows :

Aircraft.—The secret stage lasts until the aircraft makes its first flight; the part publication stage until the first production order is given by the Royal Air Force, or until the Department indicates that it has no further interest in the type.

Engines.—The secret stage lasts until the engine has appeared in public (in an aircraft or otherwise) or has passed a full service type test; the part publication stage until the engine is in production or is no longer of interest to the service.

5. The lists are revised every quarter. They include aircraft and engines produced by firms on their own initiative ("private ventures") as well as those directly ordered by the Air Ministry.

6. When an application for concurrence in a possible foreign order reaches the Air Ministry, it is considered from the following points of view :

- (a) Secrecy and effect on our retaining a lead in new types;
- (b) Effect on production orders for the Department—orders are only allowed to be accepted provided the needs of the Royal Air Force are not prejudiced;
- (c) International situation and any embargoes which may be in force or in contemplation.

In accordance with these considerations, the firm is informed that it may or may not accept the order, or that it may accept it subject to restrictions as regards the date of delivery or on such other conditions as may seem necessary. This system has worked admirably so far, and so long as the firms engaged in the production of military aircraft and engines look to the Air Ministry as their primary market, it provides a complete and flexible system for ensuring any desired degree of control.
