



Bosnia and Herzegovina
Ministry of Foreign Trade and Economic Relations
SARAJEVO
*Sector of Foreign Trade Policy and Foreign
Investments*

EXPORT CONTROL SYSTEM IN BOSNIA AND HERZEGOVINA

The Law on Import and Export of Arms and Military Equipment and Control of Import and Export of Dual- Use items. adopted in year 2003, amended in year 2005 stipulates necessary control over the international transfer of products at the state level that is in accordance with the guiding principles of international export control regimes acceded to in our country.

In November 2002, the Council of Ministers of BH accepted the EU Code of Conduct on Arms Export.

MOFTER published an official translation of the Common list of Military equipment in the Official Gazette of BH in April 2003 (No.9/03) and started control

- All natural or legal persons seeking in the import, export, transit or brokerage of arms and military equipment **shall be registered** with the MOFTER.
- The Import, export, transit and brokerage of arms and military equipment requires a **license** in accordance with our Law and is issued by the MOFTER.
- The Import, export and transit of arms and military equipment means the movement of arms and military equipment inward and outward across the State borders of BH by land, sea or air and whatever the ultimate destination thereof. The brokerage means an action whereby a natural or legal persons, permanently or temporarily located within the borders of BH, permit or arrange the transport of arms and military equipment, which are located outside of BH, into another country.
- The MOFTER requires the provision of an **END USE certificate** in all cases prior to issuance of the license.
- The License requires **prior approval** of:
 - o **Ministry of Foreign Affairs BH** which certifies that the granting of the license:

- Is not in violation of decisions by the UN Security Council imposing an embargo on arms and military equipment
- Is consistent with the foreign policy interests of BH and its obligations under international law and other binding obligations,
- Is compatible with EU Code of Conduct on Arms Exports,
- Principle of prevention of production and use of mass destruction weapons.
- **Ministry of Security BH** which certifies that the granting of the license:
 - Will not endanger public safety or security within BH
- **Ministry of Defense.**

We are now introducing export controls on **Dual-list** goods in line with EU Regulations 1334/2000. The Law stipulates that:

- The Import, Transit Export shall mean an any procedure of dual-use items as provided by the Law on Customs Policy of Bosnia and Herzegovina.
- Export shall also mean transmission of software or technology by electronic media, fax or telephone to a destination outside Bosnia and Herzegovina
- An License may be individual, global or general
- Customs officer shall approve the transit if the following conditions have been met:
 - a. The original license of the export country should be presented;
 - b. That the goods are not included on the destination route of the countries, that the Ministry of Foreign Affairs shall regularly publish.
 - c. That there has not been a change of destination while the goods are transiting Bosnia and Herzegovina;
 - d. That the goods must leave Bosnia and Herzegovina within 30 days from the entry.

According to the Law the Ministry shall establish a database on the licenses issued in accordance with this Law and every six months shall provide the Parliamentary Assembly of Bosnia and Herzegovina with a report on the issued licenses. The first

official report for 2003 on licenses issued was submitted and MOFTER provided the report to the Parliamentary Assembly of BiH.

For the purpose of international cooperation and in order to report to the UN Secretary General, the member countries of the Organization for Security and Cooperation in Europe (hereinafter: OSCE) and the OSCE Secretariat, the Ministry of Foreign Affairs may request the following from the Ministry:

a) a review of import licenses issued in accordance with this Law and a list indicating the types of arms and military equipment and the country of origin;

b) a review of export of arms and military equipment with regard to which a notification is received as provided by Article 9 paragraph 2, indicating the types of arms and military equipment, the destination country and the annual total value of all export operations;

c) other data of relevance for the import and export of arms and military equipment, which Bosnia and Herzegovina is required to provide under the terms of international law and international obligations.

The Ministry of Foreign Affairs may inform other countries of any refusal concerning the issue of licenses for export of arms and military equipment, indicating the country of destination, the intended final destination, as well as the category and quantity of arms and military equipment and circumstances of relevance for the refusal.

If the Ministry finds out that one of the OSCE member countries has refused to issue a license for a similar transaction over the past three years, the Ministry shall request from the Ministry of Foreign Affairs to, prior to the issue of the license, in accordance with this Law, have a consultation with the country that refused the issue of the license.

The **Law on production of arms and military equipment** adopted by the Parliamentary Assembly of BiH. The Law proscribes the following:

- control over the production of arms on a state level
- establishment of the procedure for issuance of permissions for arms production - The factories that produce arms should be registered in MOFTER
- establishment of the central register on a state level

- Entity Ministries of Industry are responsible for those factories (that was responsibility of Ministries of Defense before)
- Permanent inspection is under Entity Ministries of Industry that provide data to MOFTER regularly.
- State level inspection regime that will cover all firms that deal with production of arms, annually based on the information provided by Entity Ministries
- procedure for cancellation of the permissions when issued on false information or when a firm does not work in accordance with Law and regulations.

In year 2006 MOFTER issued **350 licenses**:

- 157 licenses for export arms and military equipment (47 licenses through brokers); 3 denied applies (2 for Georgia and 1 for Venezuela);
- 7 licenses for temporary export of arms and military equipment;
- 164 licenses for import arms and military equipment;
- 3 licenses for temporary import of arms and military equipment;
- 5 licenses for export of dual-use goods
- 14 licenses for import of dual-use goods.

The Law of Implementation of Convention on The Prohibition of The Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was adopted on February 2006. The procedures for conditions of production, issuing licenses, stockpiling and inspection are currently in writing and they must be in accordance with the Law.

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