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Стална мисија Босне и Херцеговине при ОЕБС, УН и другим међународним орг. у Бечу
Stalna misija Bosne i Hercegovine pri OSCE, UN i drugim međunarodnim org. u Beču
Permanent Mission of Bosnia and Herzegovina to the OSCE, United Nations Office and other International Organizations in Vienna

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NOTE VERBALE

The Permanent Mission of Bosnia and Herzegovina to the OSCE, United Nations and other International Organizations in Vienna presents its compliments to all Delegations and Mission of the Participating States and Conflict Prevention Centre has honor to submit Bosnia and Herzegovina's answers to the Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology.

The Permanent Mission of Bosnia and Herzegovina to the OSCE, United Nations and other International Organizations in Vienna avails itself of this opportunity to renew to the Permanent Missions and Delegations of all OSCE participating States and Conflict Prevention Centre of the OSCE the assurances of its highest consideration.

Vienna, 10 December 2022



**To: All Permanent Delegations and Missions to the OSCE
OSCE Conflict Prevention Centre**

Questionnaire on policy and/or national practices of the participating states and procedure for the export of conventional weapons and related technology

1. Their basic principles, policies and/or national practices on the export of conventional arms and related technologies Bosnia and Herzegovina continues to strengthen the control of the export of conventional weapons and related technologies to fulfill and implement its international obligations. The policy of Bosnia and Herzegovina is based on the implementation of the mandatory measures of the UN Security Council, the fulfillment of obligations arising from international conventions and agreements that Bosnia and Herzegovina has undertaken or intends to undertake, bilateral agreements as well as the prevention and sanctioning of all illegal activities in this area, especially those who could support terrorism, terrorist organizations or groups in any way. To realize its economic interests and fulfill international obligations, Bosnia and Herzegovina has established an efficient system of control over the export of weapons and military equipment.

According to this policy, export control is particularly focused on:

- countries that represent a threat to the peace and security of Bosnia and Herzegovina
- countries under UN Security Council sanctions,
- countries included in the recommendations of the Organization for Security and Cooperation in Europe (OSCE),
- countries that support terrorism,
- countries that threaten peace, security, and stability in the region,
- countries whose governments violate human rights or carry out internal repression.

2. Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to data submitted in 1995, including any relevant by-laws Foreign trade traffic (export, import, transit, brokerage services and provision of technical assistance) with weapons and military equipment, i.e. the manner and conditions under which it can be carried out, jurisdiction for issuing export/import permits, transport, transit, and mediation in foreign trade traffic, the obligation to register a person as a condition for carrying out foreign trade in weapons and military equipment, monitoring and control, prohibitions, penalties and the authority to pass by-laws are regulated by the Law on the Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods.

The by-laws for the implementation of the Law are:

- Instructions on the conditions and procedure for issuing documents in foreign trade of weapons, military equipment, and special purpose goods ("Official Gazette of Bosnia and Herzegovina", no. 69/17)

- Rulebook on the form and content of documents in foreign trade of weapons, military equipment and special purpose goods ("Official Gazette of Bosnia and Herzegovina", no. 68/17)
- Ordinance on maintaining the register of persons engaged in foreign trade in weapons, military equipment and special purpose goods ("Official Gazette of Bosnia and Herzegovina", No. 68/17)
- Common list of weapons and military equipment ("Official Gazette of Bosnia and Herzegovina", no. 6/17)
- List of special purpose goods ("Official Gazette of Bosnia and Herzegovina", no. 25/17)
- Instructions on the supervision of legal and natural persons to whom a document has been issued or who is registered for the foreign trade of goods from the control lists ("Official Gazette of Bosnia and Herzegovina", No. 28/10).

3. Any internal agreement or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party Bosnia and Herzegovina, as a member of the UN, aims to become a member of the EU and to become a member of international regimes and non-proliferation agreements, primarily the Wassenaar Arrangement as well as others (Australian Group, MTCR, etc.)

4. Procedures for processing requests for the export of conventional weapons and related technology:

Who is the issuing authority?

What other authorities are involved and what is their function?

Who deals with compliance?

The Ministry of Foreign Trade and Economic Relations of BiH (hereinafter the competent Ministry) is the competent authority for issuing licenses for the export of conventional weapons and related technologies based on the consent of the Ministry of Foreign Affairs of BiH, the Ministry of Defense of BiH, the Ministry of Security of BiH and the obtained opinion of the Intelligence and Security Agency of BiH. Competent institutions issue individual approvals/opinions for each individual request.

Foreign trade of conventional weapons and military equipment can be carried out by a legal entity that is registered for this activity with the competent ministry. Along with the application for registration in the Register, the consent of the competent entity body or the competent cantonal body or the competent body of the Brčko District of Bosnia and Herzegovina is required.

According to the Law, the export of conventional weapons and related technology is carried out based on a permit issued by the competent ministry, which allows a person to carry out foreign trade, which implies a certain quantity, quantity and type of controlled goods. Permits are issued with a validity period of one year.

Before issuing the permit referred to in Article 5, point a) of this Law, the Ministry requests prior approval from the competent ministries, namely:

- Ministry of Foreign Affairs of Bosnia and Herzegovina.

- Ministry of Security of Bosnia and Herzegovina.

/ Ministry of Defence

Before issuing the permit, the Ministry may, if necessary, request a preliminary opinion from other bodies and institutions of Bosnia and Herzegovina. According to the aforementioned law, the applicant is obliged to submit the application form prescribed by the Ordinance with the necessary documentation and the End User Certificate, which is attached to the application. The end user certificate should be issued by an official body in the end user's country.

The Commission for the Control of Foreign Trade Traffic of Bosnia and Herzegovina is appointed and dismissed by the Council of Ministers of Bosnia and Herzegovina.

The commission meets and acts exclusively in the following cases:

a) at the request of the Ministry, if one of the competent ministries, from which prior consent was requested, has not submitted the document granting or refusing consent within the stipulated period,

b) at the request of the Ministry or one of the competent ministries, authorities and other institutions, involved in the procedures for issuing a permit, in the event that the conditions for revoking the permit have been met

c) at the request of the Ministry and other institutions involved in the procedure for issuing prior consent in case of certain ambiguities, dilemmas or objections in the specific case of granting prior consent, or opinions.

The Commission has the authority to:

a) makes recommendations to the competent ministries on how to make a decision on granting or refusing prior consent, based on the exchange of information and analysis of the subject request for foreign trade;

b) To give the Ministry a proposal on issuing a document or rejecting a request for issuing a document in case of certain ambiguities or objections in the specific case of giving consent and opinion; and

c) that the proposal to revoke the permit (document)

The Directorate for Indirect Taxation of Bosnia and Herzegovina performs customs control of goods.

5. Lists of conventional weapons under national export controls and the basis for their control. If applicable, report changes and/or updates to data submitted in 1995.

All conventional weapons are subject to foreign trade control in Bosnia and Herzegovina. The Ministry updates and publishes the Joint List of Weapons and Military Equipment in the "Official Gazette of Bosnia and Herzegovina".

The Ministry, in consultation with the competent state, entity or cantonal ministries and authorities of the Brčko District of Bosnia and Herzegovina, adopts the List of Special Purpose Goods and publishes it in the "Official Gazette of Bosnia and Herzegovina".

The Ministry publishes in the "Official Gazette of BiH" the Criteria for issuing permits in accordance with the Common Position of the Council of the European Union 2008/944/CFSP, which establishes common rules of conduct for the control of the export of military technology and equipment.

All legal regulations as well as Checklists can be found on the Ministry's official website: www.mvteo.gov.ba

6. Principles and national regulations on the destination or end user of the equipment. Is there a complete ergo omnes system or a published list of destinations of concern? countries under embargo? Differentiation between destinations (for example is there preferential treatment of (groups of) countries)?

Each application for the issuance of an export license is considered individually. Regarding the analysis of the final destination in the decision-making process, special attention is paid to the sanctions of the UN Security Council and the recommendations of the Organization for Security and Cooperation in Europe (OSCE), assumed international obligations and foreign policy interests of Bosnia and Herzegovina, the degree of respect for human rights and freedoms in the country of final destination, according to the criteria specified in the Common Position of the EU Council 2008/944/CFSP.

The request for the issuance of a license will be rejected if the proposed foreign trade traffic is not in accordance with the foreign political, security and economic interests of Bosnia and Herzegovina and the criteria, if the applicant is not entered in the Register of legal entities that are allowed to carry out foreign trade traffic of controlled goods, if the legal entity does not submit a valid END-USER CERTIFICATE, if the information from the request is incomplete or incorrect or not all prescribed documents are attached to the request, and the incomplete request is not completed with the missing data and documents within the deadline required by the Ministry.

As far as the foreign trade of conventional weapons and related technologies is concerned, Bosnia and Herzegovina does not have any differences regarding the country of import and no country is under preferential treatment.

7. Requirements for the provision of end-user certificates in the export license application, or re-export ban clauses, or any other type of pre- and post-delivery certification for conventional arms export contracts. If applicable, provide and verify end-user certification and/or non-re-export clauses before and after delivery.

Along with the license application, the company must submit the original end user certificate (END USER CERTIFICATE) obtained by the competent authority of the end

user's country. The certificate should contain the following information: the name and address of the exporter, the name and address of the end user, the country of final destination, the type and quantity of goods, a statement that the goods will not be used for purposes other than those specifically declared, a statement that they will not be re-exported or returned to traffic or transferred in any other way without the written approval of the exporting country, the signature, name and title of authorized persons and the number and date of issue.

The user of the export license is obliged to submit to the Ministry a Delivery Verification Certificate that the goods from the document have arrived at the destination certified by the competent institution of the country of the end user. Exporters or importers submit data on the category of goods from the checklist, name of the goods, number of pieces, end use, financial value, country of export or import and country of destination, all the above data are entered into the database.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

The definitions are:

transit means the customs procedure regulated by customs regulations according to which weapons and military equipment are transported through the customs territory of Bosnia and Herzegovina; the Ministry of Security of Bosnia and Herzegovina issues a document for the transit of weapons and military equipment respecting the principles and criteria for issuing documents prescribed by law.

The Ministry of Security of Bosnia and Herzegovina prescribes the conditions and procedures for issuing the document from paragraph (1) of this article.

Goods in free zones are not subject to customs and tax charges for movement within the zone, but a permit is required for the entry or exit of goods from the zone.

9. Procedures that regulate companies that want to export weapons. Are companies required to seek official government authorization to enter contract negotiations or to sign contracts with foreign customers?

A legal entity is not required to obtain a special permit for negotiations or for signing a contract with a foreign company for the trade and export of weapons. Weapons can only be exported by a legal entity registered for that activity with the Ministry, based on an export license issued by the same Ministry.

10. The policy of revoking export licenses after they have been approved; list all published regulations.

The Ministry, based on the proposal of the Commission, issues a decision on confiscation of the issued document if:

- The Ministry of Foreign Affairs submits a notification that it withdraws the previous consent, issued in accordance with Article 8, paragraph (1) point a) of the Law, because the circumstances from Article 9, paragraph (1) of this Law have changed in the meantime, with a detailed explanation of the reasons for withdrawal consents.
- it is determined that the document was issued based on incorrect or incomplete data.
- circumstances arise or new information comes to light which, if they had existed or had been known about at the time of consideration of the request for the issuance of the document, would have led to the rejection of the request for the issuance of the document.

the issued document is not used for its intended purposes.

- the legal entity does not operate in accordance with the provisions of this Act and other legal and by-laws that regulate this area.
- a legal entity makes it impossible to carry out supervision.

The Ministry is not responsible for the costs incurred or will be incurred because of confiscation of the document.

If the document is confiscated based on Article 29, paragraph (1) point a) of the Law, the Ministry will order the participant in foreign trade to suspend all further activities, or to cancel the contract if the contract provides for such a right. If the contract cannot be canceled without consequences or that the notice period has not expired, the Ministry will order the participant in foreign trade to enter negotiations on an agreed early termination of the contract. If the other party does not accept early termination, the contract will be executed.

In the event that the document is confiscated based on the withdrawal of the consent of the Ministry of Foreign Affairs of Bosnia and Herzegovina due to the implementation of UN Security Council sanctions or in the event of an armed conflict between Bosnia and Herzegovina and the country in question, all activities are automatically terminated regardless of the stage they are in and with at the time of entry into force of the relevant UN Security Council resolution, i.e. the start of hostilities.

11. Penal and administrative implications for any exporter who does not respect national controls. If applicable, report changes and/or updates to data submitted in 1995.

The aforementioned Law provides for fines for violations in export/import control in the range of 20,000 KM to 100,000 KM for a legal entity, depending on the type of violation, or in the range of 5,000 KM to 10,000 KM for a responsible person in a legal entity. Illicit arms trade and violation of international restrictive measures are sanctioned by the Criminal Code of Bosnia and Herzegovina.

12. All circumstances in which an export permit is not required for the export of weapons The provisions of the Law do not apply in cases where, in accordance with the foreign policy interests and international obligations of Bosnia and Herzegovina, import, export or transit is carried out within the framework of a bilateral or multilateral military, police, special or permanent mission on a non-commercial basis or as support:

- a) United Nations Security Council resolutions,
- b) decisions within the Organization for Security and Cooperation in Europe (OSCE), or
- c) any other peacekeeping operation that is carried out in accordance with the principles of the United Nations Charter as part of an international organization.

The Ministry of Foreign Affairs of Bosnia and Herzegovina agrees to fulfill these conditions.

If such exported or imported weapons, military equipment, or goods of special purpose cease to be used for the purposes of a special or permanent mission, or become the subject of a commercial transaction, the provisions of this Law shall apply to it.

13. Permits for temporary export (par example> demonstrations or testing), permitted period and all special conditions related to the permit, including verification of return procedures A license for foreign trade in weapons, military equipment and related technologies is required without exception, and it is also required for temporary export/import activities. The license holder is obliged to return temporarily exported goods to Bosnia and Herzegovina or temporarily imported goods to the country of export within the approved period and in accordance with the procedure prescribed by the customs law.

The user of the document is obliged to inform the Ministry about its realization within 15 days from the day of realization.

14. License documentation and all standard conditions attached to it (copies are provided) The application form for issuing a permit, the permit form and other forms of documents accompanying the export and import of weapons and military equipment are published in the "Official Gazette of BiH" no. 68/17 and 69/17) and are available on the web. on the website of the ministry:[www. mvteo.gov.ba](http://www.mvteo.gov.ba)

15. Different types (e.g. individual, general, limited, full, permanent, etc.) of licenses and what they are used for The Ministry issues the following documents, namely:

- a) license for export, import and brokering of weapons and military equipment listed in the Joint list of weapons and military equipment
- b) and a license for the export and import of services related to weapons and military equipment.

c) permit for export and import of special purpose goods specified in the List of special purpose goods

d) international import certificate

e) certificate of end user

f) confirmation of receipt of goods

Permissions can be individual (individual) and global.

An individual (individual) license means a license for export or import issued to one specific: 1) exporter or importer for one end user or recipient and which includes one or more items of weapons, military equipment and services; 2) to an exporter for one end user or recipient in a foreign country and which includes one or more types of special purpose goods; 3) to a broker for one end user or recipient and which includes one or more items of weapons, military equipment and services.

A global license means an export or import license granted to one specific exporter or importer containing one or more items of weapons and military equipment and relating to export or import to one or more specific end users and/or consignees. The global license also includes the export of special purpose goods. A global permit can only be issued for the export of special purpose goods for the purposes of carrying out overhaul and production activities (components and raw materials).

In Bosnia and Herzegovina, only individual permits are issued

The permit and other documents issued in accordance with the mentioned law cannot be transferred to another person.

16. Advice given to exporters regarding license eligibility, such as the likelihood of approval for a possible transaction

Exporters and importers have the right to an oral or written consultation of any kind with the competent ministry before applying for a permit. Verbal correspondence is done daily. The exporter is obliged to determine whether a license is required for the goods that are the subject of export, as well as whether there are possible measures and prohibitions for the country of the importer or end user of the goods, and to apply for the issuance of a license before starting foreign trade activities, as well as to export to the validity period of the permit.

17. Average number of export permits issued annually, and personnel engaged in the procedure of issuing export permits In accordance with the Law, the Ministry annually issues about 700 (seven hundred) documents for foreign trade of weapons, military equipment and special purpose goods. Out of the total number of all issued documents,

for the export of goods from the Joint List of Weapons and Military Equipment, approximately 250 (two hundred and fifty) permits are issued annually.

In the Department for the Control of Foreign Trade Traffic of Strategic Goods, the basic activities are carried out, namely:

a) administrative resolution tasks that include providing legal assistance by providing expert explanations, drafting submissions and performing other legal assistance tasks related to the registration of physical and legal entities engaged in export/import, transit, as well as issuing permits for the export, import and transit of weapons and military equipment.

b) administrative supervision tasks that include supervision over the legality of acts in the field of export/import, mediation in the trade of weapons and military equipment

c) Normative legal affairs that include preparation of drafts, drafts and proposals for laws, other regulations, and general acts, as well as preparation of amendments and supplements to those regulations, which relate to export/import, transit, weapons, and military equipment.

d) Study and analytical tasks that include preparation of analyses, reports, information, and other professional materials from the Department's core activities.

e) Professional-operational tasks that include: implementation of policy and execution of laws, other regulations and general acts and, in this connection, determination of the situation in the area of permits; issuing licenses for the export, import of weapons and military equipment, registration of natural and legal persons engaged in the export/import and mediation in the trade of weapons and military equipment, participates in the updating of the "Common list of military equipment covered by the rules of conduct of the EU in the procedure for the export of weapons", database management.

The number of personnel engaged in the mentioned jobs is a total of 8 (eight).

18. Any other relevant information relating to the export of conventional arms and related technology, additional legislation, reports to Parliament, special procedures for certain goods. The export of conventional and related technologies is carried out in accordance with the aforementioned law and relevant by-laws.

The Ministry establishes a database on documents issued in accordance with Article 5 of the Law on the Control of Foreign Trade in Weapons and Military Equipment and submits to the Parliamentary Assembly of Bosnia and Herzegovina a report on issued documents as well as a report on rejected requests for issuing documents to the Parliamentary Assembly of Bosnia and Herzegovina every six months. The report provides an overview of issued licenses for export/import, mediation, temporary export/import, export/import of services, export of surpluses, as well as an overview of rejected applications for issuing licenses for the export/import of weapons, military

equipment and special purpose goods in the reporting year, in accordance with the recommendations, standards and rules of the European Union. The annexes to the Report contain data on issued permits shown by country, data related to the quantity, value and category of goods (control number from the Common List of Weapons and Military Equipment and the List of Special Purpose Goods). The aim of this report is to transparently inform the public about facts of importance for national security, foreign policy and economic interests of Bosnia and Herzegovina, as well as to improve the system of export and import control of weapons, military equipment, and special purpose goods.

19. Are all the guidelines regulating the traffic of conventional weapons published at the national level?

All regulations related to trade in conventional weapons are published in the Official Gazette of Bosnia and Herzegovina. They can also be found on the website of the Ministry of Foreign Trade and Economic Relations of BiH: www.mvteo.gov.ba