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At the request of the OSCE Delegation of the former Yugoslav Republic of Macedonia the attached information exchange on Small Arms and Light Weapons, is being distributed to all delegations.

*) Change of distribution status, text remains unchanged



Republic of Macedonia
**Permanent Mission to the International
Organizations in Vienna**



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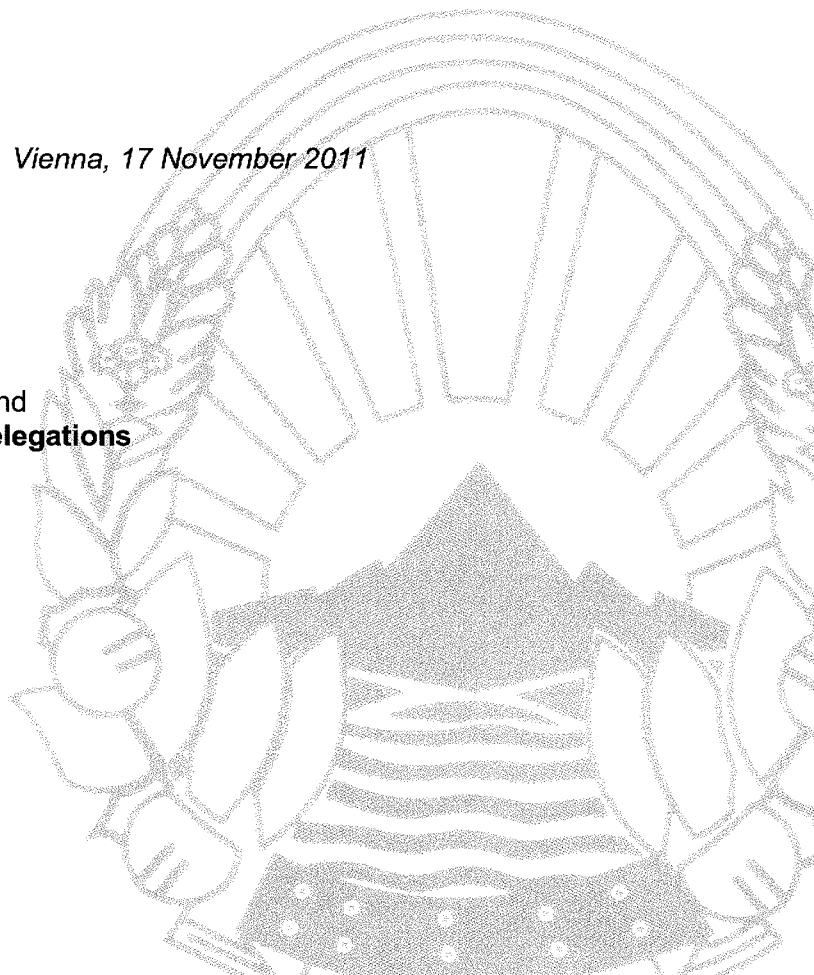
NOTE VERBALE

The Permanent Mission of the Republic of Macedonia to the International Organizations in Vienna presents its compliments to the Conflict Prevention Center and to all Permanent Missions/Delegations of OSCE participating states and has the honour to convey/submit the Questionnaire on One-Off Information Exchange on Brokering Activities regarding SALW's (FSC.DEC/17/10).

The Permanent Mission of the Republic of Macedonia to the International Organizations in Vienna avails itself of this opportunity to renew to the Conflict Prevention Center and the Permanent Missions/Delegations of OSCE participating states the assurances of its highest consideration.

Vienna, 17 November 2011

To:
The Conflict Prevention Center and
all OSCE Permanent Missions/Delegations
Vienna



REPUBLIC OF MACEDONIA

Questionnaire for

**One-Off Information Exchange on Brokering Activities regarding Small
Arms and Light Weapons
(in accordance with FSC Decision 17/10)**

Skopje, November 2011

QUESTIONNAIRE

Question	Sources	Question	YES	NO
1	PoA II.14	<p>Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?</p> <p>In the Republic of Macedonia, the activities related to brokering in small arms and light weapons are regulated by the Law on Weapons (Official Gazette of the Republic of Macedonia № 07/05, 47/06, 42/07, 86/08 and 72/10). Article 52, paragraph 4 of the Law on Weapons stipulates that trade in weapons, ammunition and weapon parts, in terms of that Law, entails the procurement of weapons, ammunition and weapon parts, for the purpose of sale, transfer, brokering, storage and keeping of weapons and ammunition, as well as their retail and wholesale;</p>	√	

List laws and/or administrative procedures regulating SALW brokering in your country.

The Law on weapons regulates the activities related to the import and export of small arms and light weapons, ammunition and weapon parts. Such activities are regulated by Articles 52, 55 and 56 of the Law on Weapons.

Article 52 reads as follows: The trade in weapons, ammunition and weapon parts may be carried out by trade companies domiciled on the territory of the Republic of Macedonia, which shall obtain a permit to perform this activity before being entered into the Trade Registry

The permit referred to in paragraph 1 of this Article shall be issued by the competent authority on the basis of a submitted application.

3) The application and permit referred to in paragraph 2 of this Article shall be also submitted, i.e. *issued in an electronic format*.

In terms of the Law on Weapons, trade in weapons, ammunition and weapon parts entails the procurement of weapons, ammunition and weapon parts, for the purpose of sale, transfer, brokering, storage and keeping of weapons and ammunition, as well as their retail and wholesale. ✓

The trade companies referred to in paragraph 1 of Article 52 are allowed to trade only in marked weapons and ammunition in accordance with Article 53 of the Law on Weapons.

The trade companies referred to in paragraph 1 of Article 52 may sell weapons and ammunition only to natural persons and legal entities possessing a permit to procure weapons.

Articles 47, 48 and 50 of the Law on Weapons apply respectively to trade companies that trade in weapons and ammunition.

Trade companies may sell weapon ammunition to natural persons in accordance with Article 7 paragraphs 5 and 6 of the Law on Weapons and weapon ammunition to legal entities that secure people and property in accordance with Article 7 paragraph 7 of the aforesaid Law.

Article 55 reads as follows: *Transfer of weapons, in terms of this Law, shall mean the export, import and transit of previously agreed upon quantity of weapons and ammunition among the trade companies referred to in Article 46 paragraph 1 and Article 52, paragraph 1 of this Law and trade companies abroad. Transfer of weapons and ammunition shall be carried out by the trade companies referred to in paragraph 1 of this Article, which shall obtain a permit issued by the competent authority upon a previously obtained opinion from the Ministry of Foreign Affairs and the Ministry of Defence.*

The application for the permit referred to in paragraph 1 of Article 55 contains:

- the company name and head office, i.e. personal name and address of consignor and consignee;
- the company name and head office of the manufacturer of weapons and ammunition, and
- the type, brand, calibre and quantity of weapons and ammunition.

In addition to the application, the person applying for the permit referred to in paragraph 2 of Article 55 is required to submit the following documents:

- an end-user certificate issued by the relevant authority, and
- a contract or another document relating to the agreed-upon quantity of weapons.

The permit as referred to in paragraph 1 of Article 55 is issued with a validity period of up to six months.

The permit referred to in paragraph 1 of Article 55 ceases to be valid if restrictive measures in accordance with the regulations on international restrictive measures are taken.

(6) The application referred to in paragraph 2 and the permit referred to in paragraph 1 of Article 55 may also be submitted, i.e. issued in an electronic format.

The weapons and ammunition transiting through the territory of the Republic of Macedonia is not marked, in accordance with Article 53 of the Law on Weapons.

Article 56 reads as follows: *A permit issued by the competent authority shall be required for transport of weapons and ammunition.*

The permit referred to in paragraph 1 of Article 56 is issued to trade companies that trade in weapons and ammunition.

The trade company of paragraph 2 of Article 56 submits an application for a permit to transport weapons and ammunition, containing:

- the company name and head office, i.e. personal name and address of consignor, transporter and consignee;
- the company name and head office of the manufacturer of weapons and ammunition,
- the type, brand, calibre, category and quantity of weapons and ammunition,
- the direction of movement and place of storing,
- the type of transport means, licence plate number, personal name of driver and identification documents (identity card or passport) of driver, and
- safety measures during transport.

If the competent authority has issued a permit as referred to in Article 55 paragraph 1 of the Law on Weapons, the application for transport of weapons and ammunition, in addition to the data as referred to in paragraph 3 of Article 56, contains the name of the border crossing through which the weapons are transported.

The permit referred to in paragraph 1 of Article 56 is issued with a validity period of up to three months.

(6) The application referred to in paragraph 3, as well as the permit referred to in paragraph 1 of Article 56 may both be submitted, i.e. issued in an electronic format.

The Minister of the Interior or any employee authorised by him, sets out, if necessary, the undertaking of special security measures during the transport of weapons and ammunition in accordance with the law.

√

3	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?	√	
4	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?		√
4a		If yes, please provide. [type text]		
5		Does your country require brokers to register before they can apply for brokering licences? Article 52 of the Law on Weapons stipulates that trade in weapons, ammunition and weapon parts may be carried out by trade companies domiciled on the territory of the Republic of Macedonia, which are required to obtain a permit to perform this activity before being entered into the Trade Registry. Such trade companies may afterwards submit an application for obtaining a permit for trading in certain quantities of weapons, ammunition and weapon parts.	√	
6		Does your country require a licence to engage in brokering activities? By being issued a permit for trading in weapons, ammunition and weapon parts, legal entities are given approval to procure weapons, ammunition and weapon parts for the purpose of selling, transferring, brokering, storing and keeping of weapons and ammunition, as well as retailing and wholesaling them.	√	
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences? Prior to issuing a permit for trading in weapons, ammunition and weapon parts to a legal entity, the relevant authorities must perform security checks in order to determine whether the legal entity and the natural persons employed by the legal entity had in the past been engaged in criminal activity.	√	
8	PoA II.14	Does your country keep a register of SALW brokers/traders? The Ministry of the Interior (MoI) keeps a data base of all registered legal entities that have been issued a permit for trading in weapons, ammunition and weapon parts. Such permits are issued to legal entities with an indefinite validity period. Any legal entity that has been issued a permit for trading in weapons, ammunition and weapon parts is obligated to apply to the MoI for a permit for any new activity related to trading in weapons, ammunition and weapon parts. Via the relevant national authorities (the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior), the Republic of Macedonia maintains regular contacts with other countries with a view to exchanging information on the trade in weapons, ammunition and weapon parts	√	

9	FSC.DEC/8/04	<p>Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?</p> <p>In line with Article 52, paragraph 1 of the Law on Weapons, the trade in weapons, ammunition and weapon parts may be carried out by trade companies domiciled on the territory of the Republic of Macedonia, that have obtained a permit to perform such activity prior to being entered into the Trade Registry. Apart from this, trade permit is also to be issued if the applicant and the person in charge at the legal entity</p> <ul style="list-style-type: none"> - meet the requirements as stipulated by Article 9, paragraph 1, items 1 to 4 and item 6 of the Law on Weapons, - are nationals of the Republic of Macedonia and - have their domicile registered in the territory of the Republic of Macedonia upon submitting the application. 	√	
10		<p>Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?</p> <p>Controls are being performed and opinions are requested from the relevant national authorities (the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior) on all new activities of the legal entities that have been registered for trading in weapons, ammunition and weapon parts.</p>	√	
11		<p>Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory?</p> <p>As prescribed by law, the MoI is not authorized to perform controls abroad and, hence, in such cases, it seeks the opinion of the Ministry of Foreign Affairs.</p>	√	
12	BPG, Brokering, V (1)	<p>What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction?</p> <p>If the relevant national authorities (the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior) have replied positively on a specific application by a legal entity for obtaining a permit for trading in weapons, ammunition and weapon parts, the application is approved, whereas, if the aforesaid authorities reply negatively, the application is rejected.</p>		
13	BPG, Brokering, V	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?	√	
13(a)	(5(i))	<p>If so, describe.</p> <p>Prior to any activity related to issuing a permit for trading in weapons, ammunition and weapon parts, apart from the remaining documents, the applicant is required to present an end-user certificate issued by a relevant authority.</p>		

14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction? Legal entities submit applications for obtaining a permit for trading in weapons, ammunition and weapon parts on a case-by-case basis, while the applications are considered accordingly.	√	
15	GGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?	√	
		Comments Legal entities submit applications for obtaining a permit for trading in weapons, ammunition and weapon parts on a case-by-case basis, while the applications are considered accordingly.	√	
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction? To date, no special exceptions have been offered to any national institutions with regard to issuing them permits for trading in weapons, ammunition and weapon parts, whereas all of their applications have been duly considered as prescribed by law.		√
16a		Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials) [type text]		
17		What are the criteria for granting a licence, permit or other authorization? The criteria for issuing permits for trading in weapons, ammunition and weapon parts are outlined in Chapters VI and VII of the Law on Weapons in Articles 52 to 55 and 56 to 57.		

QUESTIONNAIRE (continued)

Question	Sources	Question	YES	NO
18	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible? <i>Ex post facto</i> licensing for trading in weapons, ammunition and weapon parts is not possible.		√
18(a)		If yes, under which conditions? [type text]		
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?	√	
19(a)		If so, describe those measures. If a certain document is unintelligible, suspicious and written in a foreign language when trading in weapons, ammunition and weapon parts is performed, the applicant is requested to submit an original copy of the document accompanied by mandatory translation into the Macedonian language done by a court-appointed translator and certified by a Notary Public.		
20	FSC.DEC/8/04	Does your country keep records of all licences or written authorizations issued? All permits for trading in weapons, ammunition and weapon parts issued are permanently kept in MoI archives. The permits for transfer of weapons, ammunition and weapon parts are kept for a period of (5) years, whereas the permits for transport of weapons, ammunition and weapon parts are kept for a period of two (2) years.	√	
20(a)		If yes, how long are the records kept for? (a) 10 years (b) Indefinitely (c) Other	√	
21	BPG, Brokering, V (4(ii))	Does your country require brokers to report regularly on their activities?		
21(a)		If so, describe. Upon performing routine inspections and whenever necessary, the legal entities engaged in trading in weapons, ammunition and weapon parts are required to submit reports on the activities they have completed. Upon performing trade in weapons, ammunition and weapon parts across national borders, the relevant authorities (the Border Police and the Customs Administration) are required to submit reports on the trade performed.	√	
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country? Under the Criminal Code of the Republic of Macedonia, brokering of weapons, ammunition and weapon parts is not listed as a criminal offence. A procedure is in progress for amending the Criminal Code in terms of listing this action as a criminal offence.		√
23		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration? Data is not being exchanged with other countries with regard to revoked licences-permits for trading in weapons, ammunition and weapon parts previously issued to legal entities		√

24		Does your country regulate activities that are closely associated with the brokering of SALW? The Law on Weapons and the Law on the Transport of Hazardous Material by Road and Rail (Official Gazette of the Republic of Macedonia № 92/07) regulate the activities related to the transport, insurance, maintenance, storage, security and control of trade in weapons, ammunition and weapon parts.	√	
24(a)		If so, which of the following activities are regulated (check relevant boxes)?		
		(a) Acting as dealers or agents in SALW		
		(b) Providing for technical assistance		
		(c) Training		
		(d) Transport	√	
		(e) Freight forwarding		
		(f) Storage	√	
		(g) Finance		
		(h) Insurance	√	
		(i) Maintenance	√	
		(j) Security	√	
		(k) Other services	√	
		Comments Control of trade in weapons, ammunition and weapon parts.		
25		Are these activities regulated by legislation on brokering or any other legislation? The Law on Weapons and the Law on the Transport of Hazardous Material by Road and Rail (Official Gazette of the Republic of Macedonia № 92/07) regulate the activities related to the transport, insurance, maintenance, storage, security and control of trade in weapons, ammunition and weapon parts.	√	
26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities? The Law on Weapons provides for misdemeanour penalties for legal entities and natural persons employed by a legal entity that have been engaged in illegal activities related to trading in weapons, ammunition and weapon parts.		
27	PoA II.14	If the answer to question 1 is “no”, does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW? Taking into consideration that as stipulated in the Law on Weapons, the definition of trade covers brokering of small arms and light weapons, i.e. commercial weapons, the Ministry of Defence and the Ministry of Economy are to deliver their opinions with regard to the issue of requesting assistance in the drafting of legislation on brokering of military weapons and ammunition.		
28		What kind of assistance do you require?		
29		Has your country developed a project proposal for assistance?		√
29(a)		Does your country require training on controlling brokering activities in SALW?	√	
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?		√
30(a)		Please give details.		
31		Is your country content for these replies to be published on the OSCE website?	√	