



Republic of Serbia

EXPORT CONTROL SYSTEM

Ministry of Trade, Tourism and Telecommunications

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EXPORT CONTROL SYSTEM

1. Legal framework
2. Licensing process
3. Transport and transit procedures
4. Outreach-awareness raising
5. Sanctions



1. LEGAL FRAMEWORK

A) INTERNATIONAL LAW:

- ATT; The Republic of Serbia ratified ATT in October 2014, before its entering into force („Official Gazette of RoS - International Agreements“, no.14/14)
- Export control regimes: WA, NSG, ZC, AG, MTCR;
- EU regimes: Directive 43/2009
- EU Military and Dual Use Items Lists



LEGAL FRAMEWORK (CONT.)

B) NATIONAL LEGISLATION

LAW ON EXPORT AND IMPORT OF ARMS AND MILITARY EQUIPMENT („Official Gazette of RoS“, no 107/14)

LAW ON EXPORT AND IMPORT OF DUAL USE ITEMS (“Official Gazette of RoS”, no 95/2013)

SUBSIDIARY LEGISLATION:

Decision on the establishment of the National Control List of Dual Use Items („Official Gazette of RoS, no 18/18) - harmonized with EU list from October 2017 - entered into force in December 2017 - new under procedure;

Decision on the establishment of the National Control List of Arms and Military Equipment (“Official Gazette of RoS”, no 42/2018) - harmonized with EU Common Military List from March 2018;

The Rulebook on the form and content requirements for a license, the license form, the form and content of the certificate and the certificate accompanying the export and import of arms and military equipment (“Official Gazette RoS”, no 28/15);

The Rulebook on keeping the Register of persons authorized to perform activities of export, import, providing brokering services and technical assistance of arms and military equipment (“Official Gazette RoS”, no 28/15)



Licensing procedure

- Pre-licensing
- Licensing
- Post-licensing



PRE-LICENSING PHASE - Registration

Article 7. (Law on export and import of Arms and Military Equipment)

Export and import of AME, brokerage services and technical assistance may be effectuated by an entity registered with the Registry, run by the Ministry of Trade.

The conditions for registration are prescribed by the Rulebook.



LICENSING PHASE

The **application for license** shall be submitted to the Ministry in the prescribed form.

The applicant shall **enclose the original End User Certificate**, obtained from the official authority of the end user's country and not older than 6 months, as well as the translation of the original certificate certified by a court interpreter.



Consent for Negotiations on Export of Technologies

- Before starting negotiations for export of technologies, the exporter shall first obtain the consent from the Ministry.
- On deciding and considering requests for the giving of consent for negotiations, the Ministry shall obtain opinions from the ministry competent for defense, the ministry competent for foreign affairs and the ministry competent for internal affairs, as well as the public administration authority competent for national security.



ISSUING LICENSE PROCEDURE

The Ministry shall **submit for consent the complete application for license** to the competent ministries - for defence, for foreign affairs and for interior affairs, as well as to the public administration authority competent for national security affairs (Security Information Agency).

If any of the authorities, should withhold consent for issuing license, the Government shall decide on granting the license or not.

The Ministry shall issue the license within 30 days from the date of the license application.



CRITERIA

Criteria for issuing license from EU Common position 944/2008 were introduced into our Law –everything is at one stage.

ATT criteria

A two-stage approach; first consider the Prohibitions under Article 6, and only if none of them apply, conduct a risk assessment under Article 7



IMPLEMENTATION

- strengthening national end use/r control systems and conducting the risk assessment before authorizing an export or import of conventional arms.
- Interagency cooperation
- International cooperation including Exchange of end use/r documentation; Exchange of national experience and practices on end use/r control systems and measures to address diversion; Sharing of national points of contacts to assist with authentication and verification of end use/r documentation
- Post-delivery verification



End user verification

- MFA
- Other sources depending on goods and country
- publicly available information on final end user
- Internet
- Interministerial cooperation
- Risk assesment database (Wiskonsin project)



LICENSE

The license is a **document issued by the Ministry**. We are issuing **individual licenses**, with the validity period of up to one year.

Exceptionally, if the realisation of the transaction lasts for more than a year, the license validity may be extended for the period needed for completing the transaction stipulated by the contract.

In that case, the license holder shall annually report to the Ministry on realisation of the transaction.

The license granted **may not be transferred to another person**.



DECISIONS ON APPLICATION

The Ministry may, based on different circumstances, decide to:

- **issue** license;
- **deny** application;
- **decide** on the termination of the license validity;
- **revoke** the license;
- **modify** the issued license.



CERTIFICATES

Ministry can issue:

- **End User Certificate**
- **International Import Certificate**
- **Delivery Verification Certificate**

The Ministry lays down the forms and contents of applications for issuing the certificates and the forms of certificates (Rulebook)

Ministry or the end user **may also verify** the End User Certificate as specified by the exporting country.



POST - LICENSING PHASE

An exporter, importer, broker and technical assistance provider in terms of this Law shall:

- keep special records of completed exports or imports, i.e. brokerage services or technical assistance provided for a minimum of 10 years from the date the respective work was completed;
- immediately inform the Ministry about the change occurred relating to the specific export and import of AME or provision of service, but no later than within a time limit of 15 days of the occurred change;
- inform the Ministry in writing about the completed work and submit corresponding documentation as evidence of that, within a time limit of 15 days from the date the respective work was completed;
- return an issued license that has not been implemented no later than within a time limit of 15 days of its expiry date;
- at the request of the Ministry, submit the document issued by the country of final destination or end-user confirming the receipt of the exported AME.



3. Transport and transit control

Transport of AME by road and water shall be effectuated based on the approval of the ministry competent for internal affairs given on the basis of a license and consent given by the Ministry and the consent of the ministry competent for foreign affairs and the ministry competent for defense.

Transport of AME by air shall be effectuated based on an approval of the Civil Aviation Directorate of the Republic of Serbia given on the basis of a license issued by the Ministry and the consent of the ministry competent for foreign affairs and the ministry competent for defense.

cooperation with the customs administration



4. OUTRICH-AWARENESS RAISING

Information exchange at interministerial and international level, outreach seminars for industry, scientific and research institutions and universities;

Last outreach for industry was in October 2017-about 150 participants;

Outreach for Academia - June, 2018;



5. PENALTIES

Pecuniary penalties: Legal persons and entrepreneurs can be **fined in the amount of up to twenty times the value of items or services which are the subject matter of the offence** for breaching the provisions of the Law.

A **responsible person** in the legal person will also be fined in the amount from five times to twenty times the amount of the value of items.

temporary measure –prohibition to perform activities on export of dual use items for a time period of up to 3 years for a legal person and entrepreneur, and up to one year for a responsible person.

Criminal sanctions: In accordance with the Criminal Code of the RS (“Official Gazette of RS”, no 85/2005,88/2005-corr.,107/2005-corr., 72/2009,111/2009, 121/2012, 104/2013 and 108/2014).



summary

- Good practice

END USER DATABASE
INFORMATION EXCHANGE
REPORTING

- Challenges

Timeframe for issuing license (pressure)
Changes (route, place of delivery etc.)
diversion



Further steps

- Regional database-update
- End user database-update
- International support
- Simplification of the issuing license procedure among the credible partners
- transparency



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THANK YOU FOR YOUR ATTENTION

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