

6th Workshop of the South East Europe Regional
Approach to Stockpile Reduction (RASR) of Conventional
Weapons and Munitions
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Republic of Macedonia

*“National legal frameworks regulating the area
of import-export and transit of
weapons/ammunition and dual used goods”*

Colonel

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Contents

- Legislative Framework
- Adopted International Instruments
- Licensing
 1. Competent Authorities
 2. Procedure
- Concerns & Challenges

Legislative Framework (cont.)

- Law on Production and Transfer of Weapons and Military Equipment – 2002
- Law on Weapons – 2005 (hunting, sport & personal protection)
- Law on Export Control of Dual-Use Goods and Technology – 2005 (2010 - brokering)
- Law on Trade – 2004

Legislative Framework

- Law on Marking and Tracing of Weapons and Ammunition – 2010
- Law on Intl. Restrictive Measures - 2011
- Customs Administration Law – 2004
- Govt. Decision for Organization of Commodities in forms of Import & Export - 2008

Adopted/Adhered International Instruments

- European Code of Conduct on Arms Exports (8 June 1998)
- EU Common Position 2003/468/CFSP on Control of Arms Brokering
- Council Common Position 2008/944/CFSP
- Regulation of the European Council (EC) No. 1334/2000) & subsequent amendments to this regulation (149/2003, 885/2004, and 1504/2004) – Community Regime for Dual Use & Military Goods

Adopted/Adhered International Instruments (cont.)

- Updated Common Military list of the EU (adopted by the EU Council on March 19th 2007)
- EU Council Regulation no. 1183/2007 (list of dual use commodities and technology)
- Council Regulation (EC) No 428/2009 of May 5, 2009 (exports, transfer, brokering and transit of dual-use items)

Adopted/Adhered International Instruments (cont.)

- Reporting (UN, EU & OSCE)
- As of December 2003, the Republic of Macedonia regularly aligns, upon EU invitation, to the Common Positions of the European Union imposing sanctions and restrictive measures, including arms embargoes.

Licensing

Competent Authorities

- In coordination between:
- **Ministry of Defense (Conventional Weapons & Military Equipment)**
- **Ministry of Interior (Hunting, Sport & Personal Protection Weapons)**
- **Ministry of Economy (Dual-Use Goods and Technologies)**
- **Ministry of Foreign Affairs (Intl. Restrictive Measures)**

Licensing

Competent Authorities

- National Commission for Export of Dual-Use Goods and Technologies (ME, MoD, MoI, MFA, LS, GS – Govt & Customs)
- National Commission for SALW (ME, MoD, MoI, MFA, MJ, MEDS & Customs)

Licensing – Procedures

Weapons & Military Equipment

1. The licensed firm submits request for export license to MOD
2. MOD requests opinion of MFA & MoI
3. Mandatory positive opinion
4. Criteria for positive opinion
 - Respect of human rights in the end user country
 - Security Circumstances in the end user country
 - Safeguarding of regional peace, security & stability
5. **Issuance/Decline of the Export License**

Licensing – Procedures

Dual-Use Goods and Technologies

- The license for brokering services is issued by the Ministry of Economy on a prescribed form harmonized with international standardized forms for maximum one-year period, starting from the date when the License was issued.
- In licensing process are included the MoD, MFA, MH, Environment, DRS
- Ministry of Economy before issuing a licence has to obtain positive opinion from each institution
- Custom Administration is included in enforcement activities

Licensing – Procedures

Dual-Use Goods and Technologies

(cont)

The Law defines:

Brokering services' shall mean the negotiation or arrangement of transactions for the purchase, sale or supply of dual-use items from one foreign country to any other foreign country, as well as the selling or buying of dual-use items that are located in a foreign country for their transfer to another foreign country. For the purposes of this Law, ancillary services are not considered as brokering services. Ancillary services are transportation, financial services, insurance or re-insurance, general advertising or promotion." (Article 2 point 5)

Broker' is any natural or legal person or partnership resident or established in the Republic of Macedonia that carries out brokering services as defined in Point 5 of this article. (Article 2 point 6)

Licensing – Procedures

Commercial Weapons

- The license for transfer of commercial weapons and ammo is issued by MoI
- The Law on Weapons describes Transfer of weapons & ammo as – acquisition of weapons & ammo for reasons of selling, transport, brokering, storage of weapons & ammo

In Lieu of Conclusion

State of Affairs

- The Licensing export control regime is established and functional
- Brokering as a subject area is strictly regulated within the Law on Export Control of Dual-Use Goods and Technology
- Military lists are regularly updated
- National Commissions convene regularly & further contribute to the inter-institutional coordination
- Regular reporting and fulfillment of the related intl. obligations

In Lieu of Conclusion

Challenges & Perspectives

- The Law on Production and Transfer of Weapons and Military Equipment is to be amended this year
- The Law would include all key elements for effective national control system on arms export-import:
 - a clear legal definition of the persons, entities and activities subject to national controls ;
 - a system of registration_able to screen those wishing to engage in the trade of military equipment, including brokering activities;
 - a system of licensing of brokering transactions,where decisions should be taken according to explicit and comprehensive criteria;
 - adequate systems of state monitoring, including, inter alia, mandatory record-keeping and reporting on the part of the broker and postdelivery verification mechanisms;
 - the establishment of penalties, such as fines, for violations of national brokering regulations.
- Working group for preparation of the draft law was established.

In Lieu of Conclusion

Challenges & Perspectives

- The current understanding is to include a definition of brokering in each law regulating the subject matter (as regulated in the Law on Export Control of Dual-Use Goods and Technology)
- Drafting of separate legislation on brokering is not currently envisaged.
- The Republic of Macedonia is not a contracting party to the Wassenaar Arrangement, but there is interest in establishing closer cooperation. On December 1, 2010, the Republic of Macedonia submitted an official letter of intent to Wassenaar Arrangement's Plenary Chair stating its interest to formally join the regime. In addition, Macedonian representatives participated in WA outreach activities (non-members).