



**MONTENEGRO**  
**Ministry of Defence**  
**Material Resources Sector**

Import-export and transit of  
weapons/ammunition and dual used goods  
**in MONTENEGRO**

**Bled, Slovenia, 4th April 2013**



## *National legislation*

### **LAWS**

- ✓ Law on foreign trade of arms , military equipment and dual-use goods
- ✓ Law on export control of dual-use goods

### **OTHER REGULATIONS**

- ✓ Bylaws;
- ✓ International legal instruments and regimes;
- ✓ International treaties; conventions, and
- ✓ Other regulations



## *National legislation - extension*

### **Law on Foreign Trade of Arms, Military Equipment and Dual-Use Goods**

<b>Act is divided into six parts:</b>	
I Part:	BASIC PROVISIONS;
II Part:	CONDITIONS FOR FOREIGN TRADE OF CONTROLLED GOODS; 1. Registration, and 2. Licences.
III Part:	RECORDS AND REPORTING;
IV Part:	MONITORING AND CONTROL;
V Part:	PENALTIES, and
VI Part:	TRANSITIONAL AND FINAL PROVISIONS.

### **Law on Export Control of Dual-Use Goods**

<b>Act is divided into six parts:</b>	
I Part:	BASIC PROVISIONS;
II Part:	CONDITIONS FOR EXPORT, TRANSIT, BROKERAGE SERVICES AND TECHNICAL ASSISTANCE;
III Part:	RECORDS;
IV Part:	MONITORING;
V Part:	PENALTIES, and
VI Part:	TRANSITIONAL AND FINAL PROVISIONS.



## I BASIC PROVISIONS

### *Innovations in law*

- **Changing the law, in accordance with EU requirements**
- **Comprehensive clause– Catch-All;**
- **Technical assistance,**
- **Brokering and brokerage services, and**
- **Common position criteria of the EU Council 2008/944/CFSP when exporting arms**

### *The necessity to control*

#### **Reasons:**

- ✓ **Preservation of national security,**
- ✓ **Compliance with UN Security Council resolutions (especially R 1540 SB UN),**
- ✓ **Compliance with ratification of international conventions and agreements in this area, and**
- ✓ **Harmonization of national export control policy of arms, military equipment and dual-use goods with EU regulations**



## II TRADE CONDITIONS

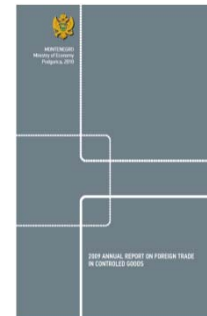
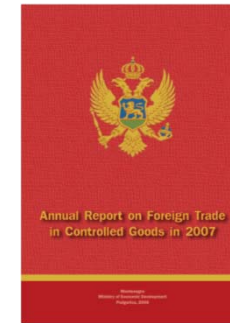
- ✓ Control on foreign trade – using the Register of persons who can perform foreign trade, maintained by the Ministry of Economy.
- ✓ For more efficient implementation of foreign trade control, regulations and bylaws were adopted in conjunction with:
  - **BAFA** (Federal Office of Economics and Export Control) from Germany,
  - **SIPRI** (Stockholm International Peace Research Institute) from Sweden,
  - **COARM** (The Informal Council Working Group on Arm Control), EU
  - **EXBS** – Government of the USA,
  - **SEESAC** –UNDP.
- ✓ Now we are in the process of changing the regulation on foreign trade of arms and military equipment.



## III RECORDS

Montenegro once a year gives information **(Annual Report)** about its control of export and import of arms, military equipment and dual-use goods.

### Published annual reports





## IV MONITORING AND CONTROL



Montenegro  
Ministry of Economy

**Ministry of Economy** in cooperation with Ministry of Foreign Affairs, Ministry of Defence, Ministry of Internal Affairs and, if necessary, with other governmental bodies, **issues a permission for the foreign trade of controlled goods** in accordance with the law regulations.



**Customs of Montenegro**, during the execution of customs control of controlled goods may, **within its jurisdiction, limit, stop, suspend or cancel the transport of controlled goods**, about which it should inform the Ministry of Economy.



**Ministry of Internal Affairs** exercises **control and supervision of transportation and transit** of controlled goods, across the border and within the territory of Montenegro.



Montenegro  
Ministry of Foreign Affairs  
and European Integration

**Ministry of Foreign Affairs and European Integration** issues **an approval for import-export and transit of weapons, ammunition and dual used goods**.



Montenegro  
Ministry of Defence

**Ministry of Defence** issues **an approval for import-export and transit of weapons, ammunition and dual used goods**.





## V PENALTIES

⇒ Article 37 of Law provides a fine for individual and responsible person in legal entity for the offence provisions of this Act.

### *Goals on performing penalties are:*

- ⇒ Prevention
- ⇒ Investigate and support prosecution of suspected offenders
- ⇒ Informing and education
- ⇒ Self-regulation





## *Other regulations - bylaws*

- Decisions on:
  - Establishment of the National Control List of Arms and Military equipment
  - Establishment of the National Control List of Dual-Use Goods
  - Establishment of the National Control List of non-military ordnances
- Regulations on:
  - Foreign Trade of Goods with Special Purposes
  - Customs Procedures with Arms, Military Equipment and Dual-Use Goods
  - Application form for a license, the license form and content of the forms of other documents necessary for the foreign trade of controlled goods
  - Application form for registration of persons for performing foreign trade of controlled goods and the form and manner of keeping the Register
  - Application forms and export licenses for dual-use goods, the provision of brokerage services and technical assistance



## International legal instruments and regimes

International control regimes are:

- ✓ **Wassenaar Arrangement - WA**
- ✓ **Nuclear Suppliers Group – NSG**
- ✓ **Zangger Committee**
- ✓ **The Australia Group – AG**
- ✓ **Missile Technology Control Regime – MTCR**

*Montenegro is discussing the possibility of joining Wassenaar Arrangement.*



## International treaties and conventions

- ✓ **Montenegro strongly supports** implementation of all legal international instruments and every innovative constructive initiative in this field.
- ✓ **Constitution of Montenegro** states that ratified international treaties and generally accepted principles of international law are part of the international legal system.
- ✓ In the case of a different regulation of certain relation, **international treaties have primacy over national law.**



✓ **The Criminal Code**

✓ **Code of Criminal Procedure**

✓ **Law on The Liability of Legal Entities for Offenses**

Laws on:

- **Weapons**

- **Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction**

- **Production and Trade in Arms and Military Equipment**

- **Foreign Trade**

✓ **Customs Law**

✓ **Law on Border Control**

Laws on:

- **Chemicals**

- **Protection against Ionizing Radiation and Radiation Safety**

- **Control of production and trade of substances that can be used in the production of narcotic drugs and psychotropic substances**



## **MONTENEGRO IN THE SYSTEM OF FOREIGN TRADE CONTROL HARMONIZATION OF NATIONAL LEGISLATION**

### **BASIC GOALS OF MONTENEGRO IN THE SYSTEM OF CONTROL**

- ✓ Acceptance of standards in the field of control on foreign trade flows of arms, military equipment, and dual-use goods.
- ✓ Uniting in the fight against international terrorism and proliferation of weapons of mass destruction.
- ✓ Involvement of Montenegro in international system of export control.
- ✓ Accession to international control regimes and agreements in this area.



## HARMONIZATION OF INTERNATIONAL LEGISLATION WITH EU REGULATIONS

No	HARMONIZED	No.
1.	<i>COUNCIL COMMON POSITION of 8<sup>th</sup> December 2008 defining common rules governing control of exports of military technology and equipment</i>	2008/944/CFSP
2.	<i>COUNCIL COMMON POSITION of 23<sup>rd</sup> June 2003 on the control of arms brokering</i>	2003/468/CFSP
3.	<i>COUNCIL JOINT ACTION of 22<sup>nd</sup> June 2000 concerning the control of technical assistance related to certain military End-User</i>	2000/401/CFSP
4.	<i>Common Military List of the European Union;</i>	(2012/C 85/01) (CFSP)
5.	<i>Council Regulation (EC) of 5<sup>th</sup> May 2009;</i>	428/2009
	<b>HARMONIZATION IN PROGRESS</b>	
6.	<i>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19<sup>th</sup> April 2012 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</i>	388/2012/EU
	<b>HARMONIZATION AFTER MONTENEGRIN JOINING EU</b>	
7.	<i>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6<sup>th</sup> May 2009 simplifying terms and conditions of transfers of defence-related products within the Community</i>	2009/43/EC
8.	<i>DIRECTIVE of 22<sup>nd</sup> November 2010 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products</i>	2010/80/EU



## FUTURE ACTIVITIES

- ✓ Continuation of development and full implementation of legislation;
- ✓ Strengthening the international cooperation on export control plan;
- ✓ Harmonization of the National Control Lists with the lists of European Union;
- ✓ Execution of all obligations arising from the membership of Montenegro in the UN;
- ✓ Training and education of personnel;
- ✓ Continued participation in the long-term projects of the EU.

Thank you for your attention!

**QUESTIONS**