

# LAW ON EXPORT AND IMPORT OF ARMS AND MILITARY EQUIPMENT

## I. INTRODUCTORY PROVISIONS

### Subject Matter of the Law

#### Article 1

This Law regulates the means and conditions under which export, import and transit of arms and military equipment are effectuated, the provision of brokerage services and technical assistance, transport and transit of arms and military equipment, and prescribes the procedures of license issuance and the powers of competent authorities in implementing this Law.

### Objective of the Law

#### Article 2

The objective of this Law is to establish control of export and import of arms and military equipment, provision of brokerage services and technical assistance, as well as grounds for the control of transport and transit relating to arms and military equipment, for the purpose of ensuring and protecting defense, security, economic and foreign policy interests of the Republic of Serbia, its international credibility and ensure the fulfillment of its international obligations in this area.

### Meaning of Certain Terms

#### Article 3

Certain terms used in this Law have the following meaning:

- (1) *Arms and military equipment (hereinafter “the AME”)* are ordnance, materiel, supplies and their components, as well as supplies and components intended for acquisition, use, handling, keeping, storage, maintenance and supervisions, determined by the National Arms and Military Equipment Control List (hereinafter “the List”);
- (2) *Export of AME is:*
  - (1) export, shipment or delivery of AME from the territory of the Republic of Serbia to a territory of another country or another customs territory, in accordance with customs regulations;
  - (2) transfer of softwares and technologies by fax, telephone, electronic mail or any other electronic means to a territory outside the Republic of Serbia, as well as an oral transfer of technology contained in a document, an important part of which was read or described in a way to the same effect;
  - (3) re-export of AME in terms of customs regulations, excluding those in transit.

- (3) *An exporter* is a legal entity or an entrepreneur based in the territory of the Republic of Serbia and registered with the Registry of entities authorized to perform activities of export and import of arms and military equipment, brokerage services and technical assistance (hereinafter “the Registry”):
- (1) on whose behalf export is being effectuated, or a person who, at the time a license was issued, had concluded a contract with a recipient of the goods in another country and who has the authorization to decide on the shipment of goods outside the customs territory of the Republic of Serbia. If a contract on export was not concluded or if one of the parties to the contract is not acting on its/his/her own behalf, the exporter shall be the person authorized to decide on the shipment of goods outside the customs territory of the Republic of Serbia,
  - (2) who decides on the transfer, allows for the transfer or makes softwares or technologies available by electronic means of communication, including transfer by fax, telephone, electronic mail or any other electronic means outside of the Republic of Serbia,
  - (4) *Import of AME* is the entry, supply or delivery of AME from the territory of another country or another customs territory to the territory of the Republic of Serbia, in accordance with the law;
  - (5) *An importer* is a legal entity or an entrepreneur based in the territory of the Republic of Serbia, on whose behalf import is being effectuated, or a person who, at the time a license was issued, had concluded a contract with a recipient of the goods inside the customs territory of the Republic of Serbia. If a contract on export was not concluded or if one of the parties to the contract is not acting on its/his/her own behalf, the importer shall be the person authorized to receive the goods inside the customs territory of the Republic of Serbia;
  - (6) *Brokerage services* are negotiating and mediating in negotiation deals relating to purchase, sale or procurement of AME from one country and them being sold in another country, as well as sale or purchase of AME in one country for the purpose of them being transferred to another country.

Brokerage services shall not be deemed transportation, financial, insurance, re-insurance, broadcasting and advertising services;

- (7) *A broker* is a legal entity or an entrepreneur based in the Republic of Serbia performing services defined under paragraph 6 of this Article and who/which is registered with the Registry;
- (8) *Technical assistance* is assistance or a service provided by a legal entity or an entrepreneur based in the Republic of Serbia, that is related to the development, production, assembly, testing, repair or maintenance of AME, which may also be considered instruction, training, transfer of technical information, professional knowledge and skills or professional and consulting services, including assistance provided orally;
- (9) *A provider of technical assistance* is a legal entity or an entrepreneur based in the Republic of Serbia providing technical assistance referred to in point 8 of this Article;

1) A *final military purpose* is:

- (1) Installation of goods, parts or components to military-use goods from the List;
- (2) Use of equipment for manufacturing, testing or analysis and use of their components for development, production or maintenance of military-use goods from the List,
- (3) Use of any unfinished product in a factory for the manufacturing of military-use goods from the List.

(10) *Transport* is road, water, air and combined transport of AME to and from the territory of the Republic of Serbia;

(11) *Transit* is road, water, air and combined transport of AME entering the territory of the Republic of Serbia, being transported through it (with or without transshipment) and leaving the territory of the Republic of Serbia.

Transshipment implies unloading, re-loading or change in the means of transport of AME in the territory of the Republic of Serbia;

(12) *Non-commercial export and import* is a temporary export or import of fair, museum and *exhibition* objects for the purpose of participation in international events, i.e. temporary import or export of AME for the purpose of participation in sports competitions and other special activities.

#### **Competence for Adopting the National Control List Article 4**

At the proposal of the ministry competent for foreign trade (hereinafter “the Ministry”), the Government shall determine the List which is harmonized with the relevant list of the European Union.

#### **Export and Import of AME and Provisions of Brokerage Services and Technical Assistance Article 5**

Export and import of AME and the provision of brokerage services and technical assistance within the meaning of this Law shall be effectuated on the basis of a license issued by the Ministry.

Exporter, importer, broker and technical assistance provider shall, prior to commencing with the export, import, provision of brokerage services and technical assistance, determine whether the goods or service in question are AME, in accordance with the provisions of this Law and the regulations passed on the basis of this Law.

#### **Prohibitions Article 6**

Technical assistance shall be prohibited if it is intended or may be used for:

- 1) the development, manufacturing, modification, handling, assembling, testing, repair, disposal, application, maintenance, storage, detection or spreading of weapons of mass destruction or the development, manufacturing, maintenance or storage and their means of delivery suitable for the transfer of weapons of mass destruction;
- 2) the final military purpose in countries of final destination under an AME embargo based on the decisions of the United Nations Security Council, Organization for Security and Co-operation in Europe and other international organizations which bind the Republic of Serbia or on the basis of relevant provisions of the municipal legislation;

## **II. CONDITIONS FOR EFFECTUATING EXPORT AND IMPORT OF AME AND THE PROVISION OF BROKERAGE SERVICES AND TECHNICAL ASSISTANCE**

### **Registration Article 7**

Export and import of AME, and the provision of brokerage services and technical assistance in terms of Article 3 of this Law may be effectuated by an entity registered with the Registry.

The Registry referred to in paragraph 1 of this Article shall be run by the Ministry.

The Ministry shall prescribe the way in which the Registry shall be run, the conditions and the information which is necessary to be submitted, as well as the forms of the request for registration with the Registry.

The Ministry shall adopt decisions on registration, rejection of registration requests and deletion of entities from the Registry.

A decision on registration with the Registry shall be valid for 5 years from the date of its adoption.

### **Special Conditions Article 8**

An entity which submitted a request for registration with the Registry shall also meet the special conditions important for the protection of security and other interests of the Republic of Serbia, which are determined during the security check procedure conducted by the competent security services of the Republic of Serbia, in accordance with the law governing personal data protection and the laws governing the area of security checks.

The Ministry shall prescribe the template and the content of the form with which an entity gives its consent to the undertaking of actions in terms of paragraph 1 of this Article.

Checks referred to in paragraph 1 of this Article shall be run within a time limit of 60 days of the date the request is submitted to the competent security services of the Republic of Serbia and time limits prescribed by laws governing the area of security checks.

Information obtained by checks shall be deemed as secret in accordance with the law governing confidentiality of information and that information shall solely be used for the purpose it was gathered.

### **Notifying Other Authorities**

#### **Article 9**

On a monthly basis, the Ministry shall inform the ministry competent for foreign affairs, the ministry competent for defense, the ministry competent for internal affairs and the ministry competent for financial affairs – Customs Administration, as well as the public administration authority competent for the national security, about the entities registered with and deleted from the Registry, as well as about all rejected registration requests.

### **Submitting a New Registration Request**

#### **Article 10**

Should the Ministry decline one's registration with the Registry or adopt a decision on deletion from the Registry, the entity in question may submit a new registration request after the removing the reasons for rejection of registration requests.

### **Consent for Negotiations on Export of Technologies**

#### **Article 11**

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 referred to in paragraph 1 of this Article, 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.

The obtained consent shall not bind the Ministry to issue a license for export of technologies.

## **III. LICENSE**

### **Article 12**

A license for export and import of AME, provision of brokerage services and technical assistance, a license issued under special conditions, as well as a license issued based on exemptions shall be a license issued by the Ministry.

A license for export or import is a document which is issued to a specific exporter or importer for the performance of individual work under terms determined by a contract, for one end-user or receiver in another country or in the Republic of Serbia and which covers one or several products from the AME list.

A license for brokerage services or technical assistance is an individual license issued to one specific broker or provider of technical assistance for one end-user or receiver in another country and it covers one or more types of AME, or other services.

License and other documents issued in accordance with this Law may not be transferred to another person.

### **Request for the Issuance of a License** **Article 13**

A request for the issuance of a license for export and import of AME or the provision of brokerage services and technical assistance is to be submitted to the Ministry on a prescribed form.

The request referred to in paragraph 1 of this Article contains the following:

- 1) Business name, address and personal identification number of the person or entity submitting the request;
- 2) Name, description, tariff code, identification number and quantity of the AME from the List;
- 3) Purpose for which the AME will be used;
- 4) Total value of the AME;
- 5) Information about the rest of the participants in the trade: manufacturer, seller, owner, buyer, authorized representative in a customs procedure, transporter and other participants;
- 6) Business name and address of the end-user;
- 7) Means of payment or ways of charging;
- 8) Suggested license validity time limit;
- 9) Other information requested by the Ministry.

The form and the content of the request for the issuance of license, the form of the license, as well as other document forms relevant for the export and import of AME is prescribed by the Ministry.

### **End-User Certificate** **Article 14**

Together with the request for the issuance of a license for export of AME, provisions of brokerage service and technical assistance, the person or entity submitting the request shall provide the original End-User Certificate certified by an official authority of the end-user country, or other corresponding confirmation or document issued by the competent authority of the country of final destination no more than 6 months prior, a certified translation of the original Certificate by a sworn-in-court translator, as well as other information necessary for the decision to be made, at the Ministry's request.

The verification of the certificate referred to in paragraph 1 of this Article shall be run by the ministry competent for foreign affairs at the request of the authority participating in the procedure for the issuance of license in accordance with this Law.

The original certificate contains the following information:

- 1) Business name and address of the exporter;
- 2) Business name and address of the end-user of the AME;

- 3) Business name and address of the mediator, if any;
- 4) Description, quantity and purpose of the AME;
- 5) Signature, name and position of the authorized person;
- 6) Country of final destination;
- 7) Declaration that the AME shall not be used for purposes not stated in the certificate;
- 8) That the AME shall not be re-exported or put at third parties' disposal without a written approval of the competent ministry of the deliverer's country or country of the goods' origin, in case that competence is transferred to the competent authority of the end-user country;
- 9) Certified authenticity of the end-user by the competent authority in accordance with the national practice;
- 10) Number and date of issuance.

### **Certificates** **Article 15**

The Ministry shall issue the End-User Certificate and the International Import Certificate at the request of the importer.

The Ministry shall issue an AME Delivery Verification Certificate at the request of the importer.

The Ministry shall prescribe the form and the content of the request for the issuance of the certificates and the template of the certificates referred to in paragraphs 1 and 2 of this Article.

Exceptionally, the Ministry or the end-user may also certify the End-User Certificate prescribed by the exporter's country, if the laws of the country to which the AME are being exported demand so.

The importer shall deliver a copy of the certificate referred to in paragraph 4 of this Article to the Ministry, together with the request for the issuance of the license.

### **Deciding on the Request for the Issuance of a License** **Article 16**

The Ministry shall deliver a complete request for the issuance of a license to the ministry competent for matters of defense, the ministry competent for foreign affairs and the ministry competent for the interior, including the public administration authority competent for matters of national security, for their approval.

In the process of deciding on the request referred to in paragraph 1 of this Article, the Ministry may consult with other authorities, organizations and agencies competent for the application of this Law.

In case any of the authorities specified in paragraph 1 of this Article does not give its approval, the Government shall adopt the final decision on the issuance of a license.

Subject to the type of AME the request is referring to, the Ministry may also seek the opinion of other ministries, special organizations and agencies competent in the corresponding area.

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

### **Consideration of the Request for the Issuance of a License** **Article 17**

On deciding on the issuance of a license defined under Article 12 of this Law, the Ministry and the authorities referred to in Article 16(1) of this Law shall consider whether the export or import of AME, i.e. the provision of brokerage services and technical assistance relating to AME:

- 1) threatens the compliance with the international obligations of the Republic of Serbia which stem from its membership to the United Nations, the Organization for Security and Co-operation in Europe and other international organizations binding the Republic of Serbia, as well as conventions on the prohibition of the spreading of weapons of mass destruction and other international treaties;
- 2) threatens the compliance with human rights of the end-user country or contributes to the country violation internationally recognized rules of humanitarian law;
- 3) enables an outbreak or a continuation of armed or other conflicts in the country of the end-use AME;
- 4) threatens the maintenance of peace, security and stability in the region;
- 5) jeopardizes security or defense interests of the Republic of Serbia;
- 6) is contrary to the foreign policy or economic interest of the Republic of Serbia;
- 7) has a negative impact on the attitude of the end-user country towards the international community, especially its position on terrorism, international organized crime and the compliance with International Law;
- 8) adds to the risk of their redirection of AME or re-export under unwanted conditions;
- 9) does the export of AME correspond to the technical capacity of the receiver country;
- 10) whether the submitted documents correspond to the end-use of AME stated in the request.

### **License Validity** **Article 18**

A license shall be issued for a period of up to 1 year.

Exceptionally from paragraph 1 of this Article, should the execution of the work in question last for over a year, a license may be issued for the time limit expected for the work to be completed as defined under the contract, but no more than up to 3 years.

In the case referred to in paragraph 2 of this Article, the license holder shall report to the Ministry on the execution of the work once a year.

The report referred to in paragraph 3 of this Article shall be submitted by the license holder to the Ministry within a time limit of 15 days of the expiry of each year starting with the date of the license issuance.



## **Exemptions**

### **Article 19**

Exceptionally from Articles 16-18 of this Law, the Ministry may by special procedure issue a license for export or import of AME without obtaining the consent referred to in Article 16(1) of this Law, if:

- 1) Export or import of AME belonging to security or defense forces of the Republic of Serbia, or security or defense forces of another country, which enter, pass through or leave the territory of the Republic of Serbia for the purpose of:
  - (1) compliance with the obligations of the Republic of Serbia stemming from international treaties and memberships to international organizations,
  - (2) participation in multi-national actions,
  - (3) participation in international drills taking place in or outside the territory of the Republic of Serbia;
- 2) Export or import of AME is for the purpose of providing humanitarian aid or donations in urgent situations.

Together with the request for the issuance of a license for the implementation of the activities specified in paragraph 1 of this Article, a declaration of the end-user shall be submitted or another document which states the intended use of the AME, or a decision on the receipt or provision of humanitarian aid or donation by the competent authority.

The Ministry shall issue the license referred to in paragraph 1 of this Article within 24 hours of receiving the end-user declaration or another document confirming the intended use of the AME.

## **Non-Commercial Exports and Imports**

### **Article 20**

Non-commercial export and import shall be effectuated based on a license issued by the Ministry in accordance with a special procedure.

Export and import of AME on grounds of heritage, gift or ownership may be effectuated by natural persons on the basis of a license issued by the Ministry in accordance with a special procedure.

The Ministry shall regulate in more detail the way licenses are issued under a special procedure.

## **Rejection of Request for the Issuance of a License**

### **Article 21**

The Ministry shall reject a request for the issuance of a license by way of a decision, should it find that:

- 1) the authorities referred to in Article 16(1) of this Law did not give their consent and the Government decides not to issue the license;
- 2) there are conditions prescribed under Article 17(1)(1)-(6) of this Law;

- 3) the AME do not correspond to the information provided in the request;
- 4) the information provided in the request is incomplete or incorrect.

### **Revoking the License** **Article 22**

The Ministry shall revoke the license should:

- 1) an exporter, importer, broker and technical assistance provider does not act in accordance with the license;
- 2) it determine that the license was issued on the basis of incorrect or incomplete information.
- 3) the entity in question be deleted from the Registry.

The Ministry may adopt a decision on temporary revoking of license if, based on its own information or information received from authorities specified in Article 16(1) of this Law, it discovers that it is necessary to run additional verification of license data.

The Republic of Serbia shall not be liable for potential damages caused by the revoking of license in cases referred to in paragraphs 1 and 2 of this Article.

### **Termination of License Validity** **Article 23**

The Ministry shall adopt a decision on the termination of license validity if:

- 1) the United Nations Security Council or another international organization to which the Republic of Serbia is a member, introduces restrictive measures against the country for which the license was issued or if there are changes to other circumstances which may affect the position of the foreign policy or defense interests of the country;
- 2) it determines that one or more conditions on the basis of which the license was issued no longer exist.

The Republic of Serbia shall not be liable for potential damages caused by the termination of license validity in cases referred to in paragraph 1 of this Article.

### **Amendments to the License** **Article 24**

The Ministry may change license data at its own initiative or at the request of an exporter, importer, broker or provider of technical assistance

When the requested amendment is a major one, the Ministry may, depending on the specific circumstances, seek the re-consent of the ministries and the authorities referred to in Article 16(1) of this Law.

The Republic of Serbia shall not be liable for potential damages caused by amendments to licenses in cases referred to in paragraph 1 of this Article.

## **Article 25**

The decision referred to in Articles 21-24 of this Law shall be final.

## **Export Restrictions and Re-Export Article 26**

If an export license has been issued under special terms, the exporter shall provide the Ministry with evidence that he/she has informed the buyer or the end-user of AME about it.

Should the end-user of AME which have been exported from the Republic of Serbia on under special terms, seeks the consent of the Ministry for a re-export or further sale of the AME, the consent may be given under the procedure for the issuance of license prescribed under Article 16 of this Law.

Should the end-user of AME which have been imported into the Republic of Serbia under the condition of special re-export restriction without a prior consent of the country of origin or the seller of the AME, intend to re-export them, he/she shall provide the Ministry with evidence that he/she has acted in accordance with the given condition, when submitting the request for the issuance of the license.

## **Obligations of the Exporter, Importer, Broker and Technical Assistance Provider Article 27**

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

- 1) 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;
- 2) 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;
- 3) 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;
- 4) return an issued license that has not been implemented no later than within a time limit of 15 days of its expiry date;
- 5) 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.

## **Annual Report Article 28**

The Ministry shall run a data base on all issued, revoked, amended, terminated and rejected licenses, on the implementation of issued licenses, as well as entities/persons which/who have violated the provisions of this Law.

On a monthly basis, the Ministry shall inform the authorities referred to in Article 16(1) of this Law, as well as the ministry competent for financial affairs – the Customs Administration, on the issued, rejected, revoked, amended and terminated licenses.

The Ministry shall prepare an annual report on the completed exports and imports of AME and the services provided, and submit it to the Government.

After adopting the report specified in paragraph 3 of this Article, the Government shall then submit it to the National Assembly.

The adopted report referred to in paragraph 3 of this Article shall be published in the *Official Gazette of the Republic of Serbia*.

### **Exchange of Information Article 29**

The Ministry shall exchange information about export and import of AME, brokerage services and technical assistance provided with other countries and international organizations, in accordance with international obligations of the Republic of Serbia.

## **IV. TRANSPORT AND TRANSIT OF AME**

### **Transport Article 30**

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.

Approvals referred to in paragraphs 1 and 2 of this Article shall not be required in case the license was issued in accordance with Article 19 of this Law.

### **Transit Article 31**

Transit of AME by road and water from the customs office/house of entry to the customs office/house of exit shall be effectuated based on the approval of the ministry competent for internal affairs with the consent of the ministry competent for foreign affairs and the ministry competent for defense. The Ministry competent for internal affairs shall consider the request for

the issuance of license for transit of AME by road and water by applying the criteria specified in Article 17 of this Law.

Transit of AME by air, which includes the transport of AME by aircrafts over the territory of the Republic of Serbia with or without landing on the territory of the Republic of Serbia (overflight), shall be effectuated based on the granting of the Civil Aviation Directorate of the Republic of Serbia with the consent of the ministry competent for foreign affairs and the ministry competent for defense. The Civil Aviation Directorate shall consider the request for the granting of transit of AME by air by applying the criteria specified in Article 17 of this Law.

### **Security Measures Article 32**

Necessary security measures shall be taken during transport and transit of AME.

Transport and transit of AME by road and water from the customs office/house of entry to the customs office/house of exit shall be effectuated with an armed escort.

## **V. SUPERVISION**

### **Constant Supervision Article 33**

The Ministry shall supervise the implementation of import and export of AME, provision of brokerage services and technical assistance, as well as laws passed on the basis of this Law, in cooperation with the ministry competent for defense, the ministry competent for internal affairs and the ministry competent for foreign affairs, as well as the public administration authority competent for the national security. When necessary, the Ministry shall also cooperate with other ministries, agencies and special organizations competent for adequate areas.

Customs authorities, security services bodies and the competent inspection authorities shall, within their powers, perform constant supervision of the effectuated work in terms of paragraph 1 of this Article.

### **Allowing for the Supervision to Take Place Article 34**

Exporter, importer, broker or technical service provider, including any person in the business of transport or transit in terms of this Law, shall allow the authorities referred to in Article 33 of this Law to have access to their work for the purpose of supervision in all the stages of trade in and transport, transit and storage of AME.

Exporter, importer, broker or technical service provider in terms of this Law, including the person purchasing and storing AME, shall undertake all necessary measures for the purpose of preventing the disappearance of or damage to AME.

In the event of disappearance of or damage to AME, the person referred to in paragraph 2 of this Article shall inform the Ministry about this within 24 hours of the moment of disappearance of or damage to AME.

Exporter, importer, broker or technical service provider in terms of this Law shall keep records of trade in AME for a minimum of 10 years from the date the respective work is completed in order to allow for the control and the supervision to take place, and provide the necessary assistance in the implementation of the supervision and to comply with the terms stated on the license.

### **Checks**

#### **Article 35**

If there is reasonable doubt that an exporter, importer, broker or technical service provider is intending to use AME for purposes not listed on the license, the Ministry may request for another authority referred to in Article 33 of this Law to perform a check within that authorities' powers.

The rest of the authorities shall compose minutes on the results of the performed check referred to in paragraph 1 of this Article and report to the Ministry in writing within a time limit of 15 days of the last check being performed.

Exporter, importer, broker or technical assistance provider who/which has undergone a check shall have the right to familiarize himself/herself/itself with the content of the minutes.

### **Termination of Customs Procedure**

#### **Article 36**

During customs control of AME which are the subject-matter of export and import in terms of this Law, the customs authorities may, within their powers, terminate the customs procedure concerning the AME and immediately inform the Ministry about that.

### **Responsibilities of Customs Authorities and Internal Affairs Authorities**

#### **Article 37**

Responsibilities of the customs authorities regarding the implementation of the provisions of this Law shall be prescribed by the ministry competent for financial affairs.

Responsibilities of the internal affairs authorities on the territory of the Republic of Serbia regarding the implementation of the provisions of this Law shall be prescribed by the ministry competent for internal affairs.

## **VI. PENALTY CLAUSES**

### **Offences**

#### **Article 38**

A legal entity or an entrepreneur conducting the business of exporting or importing, providing brokerage services, technical assistance, transport and transit, shall be fined in the amount of by up to 20 times the value of the goods, i.e. services which are the subject-matter of the offence, if it/he/she:

- 1) gives false statements or fails to share important facts during the issuance of license procedure, or during the performance of work based on an issued license in accordance with Articles 13 - 16 of this Law;
- 2) does not submit to the Ministry all the data changes necessary for the registration with the Registry, in accordance with Article 7 of this Law;
- 3) does not keep special records on export and import of AME and services provided, and does not keep the documentation during the time limit prescribed by this Law, in accordance with Article 27(1)(1) of this Law;
- 4) does not immediately, and no later than within a time limit of 15 days, inform the Ministry in writing about every change related to the specific job of export and import of AME and services provided, in accordance with Article 27(1)(2) of this Law;
- 5) does not inform the Ministry in writing about the work performed and does not deliver the corresponding documentation about that within a time limit of 15 days after the job of export and import of AME is completed and the services provided, in accordance with Article 27(1)(3) of this Law;
- 6) does not return the license which has not been implemented to the Ministry within a time limit of 15 days of its expiry date, in accordance with Article 27(1)(4) of this Law;
- 7) at the request of the Ministry, does not submit the document issued by the country of final destination or end-user confirming the receipt of the exported AME, in accordance with Article 27(1)(5) of this Law;
- 8) does not get all the necessary consent, obtain approvals and licenses for transport and transit of AME in terms of Articles 30 and 31 of this Law;
- 9) does not take all the necessary measures for the purpose of preventing the disappearance of or damage to AME, in accordance with Article 34(2) of this Law;
- 10) does not immediately, and no later than within 24 hours, report the disappearance of or damage to AME to the Ministry, in accordance with Article 34(3) of this Law.

For offences defined in paragraph 1 of this Article, the person accountable in the legal entity in question shall also be fined in the amount of up to 150,000 dinars.

For offences defined in paragraph 1, points 1) and 2) of this Article, a legal entity may, in addition to being fined, be issued with a protective measure of prohibition of conducting of the specific business- export or import of AME, provision of brokerage services and technical assistance.

For offences defined in paragraph 1, points 1) and 2) of this Article, the person accountable in the legal entity in question may, in addition to being fined, be issued with a protective measure of prohibition of conducting of the specific business- export or import of AME, provision of brokerage services and technical assistance.

For offences defined in paragraph 1, points 1) and 2) of this Article, an entrepreneur, in addition to being fined, may be issued with a protective measure of prohibition of conducting of the specific business- export or import of AME, provision of brokerage services and technical assistance.

The protective measure referred to in paragraph 3 of this Article shall be imposed for a period of up to 3 years with the effective date being the date of the final decision.

The protective measure referred to in paragraph 4 of this Article shall be imposed for a period of up to 1 year with the effective date being the date of the final decision.

The protective measure referred to in paragraph 5 of this Article shall be imposed for a period of up to 3 years with the effective date being the date of the final decision.

## **VII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 39**

The rights stemming from individual documents adopted by the competent authorities, which have not been as a whole used or have been used in part by the date this Law enters into force, may be exercised within the time limits prescribed by those documents.

### **Article 40**

By-laws for the implementation of this Law shall be passed within a time limit of 6 months from the date of this Law entering into force.

### **Article 41**

The date of this Law entering into force shall be the date on which the provisions of the Foreign Trade in Arms, Military Equipment and Dual-Use Goods Law (*Official Bulletin of Serbia and Montenegro*, Nos. 7/05 and 8/05-corr.) regarding arms and military equipment shall cease to be applied.

With the entry of this Law into force, the words “and trade” contained in Article 19(1) of the Foreign Investments Law (*Official Bulletin of the FRY*, Nos. 3/02 and 5/03) shall be deleted.

### **Article 42**

This Law shall enter into force 8 days after its publication in the *Official Gazette of the Republic of Serbia*.