Pursuant to Article 24, Paragraph 2 of the Law on Control of Foreign Trade of Goods and Services of Strategic Importance for Bosnia and Herzegovina (Official Gazette of BiH, No. 103/09) and to Article 61, Paragraph 2 of the Law on Public Administration (Official Gazette of BiH, Nos. 32/02 and 102/09), the Minister of Foreign Trade and Economic Relations of BiH, issues the following

INSTRUCTION

ON SUPERVISION OVER LEGAL AND NATURAL PERSONS WHO HAVE BEEN ISSUED DOCUMENTS, OR WHO HAVE BEEN REGISTERED FOR FOREIGN TRADE OF THE CONTROL LIST GOODS

Article 1
(Subject)
This Instruction on the supervision over legal and natural persons who have been issued documents, or who have been registered for foreign trade of the control list goods (hereinafter: the Instruction) defines the scope and procedure of supervision over legal and natural persons who have been issued documents for foreign trade, or who have been registered for foreign trade of the control list goods, in accordance with the Law on Control of Foreign Trade of Goods and Services of Strategic Importance for the Security Bosnia and Herzegovina (hereinafter: the Law).

Article 2
(Definitions)
Terms used in this Instruction have the same meaning as the terms used in the Law.

Article 3
(Scope of supervision)
Supervision encompasses:
 a) Internal control of compliance with regulations is carried out by the legal entity using the foreign trade document or the legal entity registered for foreign trade, or the legal entity registered for foreign trade of the control list goods and related services;
b) Supervision is carried out by the competent entity or cantonal bodies that have issued the document approving, i.e. stating the purpose of import of the control list goods on the basis of which the foreign trade document has been issued;

c) Supervision over the realisation of issued foreign trade documents is carried out by the civil servants of the Ministry of Foreign Trade and Economic Relations of BiH (hereinafter: the Ministry), who had issued the documents that are subject to supervision;

d) A supervisory team formed by the Minister of Foreign Trade and Economic Relations carries out extraordinary supervision that is carried out only in exceptional cases.

Article 4
(Internal control carried out by the legal entity using the document)

Internal control of compliance with regulations, carried out by the legal person using the foreign trade document, or by the legal person registered for foreign trade of the control list goods and related services, secures the awareness raising mechanisms among the producers and commercial trading associations, and represents a significant element of effective implementation of the Law.

Article 5
(Supervision carried out by competent entity or cantonal bodies)

Entity or cantonal bodies that have issued the documents approving, i.e. stating the purpose of import of the control list goods on the basis of which the foreign trade document has been issued, carry out their supervision in accordance with the entity, i.e. cantonal regulations within the framework of their competence.

Article 6
(Supervision over the realisation of issued foreign trade documents)

(1) Supervision over the realisation of issued foreign trade documents encompasses:

a) Control of reports on the realisation of documents with accompanying documentation (statement of the responsible person of the user of document on the realisation of document, confirmation made by final consignee that the goods referred to in the document have arrived to final destination, and a copy of realised document), which are submitted by the user of the document to the Ministry within 15 days from the day of realisation and entry of data on the realisation of document into the Register of documents kept by the Ministry;

b) Control of records that must be kept by the user of document in accordance with the provision of Article 23 of the Law;
c) Supervision over the use of general licence, which implies the control of mandatory, three-monthly reporting on the use of licence, review of documentation and control of records kept, and, if necessary, occasional visits to the premises of the general licence user.

(2) Official minutes are made on conducted supervisions referred to in Paragraph (1) of this Article.

(3) In case of detected violations of provisions of this Law, a procedure of extraordinary supervision shall be initiated.

Article 7  
(Extraordinary supervision)

(1) Extraordinary supervision is carried out in the following cases:
   a) If a violation of provisions of Art. 21 and Art. 23 of the Law is detected in the process of supervision referred to in Article 6 of this Instruction;
   b) If new findings are obtained on facts, which would have made it impossible to enter a person into the Register, were they known at the time of entry of that foreign trade person into the Register;
   c) If new findings are obtained that the foreign trade document has been issued on the basis of incorrect or incomplete data;
   d) If new findings are obtained, which would have led to the rejection of the application for issuance of the document, were they known at the time of consideration of application for issuance of document;
   e) If new findings are obtained that the issued document is not used for its intended purposes;
   f) If the previous supervision resulted in the issuance of order to carry out certain enforcement measures.

(2) The supervisory team formed, at his own decision, by the Minister of Foreign Trade and Economic Relations carries out extraordinary supervisions. In the procedure of forming the team, special attention is paid to the type of foreign trade and classification of goods referred to in the foreign trade document, as well as to the area of activity of the document user;

(3) Civil servants from the Ministry and, if necessary civil servants from other organs or bodies competent for the supervision of that specific case, are appointed to the supervisory team referred to in the previous Article;

(4) Civil servants from the Inspectorate of the Ministry or the Department for Regulating the Area of Production of Weapons, are appointed to the supervisory team, if supervision is
carried out over a legal entity that has been issued a licence for production or repair of weapons and military equipment;

(5) In case specific professional expertise is necessary in order to carry out the supervision, experts from specialised institutions may be assigned to the supervisory team;

(6) Minutes are made on the conducted supervision. If violations of this Law and other regulations are detected, supervisory team gives a deadline for their elimination and issues an order to conduct measures in accordance with the provisions of the Law.

Article 8
(Prevention of supervision)

(1) The duty of legal and natural persons who have been issued foreign trade documents, final consignee certificates, or who are registered for foreign trade is to present requested documents and data to supervisory team;

(1) In case of prevention of supervision, action shall be taken in accordance with the provisions of Article 19, Paragraph (1), Point e) and Article 25, Paragraph (2), Point a) and Paragraph (3) Point a) of this Law

Article 9
(Entry into force)

This Instruction enters into force on the eight day from the day of its publishing in the Official Gazette of BiH.

No.: 07-01-02-1179/10. Minister
26 March 2010 Mladen Zirojević
Sarajevo