The Law on Control of Movement of Weapons and Military Equipment
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Pursuant to Article IV. 4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 55th session of the Representative Chamber held on 10 June 2009 and the 30th session of the House of Peoples held on 15 June 2009, adopted the following:

LAW ON CONTROL OF MOVEMENT OF WEAPONS AND MILITARY EQUIPMENT

I – GENERAL PROVISIONS

Article 1
(The scope)

This law shall regulate the manner and conditions relevant to movement of weapons and military equipment (hereinafter: weapons) within Bosnia and Herzegovina, movement of weapons across the state border for the purpose of imports, exports and transit of weapons and military equipment, the authorities in charge of issuing permits for the movement of weapons, filing of applications, contents of permits, supervision and control over the movement of weapons and relevant records.

Article 2
(Exemptions)

(1) The provisions of this Law shall not apply to the movement of weapons within the Armed Forces of Bosnia and Herzegovina and police authorities in Bosnia and Herzegovina.
(2) The provisions of this Law shall not apply to natural persons to whom weapons documents have been issued.

Article 3
(Definitions)

Certain terms used in this Law shall have the following meaning:
a) Weapons shall mean weapons, ammunition, and part of weapons and ammunition specified in the List of Weapons and Military Equipment referred to in Article 4, paragraph (2) of this Law.
b) Military equipment shall mean instruments, devices and means specified in the List of Weapons and Military Equipment referred to in Article 4, paragraph (2) of this Law.
c) Movement of weapons shall mean any kind of transport of weapons.
d) Police authorities shall mean agencies of the Ministry of Security of Bosnia and Herzegovina (hereinafter: Ministry of Security), entity and cantonal Ministries of Interior and the Police of the Brčko District of Bosnia and Herzegovina (hereinafter: The Police of Brčko District).
e) Documents for weapons shall mean permits to possess weapons, permits to possess and carry
II – MOVEMENT OF WEAPONS

Article 4
(Requirements for movement of weapons)

(1) Movement of weapons shall be performed on the basis of permits issued by the competent authority.

(2) The Ministry of Security shall adopt a List of Weapons and Military Equipment the movement which requires the issuance of a permit, and the list shall consist of weapons and military equipment that was included in the list used by EUFOR in the past.

Article 5
(Application for the issuance of permits for movement of weapons)

(1) An application for the issuance of permits for movement of weapons referred to in Article 4 of this Law shall be submitted to the authority in charge of issuing the permit for the movement of weapons, as follows:
   a) In case of movement of weapons between entities or between entities and the Brčko District of BiH (hereinafter: Brčko District) to the competent organizational unit of the Ministry of Interior of Republika Srpska, the cantonal Ministries of Interior, or the Police of the Brčko District from whose territory the weapons are dispatched, and in case of movement across the state border of Bosnia and Herzegovina (import/export/transit) to the Ministry of Security.
   b) To the competent organizational unit of the Ministry of Interior of the Republika Srpska, the cantonal Ministries of Interior, or the Police of the Brčko District from whose territory the weapons are dispatched within entities or the Brčko District.

(2) An application shall be filed no later than seven days prior to the planned movement of weapons.

Article 6
(Contents of applications)

(1) An application for the issuance of permits for movement of weapons shall be filed on the prescribed form, which constitutes an integral part of this Law, and shall include the following data:
   a) Name and address of an applicant, contact person, telephone number;
   b) Name and address of a consigner, contact person, telephone number;
   c) Name and address of a consignee, contact person, telephone number;
   d) Specification of weapons (name, manufacturer, quantity, serial numbers and manner of packaging);
   e) Method of transport (road, rail, air, water);
   f) Data on means of transportation;
   g) Name and surname of a driver, personal identification number, identity card or passport number (in case of road transport);
h) Point of departure (planned date and time of departure);
i) Border crossing point (in case of import/export/transit of weapons);
j) Final destination and planned time of arrival to the destination;
k) Direction of movement from the point of departure to the final destination;
l) Origin of the weapons;

(2) The following shall be attached to the application referred to in paragraph (1) of this Article:
a) The permit issued by the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina in case of import, export or transit,
b) Permit to acquire weapons,
c) Proof of the weapon end-user.

(3) The proof referred to in paragraph (2) item c) of this Article shall be a contract on delivery or a purchase order in case of movement of weapons for the needs of authorities referred to in Article 2 of this Law, or a statement of the weapon owner in case of movement of weapons for the purpose of relocation from one location to another.

III – ACTING UNDER THE APPLICATION

Article 7
(Application verification)

The authority referred to in Article 5 of this Law, which is in charge of issuing permits for the movement of weapons, shall check the accuracy of the data stated in the application for the permit for movement of weapons and shall check other security aspects in accordance with the prevailing regulations.

Article 8
(Approval)

(1) When deciding on the application for the permit for movement of weapons referred to in Article 5, paragraph (1) item b) of this Law, the Ministry of Interior of Republika Srpska, the cantonal Ministries of Interior or the Police of Brčko District through whose territories the movement of weapons is planned shall, within seven days from the receipt of the application for the permit for movement of weapons, seek the approval of the Ministry of Security.

(2) When deciding on the application for the permit for movement of weapons referred to in Article 5, paragraph (1) item a) of this Law, the Ministry of Interior of Republika Srpska, the cantonal Ministries of Interior or the Police of Brčko District through whose territories the movement of weapons is planned shall, within seven days from the receipt of the application for the permit for movement of weapons, seek the approval of the Ministry of Security.

(3) Approval or rejection of the application referred to in paragraph (1) and (2) of this Article shall be submitted within seven days from the receipt of the request for approval.

(4) Along with the request for approval of the movement of weapons referred to in paragraph (1) and (2) of this Article, a copy of the documentation referred to in Article 6 of this Law shall be attached.
Article 9
(Approval)

(1) Approval of the movement of weapons shall contain the following data:
a) Name of the applicant to whom the permit is being issued,
b) Planned date of movement,
c) Specification of weapons,
d) Means of transportation,
e) Type of vehicle, licence plates, number of valid vehicle registration, driver’s name and surname, personal ID number, ID card or passport number (in case of road transport),
f) Point of departure and border crossing point in case of export/import/transit,
g) Direction of movement from the point of departure to the final destination.

(2) The permit for movement of weapons shall be issued in the form of a decision.

(3) The competent authority for the issuance of the permit for the movement of weapons may, if required, order the undertaking of special security measures during the movement of weapons (direction and time of movement, police escort, etc.).

(4) The costs of necessary security measures referred to in paragraph (2) of this Article shall be borne by the carrier.

(5) Movement of weapons that contain explosives shall be governed by regulations on transportation of explosive substances.

(6) Permits for the movement of weapons shall be issued for the period of 60 days from the date of issue.

(7) Special security measures referred to in paragraph (3) of this Article shall be prescribed by the Ministry of Security at the proposal of the Ministry of Interior and the Police of Brčko District.

Article 10
(Prohibition of movement)

(1) In case of movement of weapons across the state border (import / export / transit), the Ministry of Security may prohibit the movement of weapons at a specific time on the entire or one part of the territory of Bosnia and Herzegovina.

(2) In case of movement of weapons between entities or between entities and the Brčko District or within entities or within the Brčko District, the Ministry of Interior of Republika Srpska, the cantonal Ministries of Interior or the Police of Brčko District may prohibit movement of weapons at a particular time on a particular territory of Bosnia and Herzegovina.

(3) The authorities involved shall keep each other informed regarding the prohibitions of movement of weapons in cases referred to in paragraph (1) and (2) of this Article.

Article 11
(Rejection of Application)

Should it be determined in the course of the procedure that certain legal or security requirements have not been met, the authority responsible for the issuance of permits for the
movement of weapons shall reject the application.

Article 12
(Submission of the decision)

The decision relating to the submitted application for the issuance of permit for the movement of weapons shall be delivered to the applicant no later than seven working days from the date of application submission, as well as to the Ministry of Security at its request.

Article 13
(Appeal)

No appeals may be lodged against the decision referred to in Article 9 of this Law; however, an administrative dispute may be initiated.

Article 14
(Notification of movement)

(1) A legal or natural person granted with a permit for the movement of weapons shall notify the authority that has issued the permit of the time of movement of weapons no later than two days before the commencement of such movement.

(2) In case of movement of weapons between entities or between entities and the Brčko District of Bosnia and Herzegovina, the competent organizational unit that issued the permit for the movement of weapons shall notify the cantonal Ministries of Interior of the entities at the headquarters or the Police of Brčko District, if they are located along the route of the movement of weapons.

IV – SUPERVISION AND CONTROL

Article 15
(Supervision over the implementation of the Law)

(1) Supervisions over the implementation of this Law shall be performed by the Ministry of Security.
(2) In the course of exercising supervision the Ministry of Security may authorize the competent Ministries of Interior of the Police of Brčko District to supervise and control movement of weapons.
(3) The Ministry of Security shall prescribe the manner and scope of supervision and control over the movement of weapons.

Article 16
(Reports on supervision and control)

(1) In the course of exercising supervision and control over the movement of weapons, a report shall be made to include the following:
   a) Accurate name of the entity subject to supervision and control;
b) Time and place of supervision and control;
c) Status of items identified;
d) Measures prescribed.

(2) The report on supervision referred to in paragraph (1) of this Article shall contain the report on control.

(3) The Minister of Security shall prescribe a standard format of report on supervision and control.

(4) The report referred to in paragraph (1) of this Article shall be submitted to the Ministry of Security within 7 days from the date of conducted supervision and control.

Article 17
(Cooperation)
Authorized parties participating in the movement of weapons shall, during control, implement the orders prescribed by authorized officials performing the control.

V - RECORDS

Article 18
(Types of records and manner of keeping records)

(1) Authorities in charge of issuing permits for the movement of weapons shall maintain records of:
   a) Submitted applications for the movement of weapons;
   b) Issued permits for the movement of weapons;
   c) Rejected applications for the movement of weapons;
   d) Undertaken supervisions and controls;

(2) The format, contents and manner of keeping records under paragraph (1) of this Article shall be prescribed by the Minister of Security.

(3) The central registry of records referred to in paragraph (1) of this Article shall be kept in the Ministry of Security.

(4) The Ministry of the Interior of the Republika Srpska, the cantonal Ministries of Interior and the Police of Brčko District shall have free access to the central register referred to in paragraph (3) of this Article.

VI – PENALTY PROVISIONS

Article 19

(1) A fine in the amount from KM 1,000.00 to KM 10,000.00 shall be imposed on a legal person, and a fine in the amount from KM 500.00 to KM 3,000.00 shall be imposed on a responsible person of the legal person, if they state inaccurate data in their application for the issuance of the permit for the movement of weapons (Article 6).

(2) A fine in the amount from KM 5,000.00 to KM 20,000.00 shall be imposed on a legal person, and a fine in the amount from KM 1,000.00 to KM 5,000.00 shall be imposed on the responsible
person of the legal person, if they:
a) Organize movement of weapons without previously obtaining the permit (Article 9),
b) Organize movement of weapons contrary to the issued permit with respect to the type and quantity of weapons (Article 9).

(3) A fine in the amount from KM 1,000.00 to KM 10,000.00 shall be imposed for misdemeanour on a legal person, and a fine in the amount from KM 500.00 to KM 3,000.00 shall be imposed on a responsible person at the legal person, if they:
a) Organize movement of weapons contrary to the issued permit with respect to the type and quantity of weapons (Article 9),
b) Organize movement of weapons contrary to the issued permit with respect to the type and quantity of weapons (Article 9).

(4) A fine in the amount from KM 500.00 to KM 5,000.00 shall be imposed on a natural person if it:
a) Performs the movement of weapons without previously obtained permit (Article 9)
b) Performs the movement of weapons contrary to the issued permit with respect to the type and quantity of weapons (Article 9)

(5) A fine in the amount from KM 500.00 to KM 3,000.00 shall be imposed on a natural person if it:
a) Performs the movement of weapons contrary to the issued permit with respect to direction of movement (Article 9)
b) Performs the movement of weapons contrary to the issued permit with respect to the driver or vehicle (Article 9)

c) VII – FINAL AND TRANSITIONAL PROVISIONS

Article 20
(Implementation provisions)

(1) Within 60 days from the date of entry into force of this Law, the Ministry of Security shall adopt the List of Weapons referred to in Article 4, paragraph (2) of this Law.
(2) Within 90 days from the date of entry into force of this Law, the Ministry of Security shall, with the consent of the Ministry of Interior of the Republika Srpska, cantonal Ministries of Interior and the Police of Brčko District, adopt relevant regulations for the enforcement of this Law, specifically regarding:
a) the manner and procedure of processing applications for the movement of weapons and the scope of checking the applications (Article 7),
b) the manner and procedure of undertaking control (Article 15),
c) the format, contents and record keeping as well as deadlines for archiving data in records kept by the competent authorities (Article 18).

Article 21
(Entry into force)

(1) This Law shall enter into force on the eight days following the date of publication in the «Official Gazette of Bosnia and Herzegovina», and shall start to be implemented after the
expiration of the ninetieth day of publication.
(2) Republika Srpska, the cantons and the Brčko District shall harmonize their regulations with this Law no later than the Law implementation commencement date.

PS BiH, number: 359/09
Date: 15 June 2009

Chair of Presidency
Berzi Belkić

Chair of the House of Peoples
Ilija Filipović

Dome nard
Ilija Filipović