

Pursuant to Article 26, paragraph (1) points a), b) and e) of the Law on Control of Foreign Trade of Goods or Services of Strategic Importance for Bosnia and Herzegovina (Official Gazette of BiH, No. 103/09) and 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 conditions and procedures for issuing documents for foreign trade with goods or services of strategic importance for security of Bosnia and Herzegovina**

#### **CHAPTER I GENERAL PROVISIONS**

##### **Article 1 (Subject of Instruction)**

This Instruction defines the conditions, procedure for submission of application, issuance and withdrawal of documents and rejection of application for issuing documents for foreign trade with goods from control lists and services related to goods from the control lists, and maintaining registry of documents 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 (Documents for Foreign Trade)**

- 1) For the purpose of engaging in foreign trade with goods from control lists or services related to the goods from the control lists a document is required that shall be issued by the Ministry of Foreign Trade and Economic Relations (hereinafter: the Ministry) at request of the legal or physical person.
- 2) Documents issued by the Ministry in accordance with the provisions of the Law include:
  - a) License for import, export and brokering with weapons and military equipment, or with services related to weapons or military equipment;
  - b) Licenses for exporting or brokering with dual-use goods or services related to the dual-use goods as well as the permits for export of special purpose goods;
  - c) International Import Certificate for import of goods of dual or special purposes.
- 3) Licenses for export of dual-use goods may be: individual, general or global/universal.

**CHAPTER II LICENCES FOR IMPORT, EXPORT AND BROKERING OF WEAPONS  
AND MILITARY EQUIPMENT AND SERVICES RELATED TO  
WEAPONS AND MILITARY EQUIPMENT**

**Article 4  
(Application for License)**

- (1) Engagement in activities of import, export and brokering of weapons and military equipment and services related to weapons and military equipment require requires a license to be issued by the Ministry on the basic of application submitted by legal person entered in the Registry of Persons engaged in Foreign Trade.
- (2) The License shall be issued on the basis of application by a legal person that should enclose the following:
  - a) documents testifying the origin of goods;
  - b) documents testifying the quality or technical characteristics of the goods (standards, technical specifications etc.), and in the case of chemicals, the IUPAC chemical name and CAS number (if assigned) should also be stated;
  - c) contract or certified copy of the contract made with the importer, exporter or broker, as well as the quotation;
  - d) statement by the end user on end use of the goods, that shall also include information on the goods concerning the name of goods, quantity, value and control number from the Common List of Military Equipment, as well as the corresponding tariff mark from the applicable Customs Tariff of BiH (hereinafter: the Customs Tariff), certified by the responsible person in the end user in case of imports;
  - e) document on the end user certified by competent state institution from the country of the end user, in case of exports;
  - f) document issued by responsible body approving i.e. stating the purpose of importing the goods from the Common List of Military Equipment, in case of imports; and
  - g) evidence on payment of administrative fee of 5.00 KM for submission of application and 15.00 KM for issuing the license.
- (3) Application for issuing the license for import, export or brokering of weapons and military equipment or services related to weapons and military equipment shall be filed at least 60 days prior to the intended activity taking place.
- (4) The Applicant has to state exact control number from the Common List of Military Equipment as well as the corresponding tariff mark from the Customs Tariff.

(5) In case of involvement of several entities in the particular foreign trade arrangement, it is necessary to submit documentation that clearly shows the sequence of foreign trade. For export brokers, it is necessary to submit documents from the country of origin of the broker that show that the broker had been regularly registered and that they had registered their brokering business.

(6) All the documents enclosed with the Application must be in one of the languages in official use in Bosnia and Herzegovina. In case a document were in a foreign language, along with the original document a translation by licensed court interpreter for the language of the document shall also be enclosed.

(7) If a document or information from paragraphs (2), (4) or (5) or from paragraph (6) of this Article were missing when submitting the application, the Ministry shall give 30 days during which time the applicant has to complete the application.

### **CHAPTER III LICENSES FOR EXPORTING DUAL-USE GOODS OR SERVICES AND LICENCES FOR EXPORTING SPECIAL USE GOODS**

#### **Article 5**

##### **(Licenses for Exporting Dual-use Goods or Services and Special-Use Goods)**

- (1) For engaging in exports of goods or services of dual-use, it is necessary to obtain a license that is issued by the Ministry upon application by a person registered in the Registry of Persons Engaged in Foreign Trade.
- (2) Engagement in exports of special use goods requires license that is issued by the Ministry on application by a person registered in the Registry of Persons Engaged in Foreign Trade.

#### **Article 6**

##### **(Application for Issuance of Individual Export License for Dual-Use and Special-Use Goods)**

- (1) Individual export license for dual-use goods and services and special use goods shall be issued on the basis of application by a legal person that will enclose the following:
  - a) documents testifying the origin of goods;
  - b) documents testifying the quality or technical characteristics of the goods (standards, technical specifications, etc. and in case of chemicals, it is necessary to state the IUPAC chemical name and CAS number if assigned);

- c) document on the end user certified by responsible government bodies of the country of end user;
  - d) certified copy of a contract made with the importer or broker and quotation;
  - e) evidence of payment of administrative fees of 5.00 KM for submission of application and 15.00 KM for issuing the license.
- (2) The application for export license for dual-use goods or services or brokerage services related to the dual-use goods and export license for special use goods shall be filed at least 60 days before the intended activity.
- (3) The Applicant shall state the exact control number from the List of Goods and Technologies of Dual-use or List of Goods of Special Use, as well as the corresponding tariff mark from the Customs Tariff.
- (4) In case that several entities were involved in foreign trade, it is necessary to submit document clearly stating the sequence of foreign trade. For export brokers, it is also necessary to submit documents from the country of origin of the broker that testifies that the mediator has been properly registered and have registered their business of brokering.
- (5) All the documents enclosed to the application must be in one of the languages in official use in Bosnia and Herzegovina. In case that any of the documents were in a foreign language, a translation of licensed court interpreter for the language of document must also be enclosed.
- (6) If a document or information from paragraphs (1), (3) or (4) or from paragraph (5) of this Article were missing when submitting the application, the Ministry shall give 30 days during which time the applicant has to complete the application.

## **Article 7**

### **(General Export Licenses for Dual-use Goods and Services)**

- (1) Legal persons wishing to use the general export license for dual-use goods and services to one or more specified countries must have established and verified ISO 9001 quality management system.
- (2) The procedure for applying for issuance of general license is the same as in the case of applying for individual license, providing that a statement on the purpose of use of the general license must also be enclosed, signed and verified by the responsible person.
- (3) General license shall be published in the “Official Gazette of BiH” and shall remain in force until revoked or changed by the Ministry.
- (4) The legal person who had been issued the general license needs to announce to the Ministry by a written notification the exact date of the start of its use.

- (5) The Ministry shall supervise the use of the general license, which supervision shall include occasional visits to the holder of the general license and review of documentation and control of the registry.
- (6) The general license holder is under obligation to submit quarterly reports to the Ministry on use of the license.
- (7) The general license does not apply for export of goods from the dual-use list that shall be used for military or security purposes.

**Article 8**  
**(Global Export Licenses for Dual-use Goods and Services)**

- (1) Legal persons wishing to use the global export license for dual-use goods and services to one or more specified countries must have established and verified ISO 9001 quality management.
- (2) For an exporter to be eligible to apply for global license, they must have already been issued at least 15 export licenses during the previous year.
- (3) The procedure for applying for issuance of the global license is the same as in the case of applying for individual license, providing that the statement on intended use of the global license shall also be enclosed, signed and certified by the responsible person.
- (4) Along with the application for issuing global license, it is necessary to submit the document on the end user, verified by the responsible government body of the country of end user for all end users stated in the application for license.
- (5) Global license may not be used for export of dual-use goods if the end use would be for military or security purpose.

**CHAPTER IV OTHER DOCUMENTS ISSUED BY THE MINISTRY**

**Article 9**  
**(International Import Certificate)**

- (1) For the purpose of importing the goods of dual or special use, it is necessary to obtain the International Import Certificate that shall be issued by the Ministry at request of a legal or physical person registered with the Registry of Persons Involved in Foreign Trade.
- (2) The Ministry may issue the International Import Certificate at request of the importer or end user of the weapons or military equipment if the exporter requires submission of an international import certificate as a document on the end user.

**Article 10**  
**(Application for Issuing the International Import Certificate)**

- (1) International import certificate shall be issued on the basis of application by a legal or physical person that must enclose the following:
- a) documents testifying the origin of goods;
  - b) documents testifying the quality or technical characteristics of the goods (standards, technical specifications, etc., and in case of chemicals, it is necessary to state the IUPAC chemical name and the CAS number, if assigned);
  - c) certified copy of the contract made with the exporter and quotation;
  - d) statement by the end user on the final use of the goods and that the goods referred to in the application shall not be used for the purpose of research, production, services, handling, transporting, detecting or storing the nuclear, chemical, biological weapons or as the means of their transmission, as certified by the responsible person in the end user. Such statement also needs to include the information on the goods: the name of goods, quantity, value, control number from the control list and corresponding tariff mark from the Customs Tariff;
  - e) document issued by responsible body approving i.e. stating the purpose of importing goods from the application, if so required for the particular field of activity;
  - f) evidence of payment of administrative fee of 5.00 KM for filing the application and 15.00 KM for issuing the International Import Certificate.
- (2) If the information from the application were incomplete or inaccurate, or not enclosed to the application, the Ministry shall give 30 days during which time the applicant has to complete the application.

**Article 11**  
**(End User Certificate)**

- (1) The End User Certificate shall be issued on the basis of application by the importer or end user, which shall enclose the following:
- a) statement by the end user on final use of the goods, and that the goods from the application shall not be used for the purposes of research, production, services, handling, transporting, detecting or storing the nuclear, chemical, biological weapons or as the means of their transmission, certified by the responsible person in the end user. Such statement also needs to include the information on the goods: the name of goods, quantity, value, control number from the control list and corresponding tariff mark from the Customs Tariff

- b) document issued by the responsible body approving i.e. stating the purpose of use of the goods from the application;
  - c) quotation;
  - d) evidence of payment of administrative fee of 5.00 KM for filing the application and 15.00 KM for issuing the End User Certificate
- (2) If the information from the application were incomplete or inaccurate, or the documents or information from paragraph (1) of this article were not enclosed to the application, the Ministry shall give 30 days during which time the applicant has to complete the application.

## **CHAPTER V RESPONSIBILITIES AND AUTHORITIES**

### **Article 12 (Issuing the licenses)**

- (1) The Ministry shall issue licenses for: import, export and brokering in weapons and military equipment and services related to weapons and military equipment within 60 days from the day of filing a complete application with all documents and pieces of evidence from article 4 of this Instruction enclosed, upon having obtained consents of responsible ministries, or it shall pass a decision on rejecting the license application within the same time.
- (2) The Ministry shall issue the licenses for: export and brokering in dual-use goods, services related to dual-use goods and export of special use goods within 60 days from the day of submission of complete application enclosing all documents and evidence from articles 6 or 7 or 8 of this Instruction, after having received consent of the responsible ministries, or it shall pass a decision on rejecting the license application.
- (3) If any of the administrative bodies responsible for giving consent for issuing the license fails to send their consent, the Ministry shall convene a meeting with representatives of responsible administrative body that has the disputed case under consideration to discuss the issuance of the license.
- (4) The Ministry shall issue the import, export or brokering services license within 90 days if additional inquiries need to be made in the process of issuing the license or the case has to be considered in the meeting from previous paragraph.
- (5) The Ministry may, as needed, convene a meeting with representatives of responsible administrative bodies related to the procedure of issuing the license.

- (6) The Ministry shall pass a decision rejecting the application for license if the applicant had failed to complete the application within the given time of 30 days.

**Article 13**  
**(Issuing the International Import Certificate)**

- (1) The Ministry shall issue the International Import Certificate for Importing Dual-use and Special-use goods within 30 days from the day of filing a complete application enclosing all documents and pieces of evidence from Article 10 of this Instruction, upon having obtained all the consents of the responsible administrative bodies, or it shall pass a decision rejecting the application for issuing the international import certificate within the same time.
- (2) If any of the administrative bodies responsible for giving consent for issuing the international import certificate has failed to submit their consent, the Ministry shall convene a meeting with representatives of responsible administrative body that has the dispute case under consideration to discuss the issuance of the International Import Certificate.
- (3) The Ministry shall issue the International Import Certificate within 60 days if additional inquiries were needed during the process of issuing the certificate or the case needs to be considered in the meeting from paragraph (2) of this article.
- (4) The Ministry may, as needed, convene meeting with representatives of responsible administrative bodies related to the procedure of issuing the international import certificates.
- (5) The Ministry shall issue a decision rejecting the application for issuance of International Import Certificate if the Applicant has failed to complete their application within 30 days.

**Article 14**  
**(Issuing the End User Certificate)**

The Ministry shall issue the End User Certificate within 30 days from the date of filing a complete application enclosing all documents and pieces of evidence from Article 11 of this Instruction, or it shall pass a decision rejecting the application for issuing the end user certificate within the same time.

**Article 15**  
**(Registry of Documents)**

- (1) The Registry of Issued Documents for Foreign Trade with Goods and Services from Control Lists (Registry of Lists, Registry of International Import Certificates and Registry of End User Certificates) shall be maintained by the Ministry.
- (2) The following data shall be entered in the Registry of Issued Documents:



- a) sequence number;
- b) name of the legal person who is the document holder and their seat;
- c) number in the Registry of Persons involved in Foreign Trade;
- d) responsible person in the legal person;
- e) number and date of filing the application for issuing the document;
- f) importer, exporter and broker, if applicable;
- g) end user;
- h) end use;
- i) quantity, type and value of the goods from the document;
- j) document number, document mark, date of issuance and validity;
- k) realization of document;
- l) note.

**Article 16**  
**(Revocation of Document)**

In case that the Ministry had passed a decision on revocation of document in accordance with the Law, the document holder shall be bound to return the license to the Ministry within eight days from receiving the decision.

**Article 17**  
**(Report on Realization of the License)**

Along with the report on Realization of the License that has to be submitted by the License Holder to the Ministry within 15 days from the realization date, the following also needs to be submitted:

- a) statement by the responsible person in the license holder on realization of the license;
- b) confirmation by the end user that the goods referred to in the license have been delivered to their final destination; and
- c) copy of realized license.

**Article 18**  
**(Report on Realization of the International Import Certificate)**

Along with the Report on Realization of International Import Certificate that has to be submitted by the Holder of the International Import Certificate to the Ministry within 15 days from the day of realization, the following also needs to be submitted:

- a) statement by the responsible person in the holder of the International Import Certificate on its realization,
- b) copy of realized International Import Certificate

**Article 19**  
**(Annexes)**

Application forms for license for foreign trade of goods from control lists, application forms for issuing the End User Certificates, License Forms and International Import Certificate Forms, as well as the End User Certificate Form are considered integral parts of this Instruction.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

**Article 20**  
**(Putting Out of Force)**

On the day of this Instruction's entry into force, the Instruction on Procedures of Imports, Exports and Transit in the Trade with Dual-use Products and Technologies and the Instruction on Regulating Exports, Imports, Transit and Brokering in the Trade with Weapons and Military Equipment ("Official Gazette of BiH" No. 56/05) shall cease force.

**Article 21**  
**(Entry into Force)**

This Instruction shall enter into force on the eighth day from its publication in the "Official Gazette of BiH".

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March 2, 2010

Sarajevo

**MINISTER**  
**Mladen Zirojević**