

16 February 2012

ENGLISH only



***Permanent Mission of the Republic of Serbia
to the OSCE and other International Organizations in Vienna***

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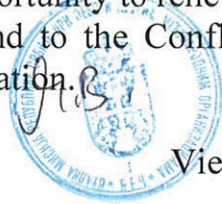
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No. 938/2011

Note Verbale

The Permanent Mission of the Republic of Serbia to the OSCE presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and has the honor, to submit the response of the Republic of Serbia pertaining to FSC.DEC/17/10 on the Information Exchange with regard to OSCE Principles on the Control of Brokering in Small Arms and Light Weapons.

The Permanent Mission of the Republic of Serbia to the OSCE avails itself of this opportunity to renew to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 5 July 2011

All Missions/Delegations to the OSCE
The Conflict Prevention Centre
Vienna

*) Redistribution due to change of distribution status, text remains unchanged

QUESTIONNAIRE

No.	Sources	Question	YES	NO
1.	PoA II.14	Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?	√	
2.		List laws and/or administrative procedures regulating SALW brokering in your country. Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods (<i>Official Gazette of Serbia</i> , No. 7/05).		
3.	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?	√	
4.	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?		√
4(a).	FSC.DEC/8/04	If yes, please provide. [type text]		
5.	FSC.DEC/8/04	Does your country require brokers to register before they can apply for brokering licences? Comments: The Ministry of Economy and Regional Development has been established the Register of Entities Licensed to Perform International Trade in Controlled Goods	√	
6.	FSC.DEC/8/04	Does your country require a license to engage in brokering activities? Comments: [type text]	√	
7.	FSC.DEC/8/04	Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences? Comments [type text]	√	
8.	PoA II.14	Does your country keep a register of SALW brokers/traders? Comments [type text]	√	
9.	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers? Comments [type text]	√	
10.	FSC.DEC/8/04	Does your country control brokering activities outside your territory carried out by brokers of your country's nationality? Comments [type text]		√
11.	FSC.DEC/8/04	Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory? Comments [type text]		√
12.	BPG, Brokering, V (I)	What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction? National arms export control policy.		
13.	BPG, Brokering, V (5(i))	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?	√	
13(a)	BPG, Brokering, V (5(i))	If so, describe. The export license applicant is under obligation to submit the original End User Certificate obtained from the competent		

		<p>authority of the end user's country, not older than six months, with the translation of the certificate translated by a certified court translator. The original certificate should include the following information:</p> <ol style="list-style-type: none"> 1) The exporter's name and address; 2) The controlled goods end user's name and address; 3) The country of the final destination; 4) The controlled goods description, quantity and purpose; 5) The statement that the controlled goods will not be used for other purposes, that it will not be re-exported or otherwise traded in or transferred without a written permission of the competent ministry of the deliverer country; 6) The signature, name and position of the person in charge; 7) The file number and the date it was issued. 		
14.	PoA II.14	Does your country require a license, permit or other authorization for each brokering transaction?	√	
15.	GGE Report paragraph 44	<p>Are such applications for a license, permit or other authorization considered for approval on a case-by-case basis?</p> <p>Comments: The license for foreign trade activities in controlled goods is a written document of a Ministry of Economy and Regional Development granting permission to an applicant to conduct a single foreign trade activity of a known quantity and kind of controlled goods, under conditions stipulated by the contract.</p>	√	
16.		Are there exceptions to the requirement to hold a license or authorization for a brokering transaction?		√
16(a)		Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials) [type text]		
17.		<p>What are the criteria for granting a license, permit or other authorization?</p> <p>Decree on criteria for issuing licenses for the export of weapons, military equipment and dual-use goods establishes criteria on the basis of which the Ministry of Economy and Regional Development shall issue licenses for the export of weapons and military equipment (<i>Official Gazette of Serbia</i>, No. 11/05), by virtue of Article 1 paragraph 2 of the Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods (<i>Official Gazette of Serbia</i>, No. 7/2005). This Decree is fully in line with <i>EU Code of Conduct on Arms Exports</i>.</p>		
18.	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible?		√
18(a)	BPG, Brokering, V (3)	If yes, under which conditions? [type text]		
19.		Does your country have measures to validate the authenticity of documentation submitted by the broker?	√	
19(a)		If so, describe those measures. Validation process through diplomatic channels and international cooperation.		
20.	FSC.DEC/8/04	Does your country keep records of all licenses or written authorizations issued?	√	
20(a)	FSC.DEC/8/04	If yes, how long are the records kept for? (a) 10 years	√	

21.	BPG, Brokering,	Does your country require brokers to report regularly on their activities?	√	
21(a)	BPG, Brokering, V (4(ii))	If so, describe. The brokers notifies the Ministry of Economy and Regional Development, in written, regarding the realization of their activities in foreign trade of the controlled goods or they returns the issued license to the Ministry of Economy and Regional Development if the license has not been effected 15 days from the expiry date of the license at the latest.		
22.	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a license or authorization in your country? Comments: By virtue of Article 243 of the Criminal Code (Official Gazette of RS, No. 85/2005, 88/2005, 107/2005).	√	
23.		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration? Comments: Regional Arms Exports Information Exchange Process (in the Countries of the South Eastern Europe) initiated by SEESAC	√	
24.		Does your country regulate activities that are closely associated with the brokering of SALW?	√	
24(a)		If so, which of the following activities are regulated (check relevant boxes)? (a) Acting as dealers or agents in SALW (b) Providing for technical assistance (c) Training (d) Transport (e) Freight forwarding (f) Storage (g) Finance (h) Insurance (i) Maintenance (j) Security (k) Other services Comments: All of this activities are regulated by national laws.	√	
25.		Are these activities regulated by legislation on brokering or any other legislation? Other. We do not have a particular law on brokering of SALW.	√	
26.	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities? Criminal and administrative penalties by a.m. Criminal Code.		
27.	PoA II.14	If the answer to question 1 is "no", does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?	N/A	
28.		What kind of assistance do you require?	N/A	
29.		Has your country developed a project proposal for assistance?	N/A	√
29(a)		Does your country require training on controlling brokering activities in SALW?	N/A	
30.	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?	N/A	

30(a)		Please give details.	N/A	
31.		Is your country content for these replies to be published on the OSCE website?	√	