Republic of Serbia

FROM ARMS TRANSFER TO FIREARMS TRAFFICKING: APPLICATION OF THE FIREARMS PROTOCOL IN THE CONTEXT OF DIVERSION

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LEGAL FRAMEWORK

INTERNATIONAL AND NATIONAL LEGISLATION

ARMS TRADE TREATY
FIREARMS PROTOCOL
EU DIRECTIVES
COMMON POSITION 944/ 2008
INTERNATIONAL CONTROL REGIMES
LAW ON EXPORT AND IMPORT OF ARMS AND MILITARY EQUIPMENT („Official Gazette of RoS“, no 107/14)
LAW ON EXPORT AND IMPORT OF DUAL USE ITEMS (“Official Gazette of RoS”, no 95/2013)
LAW ON PRODUCTION AND TRANSFER OF ARMS AND MILITARY EQUIPMENT(„Official Gazette of RoS“, no 36/2018)
LAW ON TESTING, STAMPING AND MARKING OF WEAPONS, DEVICES AND AMMUNITION (Official Gazette of RoS“, no 87/2018)

SUBSIDIARY LEGISLATION:
Decision on the establishment of the National Control List of Dual Use Items („Official Gazette of RoS, no 28/21) - harmonized with EU list from September 2020-entered into force in December 2020;
Decision on the establishment of the National Control List of Arms and Military Equipment (“Official Gazette of RoS”, no 102/2020) - harmonized with EU Common Military List;
SCOPE

National legislation on:
1. Production;
2. Testing, stamping and marking
3. Trade (internal)
4. Export, import and transit of firearms
5. Criminal offences
In recent years a lot of attention has been paid to unauthorized re-exports or re-transfers of arms and ammunition—situations in which re-export or re-transfer controls are ignored by the importing state. This has been clearly demonstrated in recent years with the discovery of arms being used in different armed conflicts all around the world that had been originally legally exported then re-exported without the knowledge or approval of the original supplier states.
The original certificate contains the following information:

- Business name and address of the exporter;
- Business name and address of the end-user of the AME;
- Business name and address of the mediator, if any;
- Description, quantity and purpose of the AME;
- Signature, name and position of the authorized person;
- Country of final destination;
- Declaration that the AME shall not be used for purposes not stated in the certificate;
- 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;
- Certified authenticity of the end-user by the competent authority in accordance with the national practice;
- Place, number and date of issuance;
- Date of expiration.
PREVENTION OF ILLICIT TRAFFICKING

Cooperation at the national level
Outreach activities
International and regional cooperation
Record-keeping
Exchange of information and experience
CASE STUDY

- Export of automatic rifles cal. 7,62X39mm to one EU Member State
- 10 000 pieces
- Issued IIC
- Purpose: Trade purposes of the company
  Commitment that items will not be diverted to another destination without the written consent of the competent authorities of that State;

Our Dilemmas:
- Quantity
- End use/end user
- Statement of no further export without the consent of the RoS
- Corruption (declaration by EU Parliament)
- Statement of the importing company that the goods will be subject to negotiations and the goods will be stored at the warhouse
CASE STUDY 2

• Application for export automatic rifles from one former Soviet Union Republic to Kingdom of Saudi Arabia (goods originated from Soviet Union Army)

• Items will be imported to Serbia and then exported

• Dilemmas:

• Transport route, two licences, purpose
INSTEAD OF CONCLUSION

• Responsibility of the importing state-sanctions?
• Improving the record-keeping mechanism at national level
• Transparency
• Exchange of information
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THANK YOU FOR YOUR ATTENTION

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