**UNOFFICIAL VERSION**

**LAW**

**ON CONTROL OF FOREIGN TRADE IN DUAL-USE GOODS**

**CHAPTER I GENERAL PROVISIONS**

Article 1

(Subject-matter of the Law)

This Law shall define conditions for the export, brokering and transit of dual-use goods, provision of services of technical assistance pertaining to dual-use goods, issuance of International Import Certificate and Delivery Verification Certificate for dual-use goods, and shall define bodies, which are authorized to issue documents and perform supervision in relation to the dual-use goods.

Article 2

(Exceptions to the Law)

1. The provisions of this Law shall not be applied in cases when, in accordance with foreign policy interests and international obligations of Bosnia and Herzegovina, the export or transit of dual-use goods is performed within the scope of bilateral or multilateral military, police, special or permanent mission on non-commercial basis in support of:
2. the United Nations Security Council Resolutions;
3. decisions taken within the Organization for Security and Co-operation in Europe (OSCE); or
4. any other peace operation conducted within an international organization in accordance with the principles of the United Nations Charter.
5. The BiH Ministry of Foreign Affairs shall give an approval about fulfillment of the conditions referred to in Paragraph 1 of this Article.
6. However, if the dual-use goods that were exported or imported in such a manner cease to be used for the purpose of special or permanent mission, that is, become a subject of commercial transaction, the provisions of this Law shall apply to it.

Article 3

(Meaning of the terms)

The terms used in this Law shall have the following meaning:

1. **Dual-use goods** shall mean all the items listed in the List of Dual-use Goods, including software and technology, which can be used both for civil and military purposes, and shall include goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices;
2. **List of dual-use goods** shall mean all the items stated on the relevant List of Dual-Use Items of the European Union;
3. **Military end-use** shall mean the incorporation into military items*,* use for production, testing, development, maintenance or analysis of military items and use of any unfinished product for the production of military items;
4. **Military items** shall include all the items, specified on the Common List of Military Equipment of the European Union (Common Military List), which the BiH Ministry of Foreign Trade and Economic Relations (hereinafter referred to as: the Ministry) shall translate and publish in the Official Gazette of BiH;
5. **Export** shall mean:
6. a customs procedure governed by customs regulations according to which dual-use goods are permanently or temporarily leaving the customs territory of Bosnia and Herzegovina;
7. a re-export according to which dual-use goods, which have previously been imported into the customs territory of Bosnia and Herzegovina, leave the customs territory of Bosnia and Herzegovina, but not including goods in transit; and
8. transmission of software or technology by electronic media, including by fax, telephone, electronic mail or any other electronic means to a destination outside Bosnia and Herzegovina; it includes making available in an electronic form such softer or technology to legal and natural persons or partners outside Bosnia and Herzegovina. Export also applies to oral transmission of technology when the technology is described over the telephone or other electronic device;
9. **Exporter** shall mean legal or natural person:
10. seated in Bosnia and Herzegovina, that is, with permanent place of residence in Bosnia and Herzegovina, registered for foreign trade in dual-use goods by the Ministry;
11. on whose behalf an export customs declaration is made, that is, a person who, at the time when the declaration is accepted, holds the export contract concluded with the consignee in another country and has the power for determining the sending of the goods out of the territory of Bosnia and Herzegovina. If no export contract has been concluded or if one party to a contract does not act on its own behalf, the exporter shall mean the person who has the power for determining the sending of the goods out of the territory of Bosnia and Herzegovina;
12. which decides to transmit, enables the transmission or makes available software or technology by electronic media including by fax, telephone, electronic mail or by any other electronic means to a destination outside the BiH territory;
13. **Brokering** shall mean the negotiating or arranging transactions for the purchase, sale or procurement of dual-use goods from one foreign country to another foreign country, and the sale and purchase of dual-use goods for the purpose of their transfer from one foreign country to another foreign country. Brokering shall not apply to ancillary services, such as: transportation, financial services, insurance or re-insurance, advertising or marketing;
14. **Broker** shall mean a legal person, seated in the territory of Bosnia and Herzegovina or a natural person with permanent place of residence in Bosnia and Herzegovina, engaged in brokering services and registered for foreign trade in dual-use goods by the Ministry;
15. **Technical assistance** shall mean any assistance related to repairing, development, production, assembling, testing or maintenance of dual-use goods stated on the List of Dual-use Goods that may take forms such as instructions, training, transfer of business know-how, professional or advisory services. The technical assistance shall include oral forms of the assistance, written or audio instructions, trainings, transfer of business know-how or skills or consulting services;
16. **Person providing technical assistance** shall mean a legal person seated in the territory of Bosnia and Herzegovina or a natural person with permanent place of residence in Bosnia and Herzegovina providing technical assistance and registered for provision of technical assistance in relation to dual-use goods stated on the List of Dual-use Goods by the Ministry;
17. **Transit** shall mean a customs procedure governed by customs regulations according to which the dual-use goods, which are not from Bosnia and Herzegovina, are transited through the customs territory of Bosnia and Herzegovina by land, water, air or combined transportation with or without transshipment, with the destination outside Bosnia and Herzegovina. The transshipment shall mean unloading, re-loading or change of means of transportation in the territory of Bosnia and Herzegovina;
18. **Individual export license** shall mean a license granted to one specific exporter for one end-user or consignee in a foreign country and covering one or more types of dual-use goods;
19. **Global export license** shall mean a license granted to one specific exporter in respect of a specific type or category of dual-use goods which may be valid for export to one or more specified end-users and/or in one or more specified foreign countries;
20. **General export license** shall mean a license for export of certain type of dual-use goods to certain foreign countries, available to all exporters who respect its conditions of use, which are prescribed by the Ministry and it shall be published in the Official Gazette of BiH;
21. **International Import Certificate** shall mean a document granted to a specific importer for one end-user or consignee in Bosnia and Herzegovina, including one or more items of dual-use goods;
22. **Delivery Verification Certificate** shall mean a document issued for the purpose of verifying that the dual-use goods reached the final destination stated in the document; and
23. **Foreign trade** shall mean export, transit and brokering of dual-use goods as well as provision of technical assistance pertaining to dual-use goods.

Article 4

(List of dual-use goods)

1. The Ministry shall publish in the Official Gazette of BiH the List of Dual-use Goods (hereinafter referred to as: the List), which is the official translation of the relevant List of Dual-use Items of the European Union.
2. The license referred to in Article 10 of this Law shall be required for the export of dual-use goods stated on the List.

**CHAPTER II CONTROL OF FOREIGN TRADE IN DUAL-USE GOODS**

Article 5

(A body authorized to issue documents)

1. The Ministry shall issue the following licenses:
2. dual-use goods export license (hereinafter referred to as: export license)
3. dual-use goods transit license
4. license for provision of brokering services with respect to dual-use goods (hereinafter referred as: brokering license)
5. license for provision of technical assistance with respect to dual-use goods (hereinafter referred to as: technical assistance license)
6. The Ministry shall issue the International Import Certificate for dual-use goods.
7. The Ministry shall issue the Delivery Verification Certificate for dual-use goods.
8. **Documents referred to in Paragraphs 1, 2 and 3 of this Article shall be issued upon the applicant’s request.**
9. **The Ministry shall issue documents referred to in Paragraph 1 of this Article based on the proposal of the Commission for Control of Dual-use Goods (hereinafter referred to as: the Commission) and prior approval by the BiH Ministry of Foreign Affairs, and the documents referred to in Paragraph 2 of this Article based on the proposal of the Commission.**
10. **The BiH minister of foreign trade and economic relations, by implementing regulation, shall define the design and contents of documents referred to in Paragraphs 1, 2 and 3 of this Article.**

Article 6

(Catch-all control)

1. **The license shall also be required for the export of dual-use goods not listed in the List if the exporter has been informed by the Ministry that the goods in question are or may be, in their entirety or in part, used for the development, production, handling, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons or the development, production, maintenance and storage of missiles capable of carrying chemical, biological or nuclear weapons. The Ministry shall notify the exporter based on the information obtained from the relevant investigating and/or intelligence bodies.**
2. **The license shall also be required for the export of dual-use goods, not listed in the List, if the purchasing country has been informed by the Ministry that the goods in question are or may be, in their entirety or in part, used for a military end-use and the end-user is from the country of destination that is subject to arms sanctions imposed by the UN Security Council, OSCE or the European Union. The Ministry shall notify the exporter based on the information obtained from the relevant investigating and/or intelligence bodies.**
3. **If an exporter is aware or has reason to suspect that the goods he plans to export are dual-use goods, not listed in the List, and which are intended or may be used, in their entirety or in part, for a purpose referred to in Paragraphs 1 and 2 of this Article, he is bound to notify the Ministry about it, which will decide whether or not it is expedient to make such export subject to license.**

Article 7

(Records)

1. All legal and natural persons, filing an application to be issued documents referred to in Article 5, Paragraphs 1, 2 and 3, shall be recorded by the Ministry.
2. The BiH minister of foreign trade and economic relations, by implementing regulation, shall define the recording procedure referred to in Paragraph 1 of this Article.

Article 8

(Dual-Use Goods Control Commission)

1. **At the proposal of the Ministry the Commission shall be appointed and dismissed by the BiH Council of Ministers.**
2. **The members of the Commission shall be the representatives of: the BiH Ministry of Foreign Trade and Economic Relations, BiH Ministry of Foreign Affairs, BiH Ministry of Security, BiH Ministry of Defense, BiH Indirect Taxation Authority and BiH Intelligence-Security Agency. Depending on the type of goods and end-user the representatives of the State Regulatory Agency for Radiological and Nuclear Safety, BiH Ministry of Civil Affairs or other bodies shall also be invited to attend sessions of the Commission.**
3. **At the proposal of the Commission the Ministry shall adopt the Rules of the Procedure of the Commission.**
4. **The Commission shall meet and act only at the request of the Ministry and shall be authorized:**
5. **at the request of the Ministry to give its opinion pertaining to proper classification of dual-use goods**
6. **to make proposal to the Ministry to issue or reject the issuance of documents referred to in Article 5, Paragraphs 1 and 2 and Article 6 of this Law.**
7. **to propose to the Ministry to issue decision prohibiting the transit of dual-use goods, which the Ministry may do if it obtains approval by the BiH Ministry of Foreign Affairs.**
8. **While working the Commission shall especially take account of the following:**
9. **international obligations and foreign policy interest of Bosnia and Herzegovina**
10. **realization and protection of security interest of Bosnia and Herzegovina**
11. **defense interests of Bosnia and Herzegovina**
12. **chemical security**
13. **radiological and nuclear safety**
14. **trade restrictions**
15. **intended end-use and risk of abuse**

Article 9

(Prior approval)

1. Prior to the issuance of licenses referred to in Article 5, Paragraph 1, Subparagraphs a), b), c) and d) of this Law, the Ministry shall request prior approval from the BiH Ministry of Foreign Affairs.
2. When giving prior approval the BiH Ministry of Foreign Affairs shall take account of the following:
3. the embargoes and sanctions imposed by the United Nations Security Council, OSCE and the European Union;
4. assumed international obligations, foreign policy interests and specific interests of **Bosnia and Herzegovina** with regard to strategic foreign policy partners of **Bosnia and Herzegovina**;
5. Common Position of the European Union;
6. principle of non-proliferation of weapons of mass destruction;
7. The BiH Ministry of Foreign Affairs shall be bound to submit to the Ministry the document by which it gives or denies the prior approval within 15 days following the day it has been requested to do so, that is, within 30 days if the procedure of giving prior approval requires further checks, and shall inform the Ministry thereof.

**Article 10**

**(Export license)**

1. The Ministry shall issue licenses for the export of goods listed in the List, and licenses for the goods referred to in Article 6, Paragraphs 1 and 2 of this Law, and the licenses can be:
2. individual (single) export licenses,
3. global export licenses and
4. general export licenses.
5. The Ministry shall issue the global export license to the exporter, taking into account the type of dual-use goods, type and long-term export activities, the country to which the goods is exported and whether the exporter has established Internal Compliance Program - ICP, defining the rules of conduct and responsibilities within the company as well as the compliance with regulations governing this field. The Ministry, by implementing regulation, shall define basic elements that the Internal Compliance Program has to contain.
6. The Ministry may issue general export license for certain type of dual-use goods for certain foreign countries to be used under special conditions. The general export license shall be published in the Official Gazette of BiH and shall be valid until revoked. The Ministry may issue decision prohibiting the exporter, or again allowing him later on, to use general export license if it establishes or if there is a suspicion that the exporter does not meet the conditions required for general license or violates the regulations governing this field.
7. The license referred to in Paragraph 2, Subparagraph a) of this Article shall be valid for the period of one year.
8. The license referred to in Paragraph 2, Subparagraph b) of this Article shall be valid for the period of two years.

Article 11

(Brokering license)

1. The license shall be required for provision of brokering services pertaining to dual-use goods stated on the List if the broker has been informed by the Ministry that the dual-use goods are or **may be, in their entirety or in part, used for development, production, handling, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons or the development, production, maintenance and storage of missiles capable of carrying chemical, biological or nuclear weapons. The Ministry shall notify the broker based on the information obtained from the relevant investigating and/or intelligence bodies.**
2. **The license shall be required for provision of brokering services pertaining to dual-use goods stated on the List if the broker has been informed by the Ministry that the dual-use goods are or may be, in their entirety or in part, used for military end-use and the end-user is from the country that is subject to arms sanctions imposed by the UN Security Council, OSCE or the European Union. The Ministry shall notify the broker based on the information obtained from the relevant investigating and/or intelligence bodies.**
3. The license shall also be required for provision of brokering services pertaining to dual-use goods, not listed in the List, if the broker has been informed by the Ministry that the dual-use goods are or **may be intended, in their entirety or in part, for any of the purposes referred to in Paragraphs 1 and 2 of this Article. The Ministry shall notify the broker based on the information obtained from the relevant investigating and/or intelligence bodies.**
4. **Brokering service referred to in Paragraphs 1, 2 and 3 of this Article can be provided only on the basis of issued license.**
5. **If the broker is aware or has reason to suspect that the goods listed in the List or goods not listed in the List, for which he proposes brokering services are intended, in their entirety or in part, for any of the purposes referred to in Paragraphs 1, 2 and 3 of this Article, he is bound to notify the Ministry about it, which will decide whether or not it is expedient to make such brokering services subject to license. Such brokering service may be provided only after the Ministry approves the brokering service or decides that such a license is not required.**
6. **The license referred to in this Article shall be individual and valid for the period of up to one year following the day it was issued.**

Article 12

(Technical assistance license)

1. The license shall be required for the technical assistance that the legal person, seated in the territory of **Bosnia and Herzegovina** or a natural person, with a permanent place of residence in **Bosnia and Herzegovina**, provides outside the territory of **Bosnia and Herzegovina** if the technical assistance is intended to be used for:
2. military end-use and the country is subject to arms embargos or sanctions imposed by the United Nations Security Council, OSCE or the European Union, or
3. **development, production, handling, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons or the development, production, maintenance and storage of missiles capable of carrying chemical, biological or nuclear weapons.**
4. **If the legal or natural person is aware or has reason to suspect that the technical assistance that it plans to provide is intended for purposes referred to in Paragraph 1 of this Article, it shall be bound to notify the Ministry about it, which will decide whether or not it is expedient to make such technical assistance subject to license. The technical assistance may be provided only after the Ministry approves the technical assistance or decides that such a license is not required.**
5. No license shall be required for technical assistance when it takes form of transfer of data that are publicly available or transfer of data from basic scientific researches.
6. The license referred to in Paragraphs 1 and 2 of this Article shall be individual and valid for the period of up to one year following the day it was issued.

Article 13

(Prohibition of transit of dual-use goods and dual-use goods transit license)

1. Having been informed by another relevant body, the Ministry may issue decision prohibiting transit of dual-use goods listed in the List or goods referred to in Article 6, Paragraphs 1 and 2 of this Law. The Decision shall be issued based on the proposal of the Commission and the approval given by the BiH Ministry of Foreign Affairs. The Decision shall be final and cannot be appealed, but the administrative dispute may be initiated.
2. Before issuing the decision on prohibition the Ministry may request from the transporter to file the application to obtain a license for that particular transit of dual-use goods from the List if these are goods that are intended to be used for the development, **production, handling, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons or the development, production, maintenance or storage of missiles capable of carrying chemical, biological or nuclear weapons. The Ministry may issue license based on the proposal of the Commission and the approval by the BiH Ministry of Foreign Affairs.**

Article 14

(International Import Certificate)

1. If requested by the importer the Ministry may issue the International Import Certificate referred to in Article 5, Paragraph 2 of this Law.
2. The International Import Certificate referred to in Paragraph 1 of this Article shall be valid up to six months following the day it was issued.

Article 15

(Delivery Verification Certificate for dual-use goods)

1. If requested by the importer the Ministry may issue the Delivery Verification Certificate for Dual-use Goods referred to in Article 5, Paragraph 3 of this Law for the sake of verifying that the dual-use goods reached the final destination stated in the document.
2. The Ministry shall issue the Delivery Verification Certificate for Dual-use Goods based on the report that the relevant bodies of the BiH Indirect Taxation Authority (hereinafter referred to as: ITA) made regarding the registered import, and based on the certificate issued by the relevant state or entity institutions that the dual-use goods reached the final destination stated in the export license, if needed.

**CHAPTER III AUTHORITIES AND POWERS**

Article 16

(Application for license)

1. Application for licenses referred to in Article 5, Paragraph 1 of this Law shall be filed with the Ministry.
2. In addition to the application referred to in Paragraph 1 of this Article, it shall be obligatory to submit the original document about end-use of dual-use goods (verification, receipt or certificate) not older than six months if the validity stated on the document has not been different, issued by the relevant state institution of the end-user’s country. If the country of the end-user is not issuing such a document the End-user Statement on end-use of dual-use goods, certified by the relevant state institution or the End-user Statement, with presentation of import license issued by the relevant state institution, shall be accepted.
3. In case of application for re-export it shall also be mandatory to submit the exporter’s document giving the approval that the goods may be re-exported.
4. The Ministry, by implementing regulation, shall define the design and contents of the License Application Form as well as the list of other documents to be attached to the application.

Article 17

(Application for the issuance of International Import Certificate)

1. The application for the issuance of International Import Certificate referred to in Article 5, Paragraph 2 of this Law shall be filed with the Ministry.
2. In addition to the application referred to in Paragraph 1 of this Article, it shall be obligatory to submit the End-user Statement, certified by the end-user’s responsible person, which should contain the following:
	1. end-use of goods, description of goods, quantity and value, as well as the name of exporter and importer;
	2. that the goods shall not be used, in their entirety or in part, for the development, production, handling, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons, that is, for the development, production, maintenance and storage of missiles capable of carrying chemical, biological or nuclear weapons;
	3. that the goods shall not be re-exported without special permission given by the Ministry, that is, without the license that shall be issued pursuant to Article 10 of this Law.
3. In case of chemicals, radioactive substances, explosive substances or other goods with hazardous characteristics, the use of which is prescribed by special legal regulations, it shall be obligatory to file the application referred to in Paragraph 1 of this Article. In addition to the application it shall be mandatory to submit the document, issued by the relevant body, approving the procurement, use or storage of such type of goods.
4. The Ministry shall issue the International Import Certificate within 15 days of the receipt of a duly filed and complete application, that is, within 30 days if the issuing procedure requires further checks.
5. The BiH minister of foreign trade and economic relations, by implementing regulation, shall define the design and contents of the International Import Certificate Application Form as well as the list of other documents to be attached to the application.
6. Exceptionally, the Ministry may verify the End-user Certificate on the form, prescribed by the exporting country after the certification by the importer and end-user.

Article 18

 (Application for the issuance of Dual-use Goods Delivery Verification Certificate)

1. Application for the issuance of Delivery Verification Certificate for Dual-use Goods referred to in Article 5, Paragraph 3 of this Law shall be filed with the Ministry.
2. The Ministry shall issue the Delivery Verification Certificate for Dual-use Goods within 15 days of the receipt of a duly filed and complete application, that is, within 30 days if the issuing procedure requires further checks.
3. The BiH minister of foreign trade and economic relations, by the Instruction on the requirements and procedure for issuing documents for foreign trade in dual-use goods, shall define the design and contents of the Dual-use Goods Delivery Verification Certificate Application Form as well as the list of other documents to be attached to the application.

Article 19

(Deadlines for licensing)

The Ministry shall issue licenses referred to in Article 5, Paragraph 1 of this Law within 30 days after receipt of duly filed and complete application, that is, within 60 days if the issuing procedure requires further checks to be made.

Article 20

(Rejection of application)

1. The Ministry shall issue decision rejecting the application for the issuance of a document if any of the following requirements has been met:
2. the BiH Ministry of Foreign Affairs fails to give prior approval
3. the Commission proposes to reject application for license
4. data stated in the application are incomplete or all prescribed documents have not been attached to the application;
5. data stated in the application are incorrect or erroneous documents have been attached to the application;
6. failure to present relevant facts;
7. the applicant, during his previous activities, violated provisions of this Law.
8. The Ministry shall issue the decision rejecting the application for the issuance of a document if the goods do not match with data stated in the application and the exporter or manufacturer, at the request of the Ministry, fails to enable the examination of goods and/or examination of documentation pertaining to the goods.

Article 21

(Revocation of document)

1. The Ministry shall issue decision revoking the issued document if any of the following has been met:
	1. the BiH Ministry of Foreign Affairs informs the Ministry that the United Nations Security Council, OSCE or the European Union imposed restrictive measures against the state for which the license has been issued or the circumstances surrounding foreign policy and special interests of BiH have changed;
	2. it is established that the document has been issued based on incorrect or erroneous data;
	3. such circumstances arise or new information is obtained that, had they existed or had they been known at the time when the application for the issuance of a document was considered, would have resulted in rejection of the application for the issuance of a document;
	4. the issued document is not used for intended purposes;
	5. the legal or natural person does not operate, that is, does not act in accordance with this Law, other enactments and by-laws governing this field;
	6. the legal or natural person prevents supervision.
2. The Ministry shall not be responsible for the costs that have incurred or will be incurred as a result of revocation of a document.

Article 22

(International cooperation)

1. The BiH Ministry of Foreign Affairs may inform other countries about any export license, the issuance of which was denied, by stating the country of destination, end-user and end-use, as well as circumstances relevant to denial of license.
2. If the BiH Ministry of Foreign Affairs has information that one of the European Union member states has denied issuing export license during the last three years, before the Commission convenes the session the BiH Ministry of Foreign Affairs may consult the country which denied the issuance of a license.
3. In case of application to re-export previously imported goods the BiH Ministry of Foreign Affairs shall inform the exporting country about it.

Article 23

(Reporting)

1. The user of the license referred to in Article 5, Paragraph 1 of this Law shall be bound to inform the Ministry in writing about its use within 15 days after the use and submit a copy of the license.
2. The user of the license referred to in Article 5, Paragraph 2 shall be bound to inform the Ministry in writing about its use within 15 days after the use and submit a copy of the license.
3. The user of export license, at the request of the Ministry, shall be bound to submit the Delivery Verification Certificate for goods or services, certified by the relevant institution of the state of final destination, if that state has regulations governing the issuance of such certificate.
4. If, once the document has been issued, there is a change of business partner, end-user, end-use or other data stated in the document, or data based on which the document has been obtained, the user of the document shall be bound to inform the Ministry about it in writing within eight days from the day the change occurred or from the day it learned of the change in order to renew the procedure.

Article 24

(Records kept by the Ministry**)**

1. The Ministry shall keep records of licenses issued pursuant to Article 5, Paragraph 1 of this Law and once a year it shall submit to the BiH Council of Ministers the report about issued licenses as well as the report about denied applications for licenses and revoked licenses, by stating the reasons for the denial and revocation.
2. The Ministry shall submit the updated records referred to in Article 7 of this Law to the ITA, entity ministries of trade and BiH Brčko District Government on semi-annual basis.
3. The BiH Ministry of Foreign Affairs may request from the Ministry to submit data on issued export licenses, data on rejected applications for licenses, data on revoked licenses and other data for the purpose of international cooperation and submission of data to the United Nations, the European Union and other international regional and global organizations.

Article 25

(Records kept by document user)

1. Document users referred to in Article 5, Paragraphs 1 and 2 of this Law shall be bound to keep a detailed record of documents, which must contain at least the following information: description of goods or service, quantity and value, full name and address of exporter, importer, consignor and consignee, broker, as well as the end-use and full name and address of the end-user of goods.
2. The document user must keep documentation referred to in Paragraph 1 of this Article at least for the period of five years after the end of the calendar year in which the transaction took pace and submit it to the Ministry upon request.
3. The Ministry may also prescribe other details that the documentation referred to in Paragraph 1 of this Article must contain.

Article 26

(Supervision)

1. The relevant bodies of the ITA shall perform supervision and accept the declaration for export or transit of dual-use goods only when the declarant submits the license, prescribed by Article 5, Paragraph 1 of this Law. It shall be mandatory to control the consistency between goods and the submitted document. The ITA shall submit to the Ministry the semi-annual written report on export performed.
2. At the request of the Ministry, ITA or investigating bodies of Bosnia and Herzegovina the exporter, broker, a person providing technical assistance, bank or any organization that has data required for the supervision of dual-use goods shall be bound to submit its business books, details of business correspondence and all other data pertaining to dual-use goods, which are needed for supervision.
3. The Ministry, through the entity ministries of trade, shall request from the relevant inspections to submit data necessary for supervision and examination of dual-use goods and examination of documentation pertaining to those goods or service with the manufacturer, exporter, broker, a person providing technical assistance and end-user, being mindful of the protection of confidential data.
4. The exporter, manufacturer, broker, a person providing technical assistance and end-user must enable the authorized persons from the institutions referred to in Paragraph 3 of this Article to have access to their premises.
5. The ITA, the BiH Ministry of Security, relevant entity ministries and the bodies of internal affairs shall be bound to inform the Ministry without delay if, while performing their duties, they find relevant data pertaining to the supervision of dual-use goods or that this Law has been violated.

**CHAPTER IV PENALTY PROVISIONS**

Article 27

**(Provisions governing violations)**

1. A fine ranging from BAM 10,000 to 30,000 shall be imposed against the legal or natural person, a document user referred to in Articles 5 and 6 of this Law if:

a) it fails to act pursuant to Article 23 of this Law

b) it fails to keep records pursuant to Article 25 of this Law

c) it prevents supervision pursuant to Article 26 of this Law.

1. A fine amounting from BAM 5,000 to 10,000 KM shall be imposed against the responsible person within the legal person for violations referred to in Paragraph 1 of this Law.

**CHAPTER V TRANSITIONAL AND FINAL PROVISIONS**

Article 28

(Implementing regulations)

1. The BiH Minister of foreign trade and economic relations shall adopt the following implementing regulations within 90 days from the day this Law enters into force:
2. Book of Rules on the design and contents of documents for foreign trade in dual-use goods;
3. Instruction on the design, contents and maintaining the Register of operators of foreign trade in dual-use goods;
4. Rules of Procedure of the Commission;
5. Instruction on the requirements and procedure for issuing documents for foreign trade in dual-use goods;
6. Instruction on Supervision;

**Article 29**

**(Transitional provisions)**

Until the implementing regulations referred to in Article 28 of this Law enter into force the following regulations shall be applied:

1. the Instruction on the procedure of registering legal and natural persons for foreign trade in goods and services of strategic importance for the security of Bosnia and Herzegovina *(Official Gazette of BiH*, *No. 19/10);*
2. the Instruction on requirements and procedure for issuing documents for foreign trade in goods and services of strategic importance for the security of Bosnia and Herzegovina *(Official Gazette of BiH*, *No. 19/10);*
3. the Instruction on supervision of legal and natural person that has been issued the document or that is registered for foreign trade in goods from Control Lists *(Official Gazette of BiH, No. 28/10);*

**Article 30**

**(Application of the Administrative Procedure Law)**

**In cases the proceedings are conducted to determine rights and obligations of legal and natural persons, which are not provided for in this Law, provisions of the Administrative Procedure Law shall apply *(Official Gazette of BiH*, *No. 29/02, 12/04, 88/07, 93/09 and 41/13)*.**

**Article 31**

**(Termination of validity)**

**The provisions of the Law on Control of Foreign Trade in Goods and Services of Strategic Importance for the Security of Bosnia and Herzegovina** *(Official Gazette of BiH, No. 103/09)* that apply to control of foreign trade in dual-use goods shall not apply from **the day this Law enters into force.**

**Article 32**

**(Proceedings that have already been initiated)**

**The proceedings that have been initiated before this Law enters into force shall continue and shall be finalized according to the Law on Control of Foreign Trade in Goods and Services of Strategic Importance for the Security of Bosnia and Herzegovina (*Official Gazette of BiH*, *No. 103/09).***

**Article 33**

**(Entry into force)**

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

**Number 01, 02-02-1-748/16**

**July 14, 2016**

**Sarajevo**

**Speaker of the Speaker of the**

 **House of Representatives of the House of Peoples**

**of the BiH Parliamentary Assembly of the BiH Parliamentary Assembly**

**Mladen Bosić Safet Softić**

The Law is published in "*Official Gazette of BiH*", no 53/16 ,  July 22, 2016

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