

**REPUBLIC OF MACEDONIA
MINISTRY OF ECONOMY**

**LAW ON EXPORT CONTROL OF DUAL-USE GOODS AND
TECHNOLOGIES**

**Skopje, September 21, 2005
(valid from October 6, 2005)**

LAW ON EXPORT CONTROL OF DUAL-USE GOODS AND TECHNOLOGIES

I. GENERAL PROVISIONS

Article 1

This Law regulates the conditions under which the export of dual-use goods and technologies is possible, the authorities of the state bodies in the supervision of the export of dual-use goods and technologies and the obligations of legal entities and natural persons, which are exporting dual-use goods and technologies.

Article 2

For the purpose of this Law and the regulations enacted on the basis of this Law, the terms used shall have the following meaning:

1. "Dual-use goods and technologies" shall mean goods, technologies and software that can be used for civil and military purposes, determined with this Law;
2. "Export of dual-use goods and technologies" is export and re-export of dual-use goods and technologies that are determined as such with appropriate regulations enacted on the basis of this Law.
3. "Exporter" shall mean every legal or natural person registered for export with office on the territory of the Republic of Macedonia, which has the ownership or right to dispose of any dual-use goods and technologies.
4. "List of dual-use goods and technologies" is a list of dual-use goods and technologies that are being exported and re-exported under conditions prescribed by this Law.

Article 3

Exports of dual-use goods and technologies are subject of control, in order to protect the security, economic interests and foreign political interests of the Republic of Macedonia in the strengthening of international peace and security, as well as to comply with the requirements of the international agreements of the Republic of Macedonia

II. COMMISSION FOR EXPORT CONTROL OF DUAL-USE GOODS AND TECHNOLOGIES

Article 4

- (1) The Government of Republic of Macedonia shall establish a Commission for export control of dual-use goods and technologies (hereinafter: the Commission).
- (2) The Committee is made up of President and six members respectfully: the President is a representative from the Ministry of Defense and single representatives from the Ministry of Economy, Ministry of Interior; Ministry of Foreign Affairs, Customs Administration of the Republic of Macedonia and the General Secretariat of the Government of the Republic of Macedonia.
- (3) The Commission from paragraph 1 of this Article performs the following duties:
 - Proposes the lists to the Government of the Republic of Macedonia mentioned in Article 5 of this Law.
 - Initiates regulations of issues of importance for the export control of dual use goods and technologies, covered with this or other Laws.
 - Cooperates with authorized international institutions and bodies concerning issues under its authority;
 - Decides upon complaints on the request of the authorized Government Commission, which reacts upon second instance complaints
 - Performs other activities determined with this or other Laws.
- (4) The Committee adopts Rules of procedure for the purpose of its operations.(5) The administrative and technical operations of the Committee shall be conducted by the Ministry of economy in accordance with the operational organization act
- (6) Once a year, the Committee is obliged to submit a report about its operations to the Government of the Republic of Macedonia.

Article 5

Upon proposal from the Commission, the Government of the Republic of Macedonia enacts the following:

- (1) List of dual-use goods and technologies.
- (2) List of countries, organizations, entities or individuals that are subject of certain limitations in exporting dual-use goods and technologies.
- (3) List of countries that do not require an "End-user Certificate ".

III. EXPORTING

Article 6

- (1) The exporter can export dual-use goods and technologies only on a basis of a issued license for export of dual-use goods and technologies (hereinafter: export license)
- (2) The export license from paragraph 1 of this Article is issued by the Ministry of Economy (hereinafter: The Ministry).
- (3) An export license is also required in those cases when goods and technologies are not included in the list mentioned in Article 5 (1) of this Law, if the exporter is notified by the Ministry of Economy, Ministry of Defense, Ministry of Interior, Ministry of Foreign Affairs, Customs Administration or any other authorized body, that these goods or technologies in their entirety or certain parts are or can be used to develop, produce, control, operate, maintain, store, recognize or release of chemical, biological or nuclear weapons, or to develop, produce, maintain and store rockets, capable of transporting such weapons.
- (4) The export license is also required in cases when goods and technologies are not included in the list from Article 5(1) of this Law, if the export is made to a country buyer or a country of final destination, where the UN Security Council, under the binding resolution, has imposed embargo for export of weapons, or under the decision of the OSCE or under the EU embargo for export of arms, Republic of Macedonia has joined; undertaken measures for maintaining or re-establishing international peace and security, or to a country with military operations taking place on its territory, or participates in a war conflict.
- (5) Export License is issued for exports of dual use goods that are not included in the List of Article 5 (1) of this Law, if the exporter is informed by the Body of Para 3 of this Article that the goods are or might be fully or partially used as parts or as components of military goods.
- (6) The exporter who has knowledge, or reasonable doubt that the dual-use goods or technology will be used for purposes described in paragraph (3) and (5) of this Article, and the goods or technology is not on the list mentioned in Article 5 (1) of this Law, is obliged to report this to the Ministry or the Commission. The Commission immediately informs the Ministry and the exported of its decision.

Article 7

- (1) The exporter is obliged to submit to the Ministry a request for issuance of an export license on a form and contest prescribed by the Minister of Economy. .
- (2) According to the request from Para 1 of this Article, the Minister of Economy issues the export license.
- (3) The Export License of Para 2 of this Law is issued on a prescribed form. Format and content of the license form are determined by the Minister of Economy.
- (4) The forms from paragraph (1) and (3) of this Article, have to be harmonized with international standardized forms.
- (5) In addition to the request from Para 1 of this Article, exporter shall submit all evidence necessary for confirming of the data noted in the request, such as technical characteristics, drawings, plans, photographs and other documentation for identification of dual-use goods and technologies.
- (6) In addition to the request, the exporter must submit the “End-user Certificate”

Article 8

- (1) The Ministry, before issuing an export license, must request an opinion from the Ministry of Defense, the Ministry of Interior and the Ministry of foreign affairs.
- (2) In those cases when character of the dual-use goods or technologies requires, opinion is to be obtained also from the Ministry of Health and the Ministry of Environment and Physical Planning.
- (3) The Ministries from paragraph (1) and (2) of this Article should submit their opinion in a period not longer then thirty days from the day when the opinion was requested.
- (4) The Ministry is obliged to respond to the request for license from Article 7 (1) of this Law in a period not longer then sixty days from the date of the submission of the request, that is, in a period of ninety days, if additional checks are required during the procedure for issuing the license.

Article 9

- (1) The Ministry, on the basis of previously obtained positive opinion from Article 8 (1) and (2) of this Article, issues an export license for maximum one-year period, starting from the date when the permit was issued.
- (2) The permit is issued in four copies: the applicant gets two copies, whereas one is submitted to the customs authorities during the export procedure, and the second is kept by the applicant; one copy is submitted to the Customs Administration of the Republic of Macedonia; and one copy remains in the archives of the Ministry.

- (3) Once on every six months, the Ministry has an obligation to submit a list of all issued export licenses and rejected applications to the Commission

Article 10

The Ministry can, with exceptions of the Article 6 of this Law depending on the type of dual-use goods and technologies, the type and lasting period of the export activities, issue to the exporter one export license for one or more countries.

Article 11

The Ministry will reject the application request for export license , if it believes that the export of dual-use goods and technologies can cause negative consequences, such as the following:

- Endangering the fulfillment of international obligations of the Republic of Macedonia;
- Endangering the security or defense interests of the Republic of Macedonia;
- Endangering or contradicting economic or foreign policy interests of the Republic of Macedonia;
- Possibility for eruption or continuation of military conflicts in the country that is the end user of the dual-use goods or technologies;
- Possibility for dual-use goods and technologies to be used as an internal repression means in the country of the end user of those dual-use goods or technologies;
- The goal of the end use and the risk from diversions;
- Established knowledge that the effects of the dual-use goods and technologies do not correspond with the data contained in the application to the Ministry, or when the exporter or the manufacturer did not allow inspection of the dual-use goods and technologies or the appropriate documentation, requested by the Ministry;
- And in other cases determined by the Law.

Article 12

- (1) The Ministry can revoke the export license issued upon request of the exporter or *ex-officio* if:
- It determines that one or more conditions, upon which the license was issued, are no longer valid;
 - The exporter is not fulfilling the obligations set by the \ issued license.
- (2) The Ministry can declare the issued permit void if

The permit was issued on the basis of invalid or incomplete information and the applicant knew or should have known that the information are incorrect or incomplete;

- The exporter did not inform the Ministry about the changes related to the dual-use goods and technologies, and
- The exporter has transferred the export license to other exporter.

Article 13

(1) Against the decision from Articles 11 and 12, the exporter has a right to complain to the Commission within the Government of Macedonia responsible for deciding in second instance; within 8 days of the day the decision is received.

(2) The complaint from Paragraph 1 of this Article does not delay the execution of the decision.

IV. DUTIES OF THE EXPORTER

Article 14

- (1) The exporter of dual-use goods and technologies is obliged:
- To maintain separate records of all exports of dual-use goods and technologies;
 - To carry out his activities in accordance with the requirements and conditions set with the export license;
 - To inform the Ministry in writing about every change in the export conditions for dual-use goods and technologies;
- (2) The exporter cannot transfer his export license to another exporter.

Article 15

- (1) The exporter, during the customs procedure must submit the export license and the "End User Certificate" to the Customs Authorities, , with the exception of the provision from Article 5 (3) of this Law.
- (2) The Customs Authorities will not allow the export if the conditions set in paragraph 1 of this Article are not met.

Article 16

- (1) Customs Authorities or other authorized bodies in cases when the have reasonable doubt that during the issuing of the export license were not taken into consideration relevant information, data or circumstances were significantly change, shall temporarily suspend the export, based on the previously received notification from the Ministry.
- (2) In cases when Customs Authorities have reasonable doubt that the data in the "End User Certificate" is not correct, they will temporarily

suspend the export and immediately notify the exporter, the Commission and the Ministry.

- (3) The exporter, within ten days of the notification that the situation of Para 2 of this Article have happened, must submit to the Ministry additional evidence that will confirm the accuracy of the data listed in the "End User Certificate".
- (4) The Ministry within a period of thirty days of the receipt of evidence from Para 3 of this Article adopts a final decision.

Article 17

- (1) The exporter must keep all invoices, dispatch notes, receipts, cargo lists for all types of transport and any other documentation linked to the dual-use goods and technologies, at least 5 years of the end of the calendar year in which the export transaction of dual-use goods and technologies has taken place.
- (2) The documents from Paragraph 1 must contain the following data:
 - Description of the dual-use goods and technologies which will allow for their identification in the List of dual-use goods and technologies, as well as their tariff code according to the Customs tariff;
 - Quantity of goods expressed in units and net weight;
 - Full name and title of the exporter and data from the court registry;
 - Full name and title of the importer of dual-use goods and technologies;
 - Full name and title of the end user
 - final purpose and use of the dual-use goods and technologies.

V. OBLIGATIONS OF MINISTRIES AND OTHER ADMINISTRATIVE BODIES

Article 18

- (1) During the procedure for import of dual-use goods and technologies, upon the request of the importer, the Ministry issues "end –user certificate."
- (2) The Minister of Economy in accordance with the Minister of Finance prescribes the format and the content of the "End User Certificate" for export of dual-use goods and technologies.
- (3) The "End User Certificate" is harmonized with the international standardized forms and registered by the appropriate authority of the importing country.
- (4) The Customs Administration of the Republic of Macedonia maintains records of all "End User Certificates" during exports of dual-use goods and technologies, verified by the appropriate authorities in the country

of import, in accordance with the Law on Customs Administration and the Customs Law.

- (5) The Ministry keeps record of issued export licenses and the rejected application requests for export licenses.

Article 19

To enforce actions under this Law, the Ministry cooperates with other ministries in the Republic of Macedonia, as well as with appropriate bodies of other countries.

Article 20

- (1) The supervision of every individual export of dual-use goods and technologies, as well as the check up of data for dual-use goods and technologies with the issued export license, is carried out by the Customs Authorities in accordance with the customs legislation.
- (2) The Customs Authorities, according to this Law, have right to enter in business facilities of the individuals involved in export transactions.

Article 21

The data, information, documentation and all other materials gathered on the basis of this Law, can be used only for the purposes prescribed by this Law. The data collected for the purpose of issuing an export license, which is related to the value of export activities and the quantity of goods and technologies, is classified information whose level of confidentiality is determined by Law. .

VI. PENALTY PROVISIONS

Article 22

- (1) The exporter will be fined with a penalty of 100.000 to 300.000 denars for:
 1. Exporting dual-use goods and technologies without an export license contrary to Article 6 Para 3 of this Law;;
 2. Exporting of dual-use goods and technologies contrary to Article 6, Paragraph 3 of this Law;
 3. Exporting of dual-use goods and technologies contrary to Article 6, Paragraph 5 of this Law;
 4. Not informing the Ministry and the Commission that the dual-use goods and technologies can be used contrary to Article 6, Paragraph 6 of this Law;

5. Transferring the export license to another exporter and not respecting the obligations as prescribed in Article 14, Paragraphs 1 and 2 of this Law;
 6. Not keeping the invoices, dispatch notes, receipts, cargo lists for all types of transport and any other documentation related to the dual-use goods and technologies, at least 5 years of the end of the calendar year in which the individual export transaction of dual-use goods and technologies has taken place, contrary to Article 17, Paragraph 1 of this Law.
- (2) For a violation of Paragraph 1 of this Article, the responsible person at the legal entity will also be held responsible and fined with 10.000 to 50.000 denars.
 - (3) For a violation of Paragraph 1 of this Article, the exporter - natural person will also be held responsible, and will be fined with 10,000 to 50,000 denars.
 - (4) For actions undertaken under Paragraph 1 of this Article, legal entity or natural person will be fined with security measure – confiscating the goods.
 - (5) For actions undertaken under Paragraph 1 of this Article, besides money fine, the responsible individual at the legal entity will be charged with security measure - prohibition for performing responsible duty for 6 months to one year.
 - (6) For actions undertaken under Paragraph 1 of this Article, besides money fine, the legal entity will be charged with security measure - prohibition for operations for 2 to 4 years, and the natural person will be charged with security measure - prohibition for operations for 6 months to 1 year.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 23

The exporter is obliged to harmonize the export of dual-use goods and technologies within thirty days after the publication of the lists from Article 5 of this Law.

Article 24

The Government will be enacting the lists from Article 5 of this Law, within ninety (90) days after this Law becomes effective.

Article 25

This Law comes into force on the eight day after it has been published in the "Official Gazette of the Republic of Macedonia".