



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština – Assembly

Law No.03/L –232

FOR THE TRADE OF STRATEGIC GOODS

The Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Adopts:

LAW FOR THE TRADE OF STRATEGIC GOODS

Article 1
Aim

This law regulates the activities of the state institutions of the Republic of Kosovo in the field of export, import and transition of strategic goods and services, control, supervision, rights and obligations of parties taking part in the business activities from this field for the end user.

Article 2
Definitions

1. In accordance with this law the terms used in this law have this meaning:

1.1. **Government** - the Government of the Republic of Kosovo.

1.2. **Ministry** – the Ministry of Trade and Industry.

1.3. **Strategic Goods** – goods that because of security measures and international agreements regulating them become strategic and include military goods and dual-use items and any other goods which become strategic due to their end use or end user.

1.4. **Military goods** – means goods that are mostly but not exclusively, designed, assembled, manufactured or modified for military use and include technologies and software related to such goods, specified in the military list

1.5. **Military end use** - means:

1.5.1. incorporation with “military goods” listed in military list;

1.5.2. use of production, testing and analytical equipments as well as their components, for development, production or maintenance of “military goods” listed above- the mentioned list;

1.5.3. use of any incomplete product in the factory for the production of “military goods” listed above in the mentioned list;

1.6. **dual-use items** – means items, including software and technology, which could be used for both civil and military purposes, and shall include all goods which could be used for non-explosive purpose and assist in any way in the manufacture of nuclear weapons or other nuclear explosive devices.

1.7. **Brokerage services** – negotiations or contractual agreements for purchasing, selling or supplying strategic goods from a foreign country for the purpose of transferring them to a another third country.

1.8. **Broker** – a person located in Kosovo and who deals with brokerage activities for the purpose of transferring the strategic goods from one foreign country to another.. The brokerage services are not considered additional services.

1.9. **Additional services** – transport, financial services of insurance and reinsurance and advertisement or promotion.

1.10. **Export of strategic goods** – delivery or export outside the territory of Kosovo including re-export of strategic goods, transmission of software and technology through electronic media, including fax, phone, email, or any other electronic device with the destination outside Kosovo.

1.11. **Exporter** – natural or legal person on whose name the export statement is made and who has a contract with the recipient of delivery in the foreign country and has the authority to send the items outside of the customs territory of Kosovo, to transmit or make available the software or technology through electronic media, including fax, phone, email, or any other electronic device with the destination outside Kosovo.

1.12. **Re-export** – the export from Kosovo of strategic goods which were previously imported in Kosovo.

1.13. **Import** – entry of strategic goods or temporary and permanent transfer of technology in the territory of the Republic of Kosovo, including re-import.

1.14. **Importer** – natural or legal person who deals with the import of strategic goods in the Republic of Kosovo.

1.15. **Transit circulation** – a transshipment of strategic goods from one foreign country to another through Kosovo.

1.16. **Transit person** – natural or legal person who has the authority or responsibility for the transit of strategic goods through Kosovo.

1.17. **Commission** – the Commission which approves, annuls, suspends, modifies, or revokes the license for export, import and transit of strategic goods.

1.18. **License** – the act issued by the responsible body based on the written request that authorizes the exporters and importers to perform the activities specified in this law.

1.19. **Transit license** – the document which gives the right to the transit person to carry strategic goods through Kosovo in accordance with the conditions specified in the license.

1.20. **General license** – the authorization given to a person, after receiving the Certificate on general license for the final user, to import, transit or export strategic goods or to provide strategic services under the conditions and in destination countries specified in the general License;

1.21. **Global License** – the authorization given to a certain exporter regarding one type or category of strategic goods or strategic services which may be valid for the exports to one or more designated final users and/or to one or more foreign countries;

1.22. **International import Certificate** – the document that contains the confirmation by the Governmental Commission for the inspection of market with strategic goods and services that the owner of goods has undertaken to import goods with specified value and quantity in Kosovo and not to re-export goods with respective license;

1.23. **Certificate of end use** – the document that contains the confirmation by the end user that he has undertaken to import goods with specified value and quantity in Kosovo;

1.24. **Delivery verification Certificate** – the document that contains the confirmation by the Commission that the recipient of the goods has received the goods, with the specified value and amount in Kosovo;

1.25. **Technical assistance** – any technical support related to repair, development, production, assembly, testing, maintenance of strategic goods, as well as any other technical service in the form of textual or verbal instructions, training, and transfer of business knowledge or skills or other consulting services;

1.26. **Signs ML** – the list of military goods

1.27. **Unwanted persons** – natural and legal persons in a foreign country who is subject of the transaction of selling goods without a permit and approval of exporters.

1.28. **Authorised Security Institutions** - the state institutions which are by relevant laws allowed to possess and carry weapons.

Article 3 Commission

1. The Commission is established by the decision of the Government of Kosovo.
2. The Commission consists of five (5) members and deputy members, representatives:
 - 2.1. Ministry of Trade and Industry (MTI);
 - 2.2. Ministry of Foreign Affairs (MFA);
 - 2.3. Ministry of Kosovo Security Force (KSF);
 - 2.4. Ministry of Economy and Finance (MEF);
 - 2.5. Ministry of Internal Affairs (MIA).
3. Each member or deputy-member of the commission is responsible for the matters that pertain within the competencies of the Ministry they represent.
4. The Commission shall approve, annul, suspend, modify and revoke the licenses for export, import, services and transit of strategic goods.
5. The Commission shall determine the listing of strategic goods and services.
6. Members and deputies of the Commission are appointed and dismissed by the Government of Kosovo based on the proposals of the responsible Ministers.

7. The Commission is headed by the representative of the Ministry of Trade and Industry (MTI).
8. Approval for the export and import of strategic goods and services is given by the Commission with the consensus of all members of the Commission. In case of the absence of one (1) of the members of the Commission, the right to vote is transferred to his deputy.
9. Ministries and other subjects shall give advice upon the request of the Commission.
10. The temporary members of the Commission, who represent the interests of other Ministries and who are proposed by the responsible ministries shall attend the meetings and as required shall give their professional opinion about the strategic goods.
11. Commission by advice as required by the Kosovo Intelligence Agency for the export of strategic goods
12. If one of the representatives of the Commission is not able to give an approval within fifteen (15) days, in the Commission's meeting, then the Minister of Trade and Industry shall request written explanation from the responsible minister with regards to the respective subject.
13. The Government approves the proposal of Ministry Commission sub-legal acts.

Article 4

Responsibility for Control of Strategic Goods

1. Ministry is responsible institution that performs control of strategic goods, and dose administrative works for the commission.
2. In order to implement paragraph 1 of this Article, the Ministry establishes the respective unit for Strategy Control.
3. Respective unit organization, field of action, and fictionalization shall be regulated through sub-legal acts which will issued by Minister.

Article 5

Implementation of Legal Provisions for Issuance of Licenses

Unless otherwise regulated by this Law, for the procedures of issuance of licenses for export, import and transit, as well as for the offering of services for the strategic goods, the other Laws in force are implemented.

Article 6
Export and Import of strategic goods and services

The Government with a proposal by the Ministry, through a Decision adopts the list of non-military lethal goods for commercial purposes.

Article 7
Licenses

1. The Ministry issues export or import licenses for every export or import separately.
2. The license, based on the paragraph 1 of this Article, is issued with duration up to six (6) months.
3. With a proposal by Commission, the Minister through a sub-legal acts defines the form and content of license from the paragraph 1 of this Article.
4. Export and import of the strategic goods and services is done based on the license issued by the Ministry, with the approval by the Commission.
5. The license for export is required even when there is export of goods which are not defined by the provisions of this Law, but when the Ministry has informed the exporter;
 - 5.1. following information of the responsible authority of the country of destination that the strategic goods in question are or may be used, fully or partially, for use in connection with development, production, handling, operation, maintenance, storage, identification, detection or dissemination of chemical, biological or nuclear weapons or other nuclear devices atomic devices or the development, production, maintenance or storage of missiles capable of delivering such weapons;
 - 5.2. for strategic goods if the purchasing country or country of destination is subject to an arms embargo adopted by the UN Security Council, respectively actions based on the decision of the Organization for Security and Cooperation in Europe (OSCE) or of the European Union, and if the exporter has been informed by the Ministry that the items in question are or may be intended, entirely or partially, for military end use;
 - 5.3. incorporation in the goods for military purposes from the military list;
 - 5.4. use of production, test or analytical equipment and components therefore, for the development, production or maintenance of goods for military use from the military list;
 - 5.5. use of any kind of unfinished goods in a factory for production of goods for military use listed in the military list;

- 5.6. for the strategic goods which are or may be intended, entirely or partially, for use as parts or components of the goods for military use from the military list, which were exported by the Republic of Kosovo without exporting license or in contradiction with the issued license for export.
6. If the exporter is aware that the goods which it intends to export are not mentioned in the provisions of this law, and are dedicated entirely or partially for any of the purposes pointed in sub-paragraph 5.2 paragraph 5 of this article, should inform the Ministry about this, which will decide whether a license is needed for such kind of export.
7. The license is issued by the Ministry with the approval of the Commission, except the cases when:
- 7.1. authorization for import of strategic goods dedicated for KSF and Authorised State Security Institutions are issued by the Ministry of Security Force or the Ministry of Interior Affairs;
 - 7.2. authorization for temporary export of strategic goods for the Ministry of Security Force and the Authorised State Security Institutions are issued by the Ministry of Security Force or the Ministry of Interior Affairs;
 - 7.3. authorization for import of strategic goods received as donations by the Kosovo Government will be issued by the Ministry of Security Force or the Ministry of Interior Affairs, if such goods are defined to become part of their competencies or the competencies of the Authorised State Security Institutions;
 - 7.4. authorization for export of strategic goods based on the agreements signed by the Government of the Republic of Kosovo will be issued by the Ministry of Security Force;
 - 7.5. authorization for export of strategic goods and services which operate as part of a military or humanitarian mission will be issued by the Ministry of Security Force;
 - 7.6. authorization for export, import and transit of strategic goods which will be used for research activities which aim at implementation of this law will be issued by relevant Governmental office which are authorized to implement this law;
 - 7.7. the transit license for passage through the Territory of the Republic of Kosovo is issued by the Ministry of Internal Affairs.

Article 8
Certificate for the End User

1. Upon request by the importer, the Ministry issues an end user certificate for the end user for the import of strategic goods and services.
2. The Minister through a sub-legal act defines the form and content of the certificate based on the paragraph 1 of this Article.

Article 9
Registration in the register

1. Before starting the export and import activities, the persons performing these activities are obliged to register within the registry of exporters and importers of strategic goods and services.
2. Registration in the registry from paragraph 1 of this Article is prepared and managed by the Ministry.
3. The Minister adopts a sub-legal act for the way of maintenance of the registers from the paragraph 1 of this Article.

Article 10
Procedure for Registration in the Register

1. Registry in the register of importers, exporters and bidders of services related to strategic goods will be a precondition for application for license for export or import of strategic goods and services.
2. Registry in the register will be done based on the written request, certified with a seal stamp and the signature of the responsible person of the legal entity.
3. Ministry will create and maintain Register of exporters, importers and offerers of services connected with the military goods.
4. Chairperson, members and alternative members of the Commission will have the right for informative access to registry.
5. Third parties will have access to the registry specified in paragraph 1 of this Article in case the parties have a justified interest in it.
6. Ministry refuses to give the information if the interest of the applicant does not have adequate justification, if the access or delivery can damage interests of the person that has applied for which has been applied for access.

7. Procedure for maintenance of the register defined with sub-legal acts issued by the Minister.

Article 11

Application for registration in registry

1. The submitter of the request is obliged to submit besides the request, the documents listed below:

1.1. one (1) copy of the license issued by the Ministry of Interior Affairs for execution of the activities for trade in weapons, ammunition or explosives (if applicable);

1.2. fiscal number;

1.3. VAT Certificate;

1.4. the import certificate from the Customs;

1.5. verification by competent authority that the responsible person which acts on behalf of legal entity is not under investigation or is not convicted for a criminal case or breach connected with “strategic goods” for not more than six (6) months;

1.6. name of the bank and the verified document from the depositing bank (copy of the condition of the last balance and the success balance, confirmation that the person has not been under blockade within the last six (6) months, one (1) copy of the certificate with the deposited signature);

1.7. one (1) declaration for the number and structure of the employees;

1.8. one (1) declaration that the responsible person that acts on behalf of a legal person or the actual business is obliged to enable the competent supervisory body to perform control over the given export and the transactions of import, as well as the control of the accommodation area and the transportation equipment.

2. Application form, deadlines and procedures for application and registration into the registry, changes of a registry and deletion from the registry and the information that needs to be presented with the request for registration in the registry will be defined by a sub-legal -acts from the Ministry.

3. Ministry decides for registry into the register of exporters, importers and offerers of the services, or the changes of the registry of entrance within thirty (30) days starting from the day when all requested documents have been delivered to the Ministry.

4. Ministry can postpone the deadline for scrutiny of the request up to forty five (45) days if the presented information requires additional verification. In case this happens the applicant will be informed immediately

Article 12 **Refusal for registration in the register**

1. Ministry can refuse registration in the registry if:

1.1. finds out that the information is not true or if the provided documents have elements of being falsified and have been attached to the request for registration in the registry;

1.2. five (5) years prior the decision for registration in the registry, the applicant has been responsible for breach of legislation connected to import, export and transit of strategic goods or of a norm issued based on it;

1.3. five (5) years prior the decision for registration in the registry, the applicant has been responsible for breach of international sanctions;

1.4. if a criminal charge has started against applicant related to the breaches.

Article 13 **Changes of the register**

1. To change the registration in the register, the applicant needs to submit to the Ministry a written request for the requested change, the Ministry can demand additional documents if necessary.

2. The Ministry can refuse to change one input in the base registry specified by this law

Article 14 **Deletion from the registry**

1. The person registered in the registry and the brokers will be deleted from it, if:

1.1 verification of the new facts, for which there have been no notifications on the occasion of registering in the registry, which if would have existed in time would have disabled the persons in question to enter the registry;

1.2 the responsible person of the legal entity has been convicted for crime, or he has been pronounced a security measure which forbids performance of activities where his subject is fully or partially involved;

- 1.3. does not act in accordance with the provisions of this Law;
- 1.4. breaches international Sanctions;
- 1.5. disallowance of exercising activities;
- 1.6. stops fulfilling the conditions for which the license has been issued for.
- 1.7. if one legal person registered in the register stops performing his activity registered in the registry.

Article 15

Procedure for requesting the license for export and import

1. An individual license is required for every import, export or transit of strategic goods or services.
2. The global license can be issued based on authorization given to one specific exporter connected to one type or category of strategic goods and services, based on the approval of the Committee and one general license approved by the Commission and published by the Ministry. The Commission can issue licenses if the applicants undergo the conditions which it deems appropriate.
3. Exceptional to Article 7 paragraph 2 of this law where is stated that every import or export license will be issued for a duration of six (6) months, the licenses issued based on this article is issued with duration of one (1) year. Licenses for transit issued based on the paragraph 1 of this Article will be issued with a validity of forty eight (48) hours in normal conditions immediately starting after entrance in the customs territory of Kosovo.
4. Ministry can issue to the exporter a general license for export of the same type of goods, for one or more countries, having in mind the type of strategic goods, the type and duration of the exporting works and the country where the goods are exported.
5. Exceptional to Article 7 paragraph 2 of this law where is stated that every import or export license will be issued for a duration of 6 months, License from the paragraph 4 of this Article is issued with the validity period up to one (1) year and can be extended for another six (6) months with the request of the exporter.
6. Upon request by the Commission, the Ministry will draft a sub-legal acts for the application procedure.

Article 16
Deadline for review of the request by the Commission

1. Regarding the request, the Commission will decide within thirty (30) days from the day of application, or within sixty (60) days if within the procedures it will be needed to undertake other additional investigations in order to issue and adopt the license.
2. The Ministry will inform the applicant immediately if the procedures will take sixty (60) days.

Article 17
Deadline for issuance of license by the Ministry

1. Ministry will issue the requested license within seven (7) days from the date of approval by the Commission.
2. In case that the Commission refuses to give its approval for the requested export or import, the Ministry is obliged to inform the applicant within seven (7) days on the negative decision made by the Commission.
3. Ministry will inform the applicant about the legitimate reasons for denial by the Commission unless otherwise described by the law on protection of personal data or the law on classification of information and security clearances and other relevant laws.

Article 18
Documentation for the export of strategic goods or services

1. Documentation which refers to the export of strategic goods or services should contain the following information:
 - 1.1. technical description of the goods based on which is possible to clearly classify the goods, based on provisions of this law ,the nomenclature of the customs' tariffs, or UN Classification for dangerous goods;
 - 1.2. the amount of goods in measuring unit and the net weight of the goods;
 - 1.3. full name and the address of the exporter and the respective information from the court registry;
 - 1.4. full name and address of the receiver of the goods;
 - 1.5. use of the dedicated end user, full name and address of the end user of the goods;

- 1.6. description of technical assistance, full name and address of the receiver of the technical assistance (if applicable);
2. The exporter is obliged to archive the documentation from the paragraph 1 of this Article meaning orders, bills, contracts, ordering notes, delivery notes, embarkation lists and other documentation, for at least twenty (20) years.
3. Minister, through a sub-legal act, will also define other details which the documentation from the paragraph 1 of this Article should consist of.

Article 19 **License Validity**

1. All the licenses and other documents which are issued based on this Law can not be transferred on other persons.
2. In case of behavior contradictory to the paragraph 1 of this Article, the person on whose name have been issued the licenses and other documents, loses all the rights which are foreseen by this Law.
3. The Commission can approve to the exporter a general license for export of the same type of goods, for one or more countries, having in mind the type of strategic goods and services, the type and duration of the exporting works and the country where the goods are exported.
4. In the process of license issuance for export, license for offering of strategic goods and services, the Ministry and the Commission are obliged to take care of the interests of foreign policy, security, defense and those of economy of the Republic of Kosovo, as well as for the accepted international obligations.
5. License is issued with the validity period up to one (1) year and can be extended for another six (6) months with the request of the exporter.

Article 20 **Import of goods for export to the third countries**

1. In case of import of goods for export to the third countries, the applicant is obliged that with a request by the Ministry, attaches to his request for export the approval of the competent authorities of the state of origin of the goods or the country from which he/she intends to import goods, based on which the approval for export of goods to the third countries is issued.
2. In the case of export of goods which have been imported earlier, the Ministry can request from the applicant the request for approval of the export and submission of the

changes to the final user of the goods, issued by the competent authority of the country from which the goods have been imported.

Article 21 **Trustworthiness and Legal Validity of the Documentation**

In case of reasonable suspicion in the trustworthiness and legal validity of the submitted documentation, the Ministry with a proposal by the Commission will present the same to the competent authorities for further proceedings.

Article 22 **Discontinuation of the license**

1. Ministry can take decision for the discontinuation of the validity of the license if it proves that:

1.1. if one or more of the conditions under which the license has been issued, does not exist any more;

1.2. if license has been issued based on the incorrect or incomplete information, and the applicant has been aware that such information is incorrect or incomplete;

1.3. with a request of the person to whom the license has been issued.

2. Republic of Kosovo is not responsible for the expenses which have been caused to the party on the occasion of issuance of the license.

3. Against the decision from the paragraph 1 of this Article the right for appeal is not allowed, but administrative contest can be initiated with the competent court.

4. License can be changed by the Commission in the cases of extension of the validity period, change of the destination of load or the final user, or for other reasons.

Article 23 **Rejection of the application**

1. Ministry will refuse the request for issuance of a license for export or import if the Commission finds that:

1.1. issuance of the requested licenses is in contradiction with the Foreign policy or economic interests of the Republic of Kosovo;

1.2. it conflicts with the principles of the European Common Position 2008/944/CFSP of 08 December 2008;

- 1.3. with the issuance of the license, the respect for the international obligations and responsibilities of the Republic of Kosovo are endangered; in particular the sanctions adopted by the UN Security council or the European Union, agreements on non – proliferation and other subjects, as well as other international obligations;
 - 1.4. with the issuance of the license, the defense and security interests of the Republic of Kosovo are endangered.
 - 1.5. it is in contradiction with the national security strategy of the Republic of Kosovo;
 - 1.6. with the issuance of the licenses, the respect for human rights in the country of final destination as well as respect by that country of international humanitarian law are endangered;
 - 1.7. with the issuance of these licenses the internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts are endangered;
 - 1.8. In granting licenses to export goods exporters against the will of unwanted persons when those goods arrive in the possession of these people;
 - 1.9. having analyzed the behavior of the buyer country with regards to the international community as regards in particular its attitude to terrorist, the nature of its alliances and respect to international law.
 - 1.10. existence of a risk that the goods will be diverted within the buffer country or re-exported under undesirable conditions;
 - 1.11. the computability of the exports of the goods with the technical and economical capacity of the recipient country, taking into account the desirability that status meet their legitimate security and defense needs with the least diversion of human and economic resources for armament;
 - 1.12. the goods for which the license is requested is under the police investigation procedure or court proceedings.
2. Ministry will refuse the request for license issuance for export if the goods do not correspond with the details stated in the request, and the exporter or the producer does not anymore allow the control of the goods or the documents connected to those goods, based on the request of the Ministry.

3. Ministry will refuse the request for license issuance for export, for the goods which are not mentioned in the provisions of this Article with the aim of preserving the public security and the human rights.

4. Application is not complete, and the applicant needs to be informed within thirty (30) days from the date of application by the Ministry that the application is not complete.

Article 24

Export License Issuance to the Countries with Restrictive Measures

In case of submission of an request for export license issuance to the countries which are on the list of countries against which restrictive measures have been applied by UN, EU, OSCE or other international organizations, and to which restrictive measures Republic of Kosovo has also joined, the only licenses that can be issued are for humanitarian purposes, or for the needs of peacekeeping.

Article 25

Recommendation for entities prior to signing the contracts for purchase or selling of strategic goods and services

1. Prior to signing the contracts for purchase or selling of strategic goods and services, the subjects can be recommended by the Ministry if the activity of the negotiator, buyer, importer and the final user of the goods is in contradiction with the Article 22 of this Law.

2. Ministry is obliged to inform the interested person within seven (7) days, such as the negotiator, buyer, importer, final user or another participant about the aforementioned issue.

Article 26

Database, Cooperation and Reporting

1. Ministry keeps one database for the requested, issued and realized licenses as well as the cases of annulled licenses, denial of the requests for exports and imports of goods and services based on this Law.

2. For the needs of fulfillment of the duties foreseen by this Law, the Ministry within its own competencies cooperates with international organizations and competent bodies of other states, and offers to them the respective information in compliance with the obligations which have been taken by the Republic of Kosovo.

3. Ministry is obliged to, up to 30 April of the calendar year; prepare one annual report for the passed year on the exports and imports of strategic goods and services, and to deliver it to the Government of the Republic of Kosovo with a level of classification.

4. Ministry is obliged to, up to 30 April of the calendar year, prepare the report and publish it on the Ministry web-page, excluding the confidential information which is not for public knowledge.

5. The confidential information are the names of the companies, financial indicators of the companies, refused requests and other information in compliance with the law on protection of confidential information.

Article 27

Obligations of Persons which deal with Export or Import of Goods

1. Persons which deal with export or import of goods are obliged to:

1.1. keep special registries for the fulfilled transactions based on this Law and to keep the documentation for these transactions, for at least twenty (20) years after finalization of the export or import;

1.2. respect the conditions upon which the license has been issued and to immediately inform the Ministry for any change that occurred;

1.3. for any change of the data of one agent or final user, to inform the Ministry in written within ten (10) days from the date of change;

1.4. that within fifteen (15) days after the finalization of the export or import, to inform the Ministry in written for the finalized exports of imports of goods, and to submit the documentation based on which the export, respectively the import has been finalized;

1.5. with a request by the Ministry, to secure the confirmation for the reception of goods;

1.6. respect of other obligations which are part of the issued license based on this Law.

Article 28

Documents of Application for License

1. Application by Article 23 paragraph 4 based on this law should consist the following documents:

1.1. notification on finalization of export, respectively import;

- 1.2. one (1) copy of the license, based on which the export, respectively import of the goods has been realized;
- 1.3. copy of the customs declaration Republic of Kosova;
- 1.4. serial numbers of weapons, parts of weapons or other equipment; and
- 1.5. other documentation, depending on the kind of goods.

Article 29

Content of Customs Declaration

1. The pleader is obliged to include in the customs declaration based by Article 28 paragraph 1 sub-paragraph 1.3 of this law, the following information:
 - 1.1. full name and address of the exporter or importer;
 - 1.2. number of the license for export, respectively import, based on which the customs procedure has been developed;
 - 1.3. name of the goods in compliance with the issued license of the subject;
 - 1.4. quantity of the goods expressed in measuring unit, marked on the license of the subject;
 - 1.5. the value of the goods expressed in currency defined in the license of the subject;
 - 1.6. goods with tariff naming;
 - 1.7. sign ML list of military goods enumerated based on this Law, if they consist of that type of goods;
 - 1.8. CE marking;
 - 1.9. dangerous goods classification.

Article 30

Services

1. Prior to the beginning of offering the services, the person registered in the registry is obliged to request license from the Ministry for the provision of services.

2. The license is issued by the Ministry, based on the decision of the Commission, for any special activity, for the maximum duration up to twelve (12) months, and can not be extended.
3. Minister will through a sub-legal acts define the form and content of the licenses from the paragraph 1 of this Article.
4. Paragraphs 1 and 2 of this Article will not be implemented if the technical assistance is given in the form of information which belongs to “public property” or “support to scientific researches” and if the services are offered for the needs of Kosovo Security Force.
5. For offering the services for finalization of production and negotiation activities on the internal and international markets of listed goods, it is possible to engage persons that are registered with emplacement on the territory of the Republic of Kosovo, registered in the registries of the service providers for the goods for military purposes.
6. The registry is managed by Ministry.
7. The Minister, through a sub-legal acts defines the content and the means of keeping the information based on the paragraph 1 of this Article.

Article 31

Registration in the register

1. Registration in the register will be done based on the written request by the interested person.
2. Together with the request by the interested person, the following documents needs to be submitted:
 - 2.1. one (1) copy, registered with the notary office, of the decision of the registered activities by the competent authorities;
 - 2.2. fiscal tax number of the person;
 - 2.3. certificate by the competent authority that the applicant or the responsible person within the natural or legal entity has not been convicted for a criminal act and is not under investigation;
 - 2.4. name of the bank and the verified document by the depositing bank to which it belongs person;
 - 2.5. one (1) declaration for the number and the structure of the employees;

- 2.6. one (1) declaration that the responsible person within the legal or natural entity, or a craftsmanship, agrees to make possible for the competent supervisory body the control of the operations in the field of service provision;
- 2.7 one (1) authorizes that the responsible person of the physical or legal entity authorizes one or more employees that on the name and behalf of the company will perform the negotiation (broker) services.
3. The ministry will bring a decision on the registration to the registry based on paragraph 1 of this Article.

Article 32

Refusal of Registration in the Register

1. Ministry will refuse the registration in the registry if:
- 1.1. the presented information or documentation includes falsified documents;
 - 1.2. over the last five (5) years, the applicant has breached the legal rules connected with the import, export or transit of the strategic goods and services;
 - 1.3. over the last five (5) years, the applicant has breached international sanctions;
 - 1.4. against the applicant, a police investigation has been carried out for the illegal treatment of goods the strategic goods and services;
 - 1.5. an investigation or court procedure has been initiated for the acting contradictory to this law.
 - 1.6. if the person has been convicted acting contradictory to this law ;
 - 1.7. and other cases where the Ministry determines that is inconsistent with other laws in force.

Article 33

Institutions in which to present the request for license

1. Request for issuance of a license for execution or offering of services is presented to the Ministry.
2. The Minister, through a sub-legal acts, defines the form and content of the application form based on the paragraph 1 of this Article, and the list of documents which should be attached to the request.

Article 34
Acting as part of military or humanitarian missions

Provisions of this law will not be implemented for the providers which, by a decision of the KSF or other governmental bodies, act as part of military or humanitarian missions.

Article 35
Deadline for issuance of the necessary licenses by the Commission

The Commission will decide within thirty (30) days from the submission of the request, respectively sixty (60) days if the procedure for issuance of the necessary licenses requires additional verifications.

Article 36
Deadline for issuance of the license for services by the Ministry

1. The Ministry is obliged to issue the requested license for offering of services within seven (7) days from the date of receiving the approval by the Commission.
2. In case the Commission refuses approval of the license for offering of services, the Ministry is obliged to, within eight (8) days, inform the applicant with the argumentation for refusal of the approval of the request for offering of services by the Commission.
3. The Ministry will not inform the applicant for the license upon the reasons why the Commission did not give the approval for the offering of services, if the information is deemed classified.

Article 37
Refusal of the request for license for offering services

1. The Ministry will refuse the request for license for offering of services if the Commission verifies that:
 - 1.1. issuance of the requested license is in contradiction with the foreign policy of the Republic of Kosovo;
 - 1.2. in contradiction with the economic interests of the Republic of Kosovo;
 - 1.3. interferes with the principles and joint stand of the European Union Nr. 2008/944/CFSP defining common rules governing control of exports of military technology and equipment;

1.4. with the issuance of the license, the respect for the international obligations and responsibilities of the Republic of Kosovo are endangered; in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non – proliferation and other subjects, as well as other international obligations;

1.5. with the issuance of the license, the defense and security interests of the Republic of Kosovo are endangered;

1.6. it is in contradiction with the national security strategy of the Republic of Kosovo;

1.7. with the issuance of the licenses, the respect for human rights in the country of final destination as well as respect by that country of international humanitarian law are endangered;

1.8. with the issuance of these licenses the internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts are endangered;

1.9. with the issuance of the license preservation of regional peace, security and stability is endangered;

1.10. having analyzed the behavior of the buyer country with regards to the international community as regards in particular its attitude to terrorist, the nature of its alliances and respect to international law;

1.11. existence of a risk that the goods will be diverted within the buying country or re-exported under undesirable conditions;

1.12. the compatibility of the exports of the goods with the technical and economical capacity of the recipient country, taking into account the desirability that status meet their legitimate security and defense needs with the least diversion of human and economic resources for armament;

1.13. it is verified that the goods for which the license is requested, are object of police investigations or court proceedings;

1.14. the applicant, within the fifteen (15) days from the date of notification received by the Ministry, is not able to present a complete application.

Article 38
Obligations of businesses in performing and offering services for goods for military purposes

1. The person that performs business activity in offering services for goods for military purposes should:

- 1.1. keep registries on the provided services in accordance with the provisions of this Law;
- 1.2. respect the conditions, based on which the license has been issued;
- 1.3. within fifteen (15) days from the finished activities for offering the services or after the expiry of the term of validity of the licenses to notify in written the Ministry for the undertaken actions, for the result based on the license;
- 1.4. to keep all the documents and information connected to the services, at least for ten (10) years from the finalization of services;
- 1.5. to respect all other provisions from the license and this Law

Article 39
Annulment of the license for provision of services

1. The Ministry with the decision annuls the license for provision of services under the Article 30 of this Law, if:

- 1.1. the responsible person of the legal or natural person is convicted for criminal acts, or against that person concrete security measures are undertaken which stop the implementation of the business activity which were covered entirely or partially the subject of his/her business from this field;
- 1.2. the person does not act in accordance with the provisions of this Law;
- 1.3. the person breaches international sanctions;
- 1.4. the natural or legal person or their responsible persons have been convicted for acting contradictory to this law by final court decision;
- 1.5. the person does not longer fulfilling the criteria upon which the license has been issued;
- 1.6. the person ceases his employment contract;
- 1.7. with the request by the registered person in the registry;

1.8. new facts are being discovered for which, if there were known at the moment of the registration in the registry in accordance with the Article 31 of this Law, it would not have been possible for the persons in question to be registered in this registry;

Article 40 Supervision

1. Supervision and implementation of the obligations is exercised by the body that has issued the license in cooperation with other bodies involved in the process of issuance of the license and other state bodies in compliance with their responsibilities.
2. The implementation of the supervision includes supervision before, during and after issuance of the licenses.
3. Results of implementation of the performed monitoring, is delivered to the responsible Minister in form of a written report.
4. In case of irregularities, the Minister informs the other competent state bodies for further proceedings.

Article 41 Monitoring the implementation of the license

1. During the monitoring of implementation, the supervisory bodies can:
 - 1.1. request necessary information from the applicant for implementation of the monitoring;
 - 1.2. request information from other governmental agencies and other necessary services necessary for implementation of the monitoring;
 - 1.3. request assistance from competent authorities of other countries in order to collect additional information, necessary for fulfillment of the monitoring;
 - 1.4. to monitor the compatibility with the obligations which derive based on this license;
 - 1.5. to monitor the final users of the goods.
2. The Monitoring bodies are obliged to preserve the official secrets, trading and production secrets and the persons that are the object of monitoring.

Article 42
Cooperation with other bodies

The Ministry within its competencies cooperates with other governmental bodies and security agencies, other international organizations and competent authorities of other countries, which in accordance with the engagements taken from Kosovo should deliver the necessary information.

Article 43
Exchange of information on the activities of export, import and services

1. The Ministry is obliged to participate in exchange of information over the activities of export and import with other countries and those which are members of the EU, including the services.
2. Participation includes exchange of information for the registered service bidders and their activities, and the exchange in the field of legislation.

Article 44
Technical assistance

1. For the technical assistance which or legal entities offer outside the territory of the Republic of Kosovo, a license is needed if the Ministry has informed them that the technical assistance is intended or the provider is aware that the technical assistance is intended for use in connection with development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons.
2. If the natural or legal person knows that the technical assistance, which it intends to offer, is dedicated for the use as described in paragraph 1 of this article , the person is obliged to inform the Ministry about this, which will decide whether a license is needed for this technical assistance. The technical assistance can be offered only after the Ministry has allowed the technical assistance or has decided that such a license is not needed.
3. Paragraph 1 and 2 of this Article will not be implemented if the technical assistance is offered in the form of information, which are “public domain“, or are part of the “basic scientific research“.

Article 45

Deadline for issuance of a license for export, for offering of negotiating services

1. For the request for issuance of a license for export, for offering of negotiating services for strategic goods, the Ministry decides within the period of sixty (60) days from the date of submission of the request in a regular manner, respectively within the period of ninety (90) days if for the process of license issuance other verifications are needed to be carried out.
2. In the process of license issuance for export, license for offering of services and strategic goods, the Ministry and the Commission are obliged to take care of the interests of foreign policy, security, defense and those of economy of the Republic of Kosovo, as well as for the accepted international obligations.

Article 46

Issuance of a certificate for strategic goods

1. If the exporting country of the strategic goods requests certificate for export of those goods from the competent body of the Republic of Kosovo, the certificate for the strategic goods is issued by the Ministry.
2. The format and the content of the request for issuance of a certificate for export and the evidence which is attached to the request are defined by the Minister through a sub-legal act.

Article 47

Cancellation of license for export, the license for offering the strategic services

1. With a proposal by the Ministry, the Commission can take a decision for cancellation of validity of the issued license for export, the license for offering the strategic services if it verifies that:
 - 1.1. one or more conditions based on which the license for export has been issued does not exist anymore;
 - 1.2. the exporter does not act in compliance with the issued license for export.
2. The Ministry can annul the license for export of strategic goods and services if it verifies that the license has been issued based on the false or incomplete information, and if the applicant for license had knowledge or was supposed to know that the provided information is false or is not complete.
3. Against the decision from the paragraph 1 of this Article the right for appeal is not allowed, but administrative contest can be initiated with the competent court.

Article 48

Content of documentation related to the export of strategic goods and services

1. The documentation connected to the export of strategic goods and services for identification of the strategic goods and services should consist the following information:
 - 1.1. description of the goods based on which it is possible to clearly classify the goods based on the provisions of Article 43 of this Law or the nomenclature of the customs tariffs;
 - 1.2. quantity of goods in a measuring unit and the net weight of the goods;
 - 1.3. full name and address of the exporter and the respective information from the Court registry;
 - 1.4. full name and address of the receiver of goods;
 - 1.5. final dedicated usage, full name and address of the final user of the goods;
 - 1.6. description of the technical assistance, full name and address of the receiver of the services.
2. The documentation from the paragraph 1 of this Article such as ordinances, bills, contracts, consignment notes, delivery notes, cargo notes, bulk notes and other documentation, the exporter is supposed to keep for at least five (5) years up to the end of the calendar year in which the export of strategic goods and services has been finalized.
3. The Minister, through a sub-legal act, defines also other details which should be included in the documentation from paragraph 1 of this Article.

Article 49

Notification from the exporter regarding the export

1. The exporter is obliged to, within the period of seven (7) days from the date of export of the strategic goods, inform the Ministry in connection to the export, and to present the number of the license for export based on which the export has been carried out.
2. If after the issuance of the license for export, occurs a change in the list of the work partners, final users, aim of the final use or similar, the exporter should inform in written the Ministry, within the period of seven (7) days from the date of occurrence of changes or from the date when the exporter became aware for the occurred change.

Article 50
Supervision of the export of strategic goods

1. Supervision of the export of strategic goods and evaluation of the conformity of the goods with the license issued for export is done by the Customs of Kosovo.
2. In the process of license issuance for export and after the license is issued for export, the Ministry can perform control of the strategic goods and of the documentation connected to those goods with the exporter.
3. In the process of control of the strategic goods, the Ministry can request professional assistance by the Commission with the aim of evaluation of the conformity of goods with the information provided in the request.
4. If the Customs of Kosovo, during implementation of the monitoring activities from paragraph 1 of this Article, proves that the provisions of this Law have been violated, they will order, through a decision, in what timeframe the irregularities need to be resolved.

Article 51
Report of the Kosovo Customs to monitor the realization of export of the strategic goods

1. The Kosovo Customs monitor the realization of export of the strategic goods, which is done based on the license for export, issued in compliance with this law, and for their findings, they will inform the ministry in written every six (6) months.
2. Monitoring of other forms of export and offers for negotiations assistance and technical assistance is done by other bodies of the state administration within the scope of their competencies.

Article 52
Punitive Provisions

1. With fine from ten thousand (10.000) up to fifty thousand (50.000) € and imprisonment from one (1) to five (5) years is punished a person who has exported the goods without a license according to the military list of this law, who has falsify the certificate of the last user, and do not inform the Ministry about the changes made with ultimate aim of usage of the goods from the military list, which changes are made after the export license is issued, and those changes can cause:

- 1.1. violation on Kosovo International obligation;
- 1.2. foreign policy interests of the Republic of Kosovo;

2. If the criminal offense referred to the paragraph 1 of this Article causes the death of several persons, the executors shall be punished with imprisonment from ten (10) to fifteen (15) years.

3. Same shall be punished a natural person who performs duties which are in violation with this law, so without a license of the Ministry, unless is allowed by another law.

Article 53

Punitive measures for legal persons if they try to export goods without license

1. With fine from amount of fifteen thousand (15.000) € up to fifty thousand (50.000) € shall be punished a legal person try to export or even has exported the goods as listed with present law, without a license or with a license issued based to inaccurate or incomplete data.

2. With fine from amount of five thousand (5000) € up to fifteen thousand (15.000) € shall be punished according to paragraph 1 of this article, the responsible person of the legal person.

3. Beside the punishment with fine, pursuant to paragraph 1 of this Article can be placed protection measures in order to prevent the export and imports of strategic goods and services in a time from one (1) to five (5) years

Article 54

Punitive measures for natural and legal persons for violation according to this Article

1. With a fine from two hundred fifty percent (250%) of export value of the business, but not less than seven thousand five hundred (7.500) euro, shall be punished legal and natural person if:

1.1. exports the strategic goods without an export license from the double usage;

1.2. you do not inform the Ministry if is concerned the goods from the list of dual-use;

1.3. you do not inform the Ministry on changes in regard to estimated final strategic goods from the list of dual-use, which has occurred after the export license on strategic goods is issued.

2. With a fine from fifty percent (50%) of export value, but not less than three thousand (3.000) €, based to paragraph 1 of this article, shall be punished a responsible person of the legal person.

3. Based to paragraph 1 of this article will be punished any person who cooperates with a fine of one thousand five hundred (1.500) up to three thousand (3.000)€.

4. For an offence under paragraph 1 sup-paragraph 1 of this article, parallel with a fine may be imposed protection measures that prevent export activity of dual-use goods that last at list from one (1) up to five (5) years.

Article 55

Transitional provisions

1. Upon entry into force of this law, the licenses issued by the respective authorizes based to the law in power, remains valid.

2. The Lists based to the Law, the Government shall approve within six (6) months from the date when this law enters into force.

3. The Ministry of Trade and Industry for enforcement of this law is obliged to issue sub-legal acts within six (6) months from the date when this law enters into force.

Article 56

Entry into force

This Law enters into force fifteen (15) days after its publication into Official Gazette of the Republic of Kosovo.

Law No. 03/L-232
28 October 2010

Member of the Presidency of the Assembly

Xhavit Haliti