Information on Czech national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology, as well as the changes therein

Summary:

Arms trading is regulated in particular by:

- Act No 119/2002 Coll., on firearms and ammunition (Firearms act), as amended;
- Act No 156/2000 Coll., on the authentication of weapons, ammunition, and pyrotechnical articles and on an amendment to Act No 288/1995 Coll., on firearms and ammunition, as amended;
- Act No 62/2000 Coll., on certain measures related to the export or import of products and on licensing procedure and on an amendment to related legislation;
- Act No 455/1991 Coll., on licensed trading (the Trades Licensing Act), as amended;
- Act No 38/1994 Coll., on foreign trade in military material and on an amendment to Act No 455/1991 Coll., on licensed trading (the Trades Licensing Act), as amended, and to Act No 140/1961 Coll., the Penal Code, as amended;

Extended:

Foreign trade in military equipment is governed in the Czech Republic by Act No. 38/1994 on regulating foreign trade in military equipment (further "Act"), and by Act No. 140/1961 – the Criminal Code, as amended. Regulation of the Ministry of Industry and Trade No. 89/1994 implements some of the provisions of the Act.

The state organ responsible for the control of foreign trade in military equipment is the Ministry of Industry and Trade of the Czech Republic. On the basis of the legislation defining the competences of governmental bodies, the Ministry of Industry and Trade has created a Licensing Authority to perform this function.

The Czech Republic has a two-tier controls system. Czech companies must first obtain a permit to engage in foreign trade in military equipment. On the basis of this permit they may engage in marketing activities, enter into contacts with foreign partners and apply for licenses for individual transactions.

Trade in small arms and light weapons is governed by the same national legislation, as is the trade in military equipment. However, there are also other laws and regulations applicable:
• Act No. **156/2000** to regulate proofs of firearms, ammunition and pyrotechnic devices, as amended;

• Act No. **455/1991** to regulate trade licensing (Trade Licensing Act), as amended;

• Act No. **62/2000** to regulate certain measures related to exports or imports of products and the licensing procedure and to amend certain acts;

• Act No. **119/2002**, Coll., on firearms and ammunition, as amended.

A person or company trading in arms must possess the required type of trade license issued by the Licensing Authority (under the Trade Licensing Act), and an arms license for the relevant group of arms, issued by the police (under Act No. 119/2002, on firearms and ammunition – Firearms Act). The Firearms Act came into force on 1 January 2003. It superseded the previous Act No. 288/1995. Its main purpose was to fully align Czech legislation with the EU acquis.

Some legislative improvements concerning the control of the manufacture and the possession of firearms were introduced by:

• Act No. **227/2003** to amend Act No. 156/2000 concerning the proofs of firearms, ammunition and pyrotechnic devices (in force since 1 October 2003),

• Act No. **228/2003** to amend Act No. 119/2002 concerning firearms and ammunition (in force since 1 January 2004).

These amendments represent the Czech Republic’s a response to OSCE requirements, as well as steps in implementing the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

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**Export Control on Dual-Use Goods and Technologies**

Since the Czech Republic acceded to the European Union on May 1, 2004, the terms and conditions of trading in dual-use items changed somewhat. A binding regulation is Council Regulation (EC) No **1334/2000**, setting up a Community regime for the control of exports of dual-use items and technology, as amended by related regulations, especially Council Regulation (EC) No **1504/2004**, updating Annex I to Annex IV, including the list of controlled items. These regulations are directly applicable in the Czech Republic.

New pieces of national legislation in force since December 3, 2004 are Act No **594/2004** Coll., implementing the regime of the European Communities for the control of exports of dual-use items and technology, and Governmental Order No **595/2004** Coll., appointing application forms for individual and global export authorizations and application forms for an international import certificate for dual-use items and technology. This Act superseded hitherto legal regulations, i.e. Act No 21/1997 Coll., on the control of exports and imports of goods and technology subject to
international control regimes, as amended, and Implementing Regulations 397/2003 Coll. and 398/2003 Coll.

Imports are no longer the subject of controls; an international import certificate is issued (in English) based on an application only in cases where the foreign partner requires a state guarantee.

Following the Czech Republic’s accession to the EU, export means the transfer of controlled goods to non-Community countries.

For exports to set non-EU countries (such as Japan, the USA, the Switzerland and others) of certain controlled dual-use items, the Community General Export Authorization applies in the scope appointed by the Council Regulation.

No national general authorization has been issued yet.

In the event of a breach of any provision of the Council Regulation or Act No 594/2004 Coll., the exporter or any other person may be penalized in accordance with this Act or in accordance with Act No 140/1961 Coll. as amended (the Criminal Law).

Authorizations are granted by the Ministry of Industry and Trade (Licensing Office).

The legal regulations cited in this text are available on the Ministry’s website at www.mpo.cz (Licensing Office).

Prague, 27 April 2005