Arms, Military Equipment and Dual-Use Items Export Control Legislation

In 2005 the State Union Serbia and Montenegro adopted a new Law on Foreign Trade in Arms, Military Equipment and Dual-Use Items. This Law is still in force in Montenegro and it presents a good basis for secure and transparent trade and issuance of licenses (Official Gazette of Serbia and Montenegro, Nos. 7/2005, 8/2005). The enacted law regulates the modes and terms under which the foreign trade, transport and transit of arms, military equipment and dual-use items can be carried out.

Implementation of this Law has as its goal the establishment of the State’s control in the field of the realization and protection of security, foreign policy and economical interests of Montenegro, international credibility and integrity and the implementation of international obligations that Montenegro assumed.

Before taking a decision on the application for the issuance of the license for foreign trade of controlled goods, the Ministry for Economic Development is obliged to obtain positive opinions from the Ministries of Foreign Affairs, Defense and Interior Affairs. In accordance with the Law the responsible authorities must take into consideration eight criteria stipulated in the EU Code of Conduct in case of export of arms, in the process of issuance of licenses for exports of arms and military equipment. The mechanism set out in this law proved to be an efficient instrument. Although the 2005 Law was drafted in accordance with international standards, having in mind the recommendations given to the Ministry for Economic Development by SIPRI, BAFA and UNDP, the Ministry decided to draft a new law that will take into account new administrative framework, recent trends in this area, especially with reference to the variety of broker activities and the development of technology, and which will be in accordance with the European standards and best practice of the members of the EU.

The future law will include provisions that will facilitate bilateral cooperation and consultations in this matter. The Working Group has finished the Draft law in the March 2008 and it has submitted the latter to the relevant international organizations and institutions for suggestions and commentaries. It is expected that the Ministry for Economic Development will receive the suggestions in one month time.

It must be stressed that the trade in arms, military equipment and dual-use items is regulated not only by the Law on Foreign Trade in Arms, Military Equipment and Dual-Use Items but also by the Criminal Law, Law on Foreign Trade, Law on the General Administrative Procedure, Law on the Administrative Dispute and other Regulation adopted by the Government and competent authorities.

Transport and transfer of arms, military equipment and dual-use items
authorities. Laws which represent a guaranty for a safe and secure transport and transfer of arms, military equipment and dual-use items are the Law on the Transport of Explosive Materials (enacted in 1985), Law on Explosive Materials, Inflammable Liquids and Gases (enacted in 1989) and the Law on the Transport of Dangerous Goods (enacted in 2008).

Customs Procedures


On 24 October 2006 Montenegro became a Member of the World Customs Organization. Having in mind the importance of the WCO's 2005 Framework of Standards to Secure and Facilitate Global Trade, Customs Department has submitted to the Secretary-General of the WCO a letter of intention concerning implementation of the Framework. As a consequence, the Secretariat of the WCO has forwarded to the Customs Department a Questionnaire for the Self-evaluation in order to start the Columbus program of assistance. After the Questionnaire was filled and submitted WCO delegation visited Montenegro. On the basis of this so-called diagnostic mission of the WCO, the Final report on the measures which must be taken for the acceleration of the implementation of the Framework Standards will be drafted.