

# **REPUBLIC OF MACEDONIA**

## **2010 - Report**

**on implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate  
the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

**Skopje, May 2011**

## **Executive Summary**

The Government of the Republic of Macedonia holds the view that combating and eradicating illicit trade in small arms and light weapons in all its aspects is fundamental to improved global, regional and national security, as well as necessary social and economic development in the country. The Republic of Macedonia fully supports the implementation of the United Nations Programme of action to prevent, combat and eradicate the illicit trade in Small arms and Light Weapons.

The Republic of Macedonia is a strong supporter of the elaboration of an Arms Trade Treaty, being located in the region where over the last decade of the 20<sup>th</sup> century the uncontrolled spread of conventional weapons, in particular of SALW, fueled or exacerbated conflicts and had devastating humanitarian consequences.

Human security will remain central to the Macedonia policy and action on SALW through a people centered approach to the issue. The main objectives of the Republic of Macedonia will continue to be enhanced safety of the individuals affected by SALW, the control of legal and illegal weapons with targeted interventions carried out by the Macedonian actors ( government and civil society) working in partnership.

Macedonia's response to the proliferation and misuse of SALW is a comprehensive approach that addresses three tracks: arms control, crime control and safety building with the overarching goal to make the population and their communities safer from the threat of violence through participatory techniques. Renewed legislation, targeted directives and safer community development where security providers interact with the local population address as well the supply as the demand side for SALW.

The implementation of the UNPOA during the last year was mainly focused on following issues:

- Adoption of by-laws on the Law on Weapons
- Implementation of the adopted laws
- Elaboration and adoption of the Law on examination and marking of weapons and ammunition
- Development and upgrade of management information tool: weapons registration and management software;
- Implementation of a ballistic identification system (IBIS);
- Addressing celebratory fire and weapons related incidents through a combined approach police and the civil society reinforced by public awareness and risk education;
- Implementation of a border management strategy;
- Increased cooperation through a partnership between Ministry of Local Self Government, Ministry of Interior and the civil sector in the safer community approach;
- Destruction of all confiscated and found weapons;
- Increased cooperation with neighboring countries and international organizations.

## **A.) National level**

### **1. National coordination agency**

The Government of the Republic of Macedonia adopted on 16 June 2005 a National Strategy on SALW. Following the adoption of the Strategy, the National Commission was established in 2007. The Commission replaced an ad hoc body which was implementing the tasks of a National Commission hitherto. The members of the National Commission are assigned from the following Ministries: Ministry of Interior, the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Finances - Customs administration, Ministry of Justice, Ministry of Education, and upon invitation the representatives of the following Ministries; Ministry of Agriculture, Ministry of Economy, Ministry of Local Self Government and as observers the non-governmental organizations, civil society organizations and International Community. Its president is a State Secretary at the Ministry of Interior. The National Commission overview the planning, coordination, direction and monitoring of all appropriate SALW control interventions at the national level in order to secure a safer environment and control SALW within the society thereby creating the conditions for improvement of the general security in the country. The mandate of the National Commission is 4 years after which the members may be re-elected. The National Commission reports to the Government on an annual basis.

The national strategy contains the following functional areas

1. Cross Border Control
2. Legislative and Regulatory Issues
3. Management Information and SALW Survey
4. SALW Awareness and Communications Strategy
5. SALW Collection
6. SALW Destruction
7. SALW Stockpile Management Issues
8. Sector Security Reform Issues.

## **2. National point of contact**

The National Focal Point of SALW is: **Mr.**

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## **3. Legislation, regulations, administrative procedures**

All firearms owners must be licensed and all firearms must be registered in the National Firearms Register. The process of re-registration of firearms and owners is to be completed by 2017.

SALW are divided into categories in accordance with the European Directive 477/91 and 51/2008 which address the harmonization of Civilian weapons possession laws. Main Categories are the

A Categories: Prohibited

B Categories: Allowed and licensed

C Categories: Allowed and licensed (aimed at hunting and sports associations)

D Categories: Allowed and certified (mainly aimed at Pneumatic rifles and weapons with string)

All automatic arms are prohibited in Macedonia

It is also forbidden to carry and use weapons in public places.

i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

Law	Official Gazette of RM No
1. Law on Weapons	5/200547/2006, 42/2007, 86/2008, 72/2010
2. Consolidated Law on Weapons	142/2010
3. Law on examination and marking of weapons and ammunition	25/2010 and 47/2011
4. Regulation on the forms for weapons and ammunition and the record keeping	94/2009, 2/
5. Regulation on the composition of MOI commissions for test shooting, the manner of conducting test shooting and the keeping of bullet casings of the tested weapons	94/2009, 2/2010, 156/2010
6. Regulation on the program of training for proper use, keeping and maintenance of weapons, the manner of practical training for weapons handling, as well as the manner of implementation of technical tests for examination of technical knowledge for proper weapons use and knowledge of weapons regulations	83/2005, 135/2008
7. Regulation on the minimal technical and safety conditions that should be fulfilled by the facilities for practical training for handling weapons of legal entities	83/2005, 135 2008
8. Regulation on the minimal technical and safety conditions that should be fulfilled by civilian shooting grounds	11/2007
9. Regulation on minimum technical and safety conditions to be fulfilled for facilities for production and repair, as well as sale and storage of weapons and ammunition	111/2007
10. Regulation on the type and procedure for performing medical examination for determining health capacity to possess and carry weapons, list of diseases and health conditions which prevent a persons from possessing and carrying of weapons, as well as on the procedure for issuance of health certificates	98/2005
11. Decision on designation of health institutions to perform health examination of natural persons for the purpose of determining whether health conditions for possession and carrying of weapons are fulfilled	83/2007
12. Regulation on the manner of transfer of weapons and ammunition across the state border	51/2007
13. Regulation on the types of weapons that may be purchased on the basis of license and on the purpose of certain types of weapons under A and D categories	51/2007, 2/2011
14. Regulation on the way of surrender, takeover and storage of weapons and ammunition in case of death of the owner, as well as on the format and contents of weapons and ammunition certificate submitted to the competent body	51/2007
15. Regulation on the forms of requests and licenses for transport of weapons and ammunition for imports, transport of weapons and ammunition for exports, transfer of weapons and ammunition for imports, transfer of weapons and ammunition for exports, for transport of weapons and ammunition in transit, and for transport of weapons and ammunition in transit issued electronically	94/2009
<b>Related Laws</b>	
1. Law on Hunting	26/2009
2. Law on Private Security Firms	80/1999 and 66/2007

National Laws, Regulations and Decrees	
<b>Production</b>	<p><b>Production is prescribed in the following laws and directives:</b></p> <p><input type="checkbox"/> Law on Weapons</p> <p><input type="checkbox"/> Law on Production and Trade in Arms and Military Equipment</p> <p><b>Remarks:</b></p> <p><input type="checkbox"/> The law on weapons refers to weapons for civilian needs</p> <p><input type="checkbox"/> The law on production and trade in arms and military equipment refers to arms and military</p>

- equipment for military use.
- The Republic of Macedonia is not a SALW producer.

#### **Registration of a production firm:**

Production of weapons and ammunition may be carried out by a company on the basis of a prior approval by the Government, provided it meets the following conditions:

- Suitable work environment and facilities for the storage of weapons and ammunition, appropriately trained personnel, for the production of weapons and ammunition, as well as technical and technological equipment and protection of the production of the weapons and ammunition.
- Proof of the provided quality control and effective marking Authorization for the acceptance in the trade register as a trade company is issued by the Ministry of Economy as the authorization for production of weapons and ammunition is issued by the Ministry of Interior after previous opinion by the Ministry of Defense.

The registry of the companies is kept by the Ministry of Economy.

The production and trade in weapons and ammunition whose utilization has been banned in accordance with international conventions shall be banned in the Republic of Macedonia and in accordance with the Law on Restrictive Measures (Official Gazette RM, 36/07).

#### **Production of weapons for civilian use:** Law on weapons: Chapter V, article 46.

Manufacture of weapons and ammunition and repair of weapons can be performed by trade companies with headquarters on the territory of the Republic of Macedonia, which before the being registered in the trade register of the Minister of Economy will receive an authorization for performing these activities. The Ministry of Interior shall issue the authorization upon received opinion from the Ministry of Defense and previous authorization from the Ministry of Economy.

The request for issuing an authorization according to article 46 of this law shall be accompanied with a list of the founders of the trade company.

An authorization for manufacture of weapon and ammunition will be issued only if:

1. The submitter of the request, the founders of the trade company or the responsible person in the legal entity:

- a. meet the conditions set out in article 9, paragraph 1, points 2 and 4;
- b. are citizens of the Republic of Macedonia;
- c. at the moment of submission of the request have residence on the territory of the Republic of Macedonia.

2. The legal entity has to meet space and technical requirements for manufacture, repair and safe storage of the weapon and ammunition, fire protection, protection from explosives, pollution, theft or access of unauthorized personnel.

A commission formed by the Ministry of Interior shall assess the compliance with the conditions set out in paragraph 2, point 2 of this article. The trade company, which possesses an issued authorization according to article 46 of this law, shall be obliged to inform the authority in charge within 15 days after the start of the manufacture of weapon and ammunition, i.e. repair of weapon. The Minister of Interior with the Minister of Transport and Communications and the Minister of Economy shall prepare a detailed regulation regarding the minimal technical and security conditions, which must be met by the facilities for manufacture and repair, i.e. trade and storage of weapon and ammunition.

<b>Export</b>	<b>Export is prescribed in the following laws and directives:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Law on Foreign Trade</li> <li><input type="checkbox"/> Law on Weapons</li> <li><input type="checkbox"/> Law on Production and Trade in Arms and Military Equipment</li> </ul>	
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**Short elaboration:**

Trade companies with headquarters on the territory of the Republic of Macedonia can perform trade in weapons, ammunition and weapon parts, if they have received before their registration in the trade registry an authorization for performing that activity.

The authority in charge shall issue the authorization

According to this Law, trade in weapons, ammunition and parts of weapons shall be defined as acquiring weapon, ammunition and weapon parts for sale, storage and maintenance of weapon and ammunition and their sale in retail and wholesale.

Trade companies shall be obliged to trade only in weapon and ammunition classified in the National Catalog and adequately marked.

Trade companies can sell weapon and ammunition only to natural persons and legal entities, which possess an authorization for acquiring a weapon.

Provisions shall respectfully apply to trade companies that trade in weapon and ammunition.

Trade companies can sell ammunition for weapon to natural persons and ammunition to legal entities that secure people and property

Only weapon, ammunition, and parts of weapon, which are tested, marked according to the regulation for testing and marking of firearm can be placed in circulation.

The storage for weapon and ammunition and the trade facilities for weapon and ammunition must meet the conditions for storing and keeping explosives, set out in a law.

The Minister of Interior shall issue an authorization for wholesale trade in weapon and ammunition, import and export of weapon and ammunition for trade companies, to natural persons and legal entities who possess an authorization for acquiring a weapon, for every arranged quantity of weapon and ammunition.

The request for issuing an authorization shall contain:

- Company and headquarters, i.e. personal name and address of the seller, buyer and producer;
- Type, brand, caliber and quantity of weapon and ammunition;
- Registry number of the prototype in the National Catalogue; and
- Contract or other document, which outlines the origin of the weapon and clearly shows the agreement of the seller and the buyer.

The authorization shall be issued with an expiry date of one year.

Import	<b>Import is prescribed in the following laws and directives</b>	
	<input type="checkbox"/> Law on Foreign Trade. <input type="checkbox"/> Law on Weapons <input type="checkbox"/> Law on Production and Trade in Arms and Military Equipment	
	See Export	
	Every weapon permanently imported in the country has to bear an import marking consisting of MKD plus year of import; without this marking the weapon cannot be put in trade.	
Transit	<b>Transit is prescribed in the following laws and directives:</b>	
	<input type="checkbox"/> Law on Foreign Trade. <input type="checkbox"/> Law on Weapons <input type="checkbox"/> Law on Production and Trade in Arms and Military Equipment	
	See Export	
Retransfer	<b>Retransfer is regulated in the following laws and directives:</b>	
	<input type="checkbox"/> Law on Foreign Trade. <input type="checkbox"/> Law on Weapons <input type="checkbox"/> Law on Production and Trade in Arms and Military Equipment	
	See export	

#### Law on possession

The Law on Weapons was passed on 8 February 2005. The law was amended 4 times in 2006, 2007, 2008 and 2010.

The law contains the following sections:

Chapter 1: General provisions

Chapter 2: Acquisition and ownership of a weapon and ammunition

Chapter 3: Handling weapon and ammunition

Chapter 4: Termination and deprivation of the weapon license, license for possession and license for carrying a weapon

Chapter 5: Manufacture, repair and deactivation of weapons and ammunition

Chapter 6: Trade in weapons, ammunition and other parts

Chapter 7: Transportation of weapons and ammunition

Chapter 8: Civil shooting ranges

Chapter 9: Cross border transport of weapons and ammunition

Chapter 10: Citizens of the EU member States

Chapter 11: Registers

Chapter 12: Monitoring

Chapter 13: Misdemeanor provisions

Chapter 14: Transitional and final provisions

This Law stipulates the subject and field of its application. It does not apply to armament and military equipment; to weapons and ammunition purchased and used for the needs of the Ministry of Defense, the Army of the Republic of Macedonia, the Ministry of the Interior, penitentiaries, and other state authorities and legal persons identified in specific regulations.

The Law stipulates that weapons and ammunition, as well as weapon parts may be acquired, possessed and carried only pursuant to the provisions referred to in the Law. These provisions clearly prescribe the conditions for possession and carriage of each type of weapons for legal and natural persons. The said provisions also stipulate that legal persons registered for sale of weapons and ammunition may sell weapons and ammunition only to legal persons and citizens who are in a possession of a license for acquisition of firearms and ammunition.

The Law defines the term of weapons and introduces the classification of firearms contained in Directive 91/477/EEC (short firearms, long firearms, automatic firearms, semi-automatic firearms, repeating firearms, and single-shot firearms).

Pursuant to the Directive 91/477/EEC, weapons have been classified in: prohibited firearms (Category A), firearms which may be purchased on the basis of authorization (Category B), firearms which may be purchased for the needs of hunting and sports, subject to authorization issued under mitigating circumstances (Category C), and firearms to be declared and for which authorization is issued (Category D).

With regard to the ammunition quantity, a distinction is made between the ammunition quantity intended for firearms with smoothbore barrels and non-smooth-bore barrels. A natural person may purchase up to 200 pieces of ammunition for non-smooth-bore barrels, upon the authorization by the MoI, while ammunition for smooth barrel and pneumatic weapons may be purchased freely on the basis of the weapon license. As regards legal entities, they may purchase up to 50 pieces of ammunition per weapon.

The text of the Law also stipulates the obligations of the owner or user of the firearm in regard to its handling and prohibits its carrying in public places.

The cases when weapon authorization or weapon possession authorization is withdrawn and annulled are explicitly identified, along with the provisions with regard to handling weapons and ammunition confiscated in criminal and misdemeanor procedures.

The issues regarding production, repair and circulation of weapons, ammunition and parts of weapons are systemized in relevant Chapters.

With regard to the transport of weapons and ammunition, the Law contains conditions concerning trade companies involved in transport of passengers and goods that may undertake transport of weapons as well as a provision providing that the regulations concerning explosive materials accordingly apply to the transport of ammunitions.

The Law also defines the conditions with regard to establishing and operation of civilian rifle ranges.

ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

All weapons imported or exported from the country have to be duly marked according to the Law on Examination and Marking of Weapons. Regular inspections (up to three per year) in the trade firms are carried out by the Weapons Department within the Ministry of Interior. The inspections include the checking of the inventory, the stockpile management and the administrative procedures according to the law. Penalties for irregularities of manufacture, stockpiling, transfer and possession of SALW are defined in the Law on Weapons, Law on Misdemeanors and the Criminal Code.

iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (11.23)

All laws and regulations in the Republic of Macedonia are made public through the publishing in the Official Gazette. They are also available on the website: <http://www.uslugi.gov.mk> and [www.moi.gov.mk](http://www.moi.gov.mk).

#### **4. Law enforcement/criminalization**

i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

Relevant Articles of the Criminal Code:

#### **Article 395**

(1) Any person who manufactures, procures, hides or enables someone else to acquire weapons, ammunition, explosives and/or bursting materials or components necessary for their production, toxins and other instruments that the person knew are intended to be used for a crime to be committed, shall be sentenced to imprisonment of one to five years.

(2) If the crime referred to in paragraph (1) of this article is committed with the use of firearms, weapon whose use is prohibited, or explosives or other materials of a larger quantity, the perpetrator shall be sentenced to imprisonment of three to eight years.

(3) A person who makes or gives to another a false key or some other means for breaking in, even though he knows that it is intended for committing a crime, shall be punished with imprisonment of three months to three years.

- (4) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.
- (5) The objects stipulated in paragraphs 1 through 3 and the instruments their manufacture, transfer and distribution shall be confiscated.

### **Unlawful keeping weapons or explosive materials**

#### **Article 396**

- (1) A person who without authorization manufactures, sells, procures or does an exchange with firearms, ammunition or explosive materials, or a person who without authorization keeps firearms, ammunition or explosive materials, which are forbidden for the citizens, shall be punished with imprisonment of three to ten years.
- (2) If the subject of the crime from item 1 is a larger quantity of firearms, ammunition or explosive materials, the offender shall be punished with imprisonment of three to ten years.
- (3) If the crime referred to in paragraphs (1) and (2) is committed as part of a group, gang or other criminal enterprise, the perpetrator shall be sentenced to imprisonment of at least eight years.
- (4) The objects from items 1 and 2, and the means for their manufacture, transfer and distribution shall be confiscated.

### **Counterfeiting firearms**

#### **Article 396-a**

- (1) Any person who counterfeits markings on firearms by deleting, destroying or changing the markings of a firearm or parts of a firearm, or a person who does not seal and mark firearms, parts, components of firearms and ammunition, shall be sentenced to imprisonment of one, up to ten years.
- (2) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.

ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

In January 2005 the Ministry of Interior established a special sector dealing with illegal trade in weapons, ammunition and explosive materials.

During 2010 their actions had the following impact:

199 criminal offences of illegal manufacture, possession and trade in weapons and explosive materials were disclosed for which 223 persons were charged, while 5 charges were initiated against the unknown perpetrators. In addition to criminal charges, offence proceedings were requested for 439 persons, most frequently for purchase of parts of weapons, possession of ammunition, carrying of weapons in violation of the provisions of the law, failure to file application for registration of a weapon within a set deadline, non-surrender of weapons and ammunition in case of owner's death and alike.

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (11.15)

There were no such cases registered during the last year.

### **5. Stockpile management and security**

i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (11.17)

Ministry of Defense: When deciding on stockpile locations of explosives, weapons and ammunition, following elements are taken into consideration: distance from the motorways, populated areas, industrial objects, railway stations, lakes, dams, airports, as well as the quantity of explosives that is to be stored.

The regulation covering the stockpile security issues are prescribed in the *Regulation on storage and handling of ammunition* and in the *Technical manual on theft prevention of weapons and ammunition* from the storing facilities. In order to obtain complete protection, physical and technical protection is prescribed (in the army with the army

guard patrols with trained dogs) and appropriate fire protection and explosive protection measures are in place, with additional protection measures on the working site and intervention plans in a case of emergency. The doors of the storage facilities are protected with a metal grid and sealed accordingly, with an appropriate outdoor lighting system, guard service, additional protection fences and alarm system, which is not obligatory. Once the alarm system is in place it is checked regularly. The storage site is observed from the Observation posts. There is no centralized system of monitoring in place. The weapons, parts of weapons and ammunition are stored separately. In the cases of reported losses or thefts, the law enforcement agencies are informed as well as the superior in command according to the chain of command in the Armed Forces. Authorized personnel have access to the site in possession of a personal security clearance, and are capable and qualified in handling stockpiles. They are subject to regular training on related procedures, regulations and practices.

All the records are kept for unlimited period of time, and are subject to daily or periodical inspection. In case of emergency, a contingency plan is activated and this procedure is trained periodically. Rules on inspection to verify that storage fulfill the requirements prescribed by the internal regulations of the Ministry of Defense and the Law on Defense. Protection of the transport route is made according to the Law on Transportation of Dangerous Materials and is executed by armed escorts. Weapons and ammunition are stored separately.

Ministry of the Interior: There is a number of Regulations which relate to the issue of management of stocks, including The Regulation on the manner of performing police work (Art. 223,224,225,226 and 227) which regulates carrying, handling and storage of weapons of employees of the MOI; Regulation on conduct and relations among employees with special duties and powers in the MOI (Art 80, 81,82,and 83) which regulates care of weapons and equipment of MOI's employees; Regulation for treatment by police officers of temporarily impounded or found items; the Regulation on: the way of surrender, takeover and storage of weapons and ammunition in case of death of the owner, as well as on the format and contents of weapons and ammunition certificate submitted to the competent body which regulates the procedure for reception and keeping of weapons and ammunition in case of owner's death and prescribes the standards for storage facilities as well as the procedure for records keeping and care for weapons and Guidelines for conduct of police officers in case of voluntary surrender of weapons which regulates the reception, records-keeping and storage of voluntarily surrendered weapons in police stations.

ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (11.18)

Police:

Central storage (weapons for police reserve units); once a year

Police stations: Every month

Ministry of Defense:

Daily by the responsible personnel of the specified object in the area of the storage site,

Weekly by the commander of the storage site,

Monthly by the company commander level,

Quarterly by the battalion commander level,

Every six month by the regiment/brigade commander level,

Annually on the level of the MoD and General staff.

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (11.18)

State Institutions are responsible for their own surplus calculation according to the national security requirements. Weapons identified as surplus to requirements to the Macedonian Forces and Police are either sold according to national and international standards, or destroyed.

## 6. Collection and disposal

i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (11.18)

No surplus calculation was made during 2010.

ii) Is destruction the means used to dispose of such stocks? (11.18)

Weapons identified as surplus to requirements to the Macedonian Defense and Police are either sold following national and international standards, or destroyed.

iii) What national measures exist to safeguard such stocks prior to their disposal? (11.18)

The MOD guards these weapons in their respective storages until the time of destruction. The security of those stocks are the same as described in paragraph 5 (i)

The MoI has established a central storage for confiscated, found and weapons waiting for destruction which is under special surveillance of patrols and security cameras, all items are part of an inventory. Weapons can only be destroyed after a decision by the court (civilian weapons) or the Government (weapons belonging to the State Institutions.)

iv) Subject to the exceptions set out in paragraph 11.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (11.16)

All confiscated, found or seized weapons are being destroyed on an annual basis (9 July). Last year a total of 694 pieces of weapons were destroyed after court decision.

v) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (11.19)

The methods used in Macedonia for destruction of weapons are melting down in a steel oven. The methods for destruction of ammunition up to .50 burning in a specially designed oven (kiln) and heavy ammunition and explosive materials are destroyed by open pit detonation.

vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (11.23)

All information concerning SALW confiscated and destroyed is made available to the media, and reporting is done through the UNDP channels to SEESAC, Belgrade, the Stability Pact and the UN Channels.

## **7. Export controls**

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II. 11).

An authorization for purchase weapons, its components, ammunition or explosive materials is issued to an registered firm (in the register of the Ministry of Economy and holding an authorization to trade with weapons, its parts, ammunition and explosive materials). This authorization is valid for 6 months. With this authorization the trade company can start negotiations and collect offers.

At the moment a deal is made and the company wants to import the goods, they request an authorization to cross the State Borders, which is equal to an import license. Trade firm, the amount of goods and the end user are verified. The request is sent by the Ministry of Interior to the Ministry of Defense and the Ministry of Foreign Affairs for their approval. (Check on danger for the security of the State, UN Embargoes, and the conditions according to the European Code of Conduct) The decision of this commission is ruled by the "Veto" right. If the request is positive, an import license and a user certificate are issued. The license is valid for three months.

48 hours before the arrival in the country, the importer needs to inform the Ministry of Interior when the transport will arrive at the State Borders. Every transport is checked by the Customs Administration and the sector for weapons, ammunition and explosive materials of the Ministry of Interior on validity and authentication of the documentation as well as the quantity and identification of the goods. The transport is further escorted to the end user or in case of transit to the other border post.

Illegal trafficking is being prevented through several measures prescribed in the national integrated border management strategy like x-scanners, intelligence and pro-active investigations, searches, the development of a border intelligence group (Customs and Border police) and the establishment of the ASYCUDA database system which links all border crossing points and clearance stations together.

ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (11.12)

*- Transfers (import, export, transit, and etc.) of these weapons is in line with the EU Code of Conduct for Arms Export of 8 June 1998 and the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment the Republic of Macedonia aligned with in June 2010.*

External transfers (import, export, transit, and etc.) of weapons, ammunition, and explosive materials in the Republic of Macedonia are regulated through the following regulations: The Law on Weapons (Official Gazette of the RM No. 07/2005), Laws amending the Law on Weapons (Official Gazette 47/2006, 42/2007, 86/2008 and 72/2010); the Law on Protection from Explosive Materials (Official Gazette of the SRM Nos. 4/78; 10/78; 51/88, and 36/90 and Official Gazette of the RM No 12/93, and 31/93, 66/2007, 86/2008); the Law on Trade (Official Gazette of the RM No. 16/2004, 28/2006, 63/2007, 86/2008, 159/2008 and 20/2009); the Decision on Allocation of Goods to Forms of Export and Import (Official Gazette of the RM No. 167/2008); Law on Carriage of Dangerous Goods by Road and Railway (Official Gazette of the RM Nos.92/2007); the List of Explosive Materials to be Placed into Circulation (Official Gazette of the RM Nos. 64/98, 12/2000, 46/2004 and 106/2006).

Having regard to the obligation of the Republic of Macedonia of 1 November 2004 upon the unilateral adherence to the EU Code of Conduct for Arms Export (adopted by the EU Council on 8 June 1998) to adopt and implement the criteria and principles contained in the Code, and following our alignment with the Council Common Position 944 the Republic of Macedonia evaluates the requests for authorization regarding export of weapons and military equipment in line with the criteria established by the Code and the Common Position 944.

The Ministry of the Interior of the Republic of Macedonia, within its competencies, regulates trade, i.e. import, export and transit of weapons, ammunition and explosive materials across the state border of the Republic of Macedonia. It makes decisions upon requests submitted by authorized legal persons through administrative procedure with regard to: trade of weapons and ammunition; trade of explosive materials; supply and transport of explosive materials; supply and transport of weapons and ammunition; matters connected with verification of new kinds of explosive materials. Pursuant to the Customs Administration Law (Official Gazette of the RM No. 46/04) and Article 10 paragraph 1 Point 9 thereof, the Customs Directorate of the Republic of Macedonia is responsible for control over the export, import and transit of goods with regard to prescribed security measures. In case of small and light weapons for which appropriate measures are anticipated in the applicable laws, customs authorities with regard to these goods do not allow further customs procedure pending provision of prescribed authorization as an evidence that the goods is in line with anticipated legal conditions.

iii) Does your country use authenticated end-user certificates for this purpose? (11.12)

End-user certificate is standardized according to EU standards for SALW, arms as well as dual use goods.

iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (11.13)

The Republic of Macedonia notifies the original exporting State upon request in case of re-export or re-transfer

## **8. Brokering**

i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (11.14)

The Law on Trade and Laws amending the Law on Weapons. Every trading firm has to be registered in the trade register of the Ministry of Economy and an additional authorization has to be issued by the Ministry of Interior.

As part of the process of gradual adoption and introduction of the CFSP *acquis* into the national legislation, the Government of the Republic of Macedonia at its session of 1 November 2004 adopted a Decision on Unilateral Acceptance of the European Code of Conduct on Arms Exports. In 2005 Macedonia acceded to the Common Position of the European Council No. 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering.

To further improve the legal basis and enhance the legal mechanisms for implementation of internationally accepted obligations for application of sanctions, including arms embargoes, at the end of 2005 the Ministry of Foreign Affairs initiated a procedure for amending relevant legislation in this domain and drafting a law on restrictive measures, including arms embargos (adopted and published in the Official Gazette RM, 36/07).

The specific legislation on brokering is being developed with the assistance of SEESAC.

## **9. Marking, record keeping and tracing**

i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

Yes, according to the Law on Jigging, Examination and Marking of 2010 (Official Gazette 25.2010).

ii) Is this marking unique? (II.7)

There are no operational production companies in Macedonia.

iii) Does this marking identify the country of manufacture? (II.7)

Yes

iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

No practical experience because we do not have production facilities.

v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

Records on manufacture, holding and manufacture are kept for unlimited time and at least 10 years.

vi) What national measures exist for tracing SALW held and issued by the State? (II. 10)

According to the law every civilian owned weapons that will be possessed or sold in Macedonia will have to fire two bullets and two cartridges will be delivered to the Ministry of Interior. Every weapon imported in the Republic of Macedonia has to be marked with an original import tracing containing MKD and the year of import.

Authorized state institutions, unless the weapons are purchased from the trading company in the Republic of Macedonia, do not trace new weapons. This issue will be regulated with a relevant by-law on the Law on Jigging, Examination and Marking of Weapons and Ammunition with a new Law on Marking and Tracing.

The Criminal Police gets information about weapons being traced or found abroad. When a weapon is found in Macedonia the Criminal Police informs Interpol. When a weapon is stolen or lost the Criminal Police forwards a request to Interpol.

vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III. 11)

The Ministry of Interior has developed of a new weapons registration and stockpile management software, which allows to trace all legal weapons in the country. At the same moment the forensics laboratory has been upgraded with a Ballistic Identification System.

Macedonia has cooperation with Interpol and SECI center on tracing of weapons.

## **10. Disarmament, demobilization and reintegration (DDR)**

i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (11.21)

With the Law amending the Law on Weapons of 2010, citizens may voluntary surrender the weapons of A category they possess illegally by 4 June 2011. As far as BCD categories of weapons are concerned, they may either surrender them or submit request for their legalization, under the conditions prescribed by law.

ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (11-22)

No special programs were implemented

iii) Please describe any DDR programmes or activities that your country has supported. (11.30, 34) None.

### **11. Awareness-raising**

i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapons and the voluntary surrender of SALW). (11.20)

The Republic of Macedonia is implementing public awareness events on a regular basis as part of the National SALW strategy.

ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (11.41)

See above.

### **B.) Regional level**

#### **1. Legally binding instruments**

i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (11.25)

No

ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (11.25)

#### **2. Moratoria and action programmes**

i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (11.26)

None

#### **3. Regional Cooperation**

i) Please describe any involvement your country has had in the establishment of sub regional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (11.27)

SECI

i) Please describe any initiatives your country has undertaken to encourage regional and sub regional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (11.28)

- Active involvement in cooperation with SECI center, particularly cooperation with the SECI working group established to fight illegal trafficking with firearms.
- Active involvement and information sharing with SEESAC in Belgrade.

- Active involvement in the OSCE SALW actions.
- Active involvement in RACVIAC SALW Actions

## C.) Global level

### 1. International instruments against terrorism and crime

i) What existing international legal instruments against terrorism and trans-national organized crime has your country ratified or acceded to? (11.38)

- United Nations Convention against trans-national organized crime and its Protocols;
- CoE-Convention on Laundering, Search, Seizure and Confiscation of Proceeds from crime
- UN-Convention for Suppression of Trafficking in Persons and Exploitation of Prostitution of Others
- UN-Supplementary Convention on Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery
- CoE-Convention on Cyber crime
- UN-Single Convention on Narcotic Drugs from 1961, amended by Protocol from 1972;
- UN-Convention on Psychotropic Substances;
- UN-Convention against Traffic in Narcotic Drugs and Psychotropic Substances;
- European Convention on the Suppression of Terrorism;
- Protocol amending the European Convention on the Suppression of Terrorism;
- Council of Europe Convention on the Prevention of Terrorism

The Republic of Macedonia is a state-party to all United Nations counter-terrorism instruments. The Republic of Macedonia supported the adoption of the UN Counter-terrorism Strategy and its Plan of Action, as well as the present efforts for an early adoption of a comprehensive counter-terrorism convention.

### The Firearms Protocol was ratified in July 2007

### 2. International cooperation and assistance

i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (II.3, 6, 10, 14)

There was no technical assistance provided by the Republic of Macedonia during 2010.

ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects, (11.13)

None

iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, trans-national organized crime and terrorism. (11.15) iv) Please give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (11.37)

- Macedonia cooperates on a regular basis with Interpol for identifying weapons resulting from criminal events and tracing these weapons in the country.

v) Please give details of your country's use and support of Interpol's International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)

None

vi) Please give details of your country's cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (11.32)

As a Member State of the United Nations since April 1993, the Republic of Macedonia adheres to the Charter of the United Nations, which according to the Constitution of the Republic of Macedonia, became a constitutive part of its internal legal order. Consequently, in view of Article 41 of Chapter VII of the Charter of the United Nations, according to which the Member States are obliged to apply the restrictive measures decided upon by the UN Security Council, this presents the basic legal framework for application of UN sanctions and restrictive measures by the Republic of Macedonia.

The Law on International Restrictive Measures of the Republic of Macedonia (LIRM), adopted in March 2007 and applicable from 1<sup>st</sup> of June 2007 is the Macedonian legal framework for the implementation of the international restrictive measures imposed by binding UN Security Council Resolutions. The Law on International Restrictive Measures applies also to the implementation of the restrictive measures included in Common Positions, adopted by the Council of the European Union and the implementation of regulations, adopted by other international organizations, where to the Republic of Macedonia is a member-state, in accordance with the international law.

In accordance with LIRM, UN sanctions imposed by binding UN Security Council Resolutions are incorporated through decisions, adopted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Foreign Affairs. Pursuant to the Article 4 of the LIRM, the decision for the implementation of the international restrictive measure-s as a formal act stipulate the competent authority-ties within the state administration for the implementation of the international restrictive measure-s as well as other individuals or legal persons designated for the purposes of implementation of the restrictive measures; the methods of the implementation of the international restrictive measure-s; the exceptions to the restrictive measure-s indicated in the SC Resolution or other acts as provided in the LIRM (See footnote 1) and the methods of cooperation as well as the exchange of information among the competent authority-ties. These decisions enter into force by virtue of their publication in the Official Gazette of the Republic of Macedonia.

vii) Please describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understandings of the basic issues and the scope of the problems related to illicit brokering in SALW. (11.39)

### **3. Cooperation with civil society and NGOs**

i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

The NGO Sector was invited to be represented on the National Commission to revise the Law on Weapons. Cooperation with the civil society and the non-governmental organizations has been ongoing on several awareness raising events. The state Institutions are cooperating with several international NGOs in order to facilitate their research: Saferworld, IANSA, etc..

### **4. Information exchange**

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III. 12)

None

ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (11.23)

The Republic of Macedonia shares information about SALW confiscated and destroyed with SEESAC, OSCE, European Union and the UN.

Relevant information on illicit traffic routes are shared with SECI center in Bucharest.

#### **5. Training, capacity-building, research**

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

None

ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

None

iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III. 18)

None