



*Ambassador
Permanent Representative of the Republic of Serbia
to the United Nations*

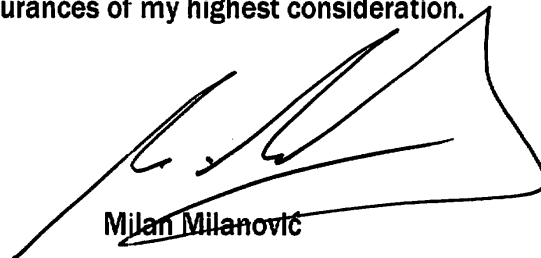
16. 432

29 March 2018

Excellency,

I have the honour to forward, enclosed herewith, the National Action Plan for the Implementation of UNSCR 1540 (2004) on the non-proliferation of weapons of mass destruction and their means of delivery for the period 2018-2022, prepared by the Government of the Republic of Serbia.

Please accept, Excellency, the assurances of my highest consideration.



Milan Milanović

H.E. Mr. Sacha Sergio Llorentty Soliz
Chairman
Security Council Committee
established pursuant to resolution 1540 (2004)
United Nations
New York

NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1540 ON THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THEIR MEANS OF DELIVERY (2018-2022)

I. Introduction

UN Security Council Resolution 1540

UN Security Council Resolution 1540 on the Non-Proliferation of Weapons of Mass Destruction and Their Means of Delivery (hereinafter: UNSC Resolution 1540) was unanimously adopted on 28 April 2004. It is the first UN Security Council Resolution which expressly mentions common efforts to counter the threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery.

The primary obligations under UNSCR 1540 relating to preventing proliferation of WMD and their means of delivery include:

1. To refrain from providing any support to non-State actors developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery.
2. To adopt and enforce laws that prohibit non-State actors to produce, acquire, possess, develop, transfer, transport, or use nuclear, chemical or biological weapons and their means of delivery, particularly for terrorism purpose.
3. To take and enforce effective measures to establish domestic controls to prevent the proliferation of WMD and their means of delivery, including by establishing appropriate controls over related materials involving accountancy, security and safety measures, border and police controls, national export and trans-shipment controls.

Following the adoption of resolution 1540 (2004), the Security Council of the United Nations subsequently adopted resolutions 1673, 1810, 1977, 2055 and 2325¹, all specifying the obligations of Member States in preventing proliferation of weapons of mass destruction. UNSCR 1673 reinforces the obligations related to controls over WMD proliferation financing. UNSCR 1810 encourages States and international, regional and sub-regional organizations to keep the Committee established by Security Council resolution 1540 (hereinafter: the Committee) informed of the areas where they can provide assistance and designate their points of contact for assistance. Additionally, it calls upon all States to prepare a summary action plan mapping out their priorities and plans for implementing the key provisions of resolution 1540. Under SCR 1977, the decision was made to extend the mandate of the Committee for a period of ten years and significantly reinforce international measures to prevent the proliferation of WMD and their means of delivery.

The latest resolution 2325 adopted by the UN Security Council on 15 December 2016 reiterates the need of the UN Member States to continue to build national capacities and strengthen legislation to prevent the proliferation of WMD).

In order to efficiently comply with the obligations under the foregoing UNSC resolutions, that is, in the area of WMD non-proliferation, the Republic of Serbia will continue to abide

¹ Texts of the above-mentioned UNSC resolutions can be found on: <http://www.un.org/en/sc/1540/resolutions-and-presidential-statements/sc-resolutions.shtml>

by the provisions of all ratified or endorsed international conventions concerning WMD non-proliferation, including:

- Law on the Ratification of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (“Official Gazette of the SFRY – Supplement”, No. 10/70);
 - Law on the Ratification of the Comprehensive Nuclear-Test-Ban Treaty and Protocol (CTBT) (“Official Journal of SCG – International Treaties”, No. 4/04);
 - Regulation on the Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) (“Official Gazette of the SFRY – International Treaties and Other Agreements”, No. 43/74);
 - Law on the Endorsement of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) (“Official Gazette of the FRY – International Treaties”, No. 2/00);
- The National Assembly adopted on 11 May 2009 the Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (“Official Gazette of the Republic of Serbia”, No. 36/09).
 - On the basis of the above law, the Commission of the Republic of Serbia for the implementation of the Chemical Weapons Convention was established with participation of representatives from all relevant ministries.

Furthermore, the Republic of Serbia will continue to implement the ratified or endorsed conventions relating to the fight against terrorism:

- Law on the Ratification of the Convention on Offences and Certain Other Acts Committed on Board Aircraft (“Official Gazette of SFRY”, No.47/70);
- Law on the Ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft (“Official Gazette of the SFRY”, No. 33/72);
- Law on the Ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (“Official Gazette of the SFRY”, No. 33/72);
- Law on the Ratification of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (“Official Gazette of SFRY – International Treaties, No. 54/76);
- Law on the Ratification of the International Convention against the Taking of Hostages (“Official Gazette of the SFRY – International Treaties”, No. 9/84);
- Law on the Ratification of the Convention on the Physical Protection of Nuclear Material (“Official Gazette of SFRY – International Treaties”, No. 9/85);
- Law on endorsing the amendments to the Convention on the Physical Protection of Nuclear Material (“Official Gazette of RS – International Treaties”, No.4/16);
- Law on the Ratification of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (“Official Journal of the SFRY – International Treaties”, No. 14/89);
- Law on the Ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (“Official Journal of SCG – International Treaties”, No. 2/04);
- Law on the Endorsement of the 2005 Protocol Amending the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (“Official Journal of the Republic of Serbia – International Treaties”, No. 1/10);

- The Law on the Ratification of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (“Official Gazette of SCG – International Treaties”, No. 6/04);
- Law on the Ratification of the Convention on the Marking of Plastic Explosives for the Purpose of Their Detection (“Official Journal of SCG – International Treaties”, No. 11/05);
- Law on the Endorsement of the International Convention for the Suppression of Terrorist Bombing (“Official Journal of the FRY – International Treaties”, No. 12/02);
- Law on the Endorsement of the International Convention for the Suppression of the Financing of Terrorism (“Official Journal of the FRY – International Treaties”, No. 12/02);
- Law on the Endorsement of the International Convention for the Suppression of the Financing of Terrorism (“Official Journal of the FRY – International Treaties”, No. 7/02);
- International Convention for the Suppression of Acts of Nuclear Terrorism (“Official Journal of SCG – International Treaties”, No. 2/06);
- Law on the Endorsement of the Convention on Nuclear Safety (“Official Journal of the RS – International Treaties”, No. 10/17);
- Law on the Endorsement of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of the Radioactive Waste Management (“Official Journal of the RS – International Treaties”, No. 10/17).

To undertake activities aimed at preventing proliferation, it is necessary under SCR 1540 to ensure unimpeded international economic and technological cooperation in the peaceful uses of the materials, equipment and technologies concerned.

The Republic of Serbia is the first country in the wider region to have prepared the National Action Plan for the purpose of following-up on its commitments relating to SCR 1540, for the 2012-2016 period. Bearing in mind that the Republic of Serbia is committed to further development of its administrative and regulatory frameworks, to improve the level of implementation in this field and that UNSC resolution 2325 adopted on 15 December 2016 re-affirmed the importance of continuous implementation of UNSC resolution 1540, a new updated National Action Plan for the implementation of UNSC resolution 1540 has been prepared for the forthcoming 2018-2022 period.

Reasons for drafting a National Action Plan on SCR 1540

The obligations under SCR 1540 are of a multi-dimensional nature and their implementation at national level requires involvement of all State bodies in the Republic of Serbia responsible for safeguarding (non-proliferation), security (the threat of terrorism) and safety (accidents with WMD, precursors, fissile materials, chemical and bio agents). The drafting of the National Action Plan for the implementation of SCR 1540 (hereinafter: NAP 1540) should facilitate:

- Review of goals of SCR 1540 on non-proliferation of weapons of mass destruction and their means of delivery, within the national context;
- Identification of measures needed for comprehensive implementation of UNSC resolution 1540;
- Allocation of responsibilities, coherent with balanced and transparent implementation of the Resolution;
- Coordination between all relevant State bodies as well as fostering of effective collaboration;
- Systematic monitoring of implementation of measures.

Institutional framework for NAP on SCR 1540

In order to comply with the obligations under SCR 1540, it is necessary to further improve the legislative framework, procedures, physical and technical safeguards mechanisms, etc. with a view to upgrading relevant standards.

To create conditions for the elaboration of comprehensive legislation in areas covered by SCR 1540, the Government will extend the mandate of the existing Working Group for the improvement of NAP 1540 implementation (hereinafter: the Working Group) established by the Government Decision 05 No. 02-9132/2012 of 20 December 2012. The Working Group shall continue to review the fulfilment of obligations and provide proposals, views and expert explanations for the improvement of UNSCR 1540 implementation, both nationally (to coordinate national activities, organize exercises - as a State response to particular situations as well as seminars, training courses, lectures, etc.), and internationally (in relations with international organizations).

The Annual Progress Report shall contain the list of measures already undertaken or those to be undertaken to ensure an effective implementation of UNSC resolution 1540. Based on the findings detailed in the progress report, the initial NAP 1540 could be amended whereupon the UN Security Council Committee 1540 will be informed accordingly.

The measures proposed in the NAP 1540 should be carried out within a period of five years.

II. Goals and Measures of the NAP 1540 (2018-2022)

The goal of the NAP 1540 is to ensure that the Serbian national legislation is in line with the obligations defined in SCR 1540. Certain goals defined in the NAP 1540 for the period 2012-2016 have already been fulfilled. Nevertheless, since the Republic of Serbia is committed to further improving its capacities in the field of prevention of WMD, in the 2018 – 2022 period it will focus on the goals and measures listed in the table below:

GOAL 1
Refraining from support

UNSC resolution 1540 provides in its paragraph 1 that *“States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery”*.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
1.	Strengthening the policy on non-proliferation of WMD and their means of delivery	1.1	Ministry of Foreign Affairs in coordination with the Ministry of Defence; Security Information Agency; Ministry of Education, Science and Technological Development; Ministry of Health; Ministry of Finance; National Bank of Serbia; Ministry of Justice; Ministry of Environmental Protection; Ministry of Trade, Tourism and Telecommunications; Civil Aviation Directorate; Office of the National Security Council and Classified Information Protection; Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia; Public Enterprise “Nuclear Facilities of Serbia” and the Institute for Physics	Affirmation of the determination of the Government that the Republic of Serbia is committed to non-proliferation of WMD and that it does not provide any form of support to non-State actors that attempt to develop, acquire, possess, manufacture, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery	Continuous	No expenses – the measure is undertaken within regular working activities
		1.2.	Ministry of the Interior and Security Information Agency, i.e. security services	Establishment of national coordination mechanisms to detect non-State actors’ activities	2019	No expenses – the measure is undertaken within regular working activities

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
2.	Implementation of international multilateral documents relating to WMD non-proliferation	2.1	Ministry of Foreign Affairs in coordination with the relevant State bodies	Implementation of international multilateral documents on non-proliferation of WMD and their means of delivery	Continuous	No expenses – the measure is undertaken within regular working activities
3.	Adoption of the National Action Plan (NAP) to reduce the risk associated with harmful effects of chemical, biological, radiological and nuclear materials	3.1	The Ministry of the Interior; Ministry of Defence; Security and Information Agency; Ministry of Foreign Affairs; Ministry of Education, Science and Technological Development; Ministry of Health; Ministry of Environmental Protection; Ministry of Trade, Tourism and Telecommunications; Office of the National Security Council and Classified Information Protection; Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia; Public Enterprise “Nuclear Facilities of Serbia”	NAP adopted	First quarter of 2018	No expenses – the measure is undertaken within regular working activities

GOAL 2
Criminalization of WMD-related activities

UNSC resolution 1540 provides in its paragraph 2 that “States shall adopt and enforce laws to prohibit non-State actors to manufacture, acquire, possess, develop, transfer, transport or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist activities”.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
1.	Strengthening of professional and technical capacities, including efficiency of the State bodies and organizations in charge of preventing, detecting and processing illegal proliferation i.e. perpetrators of criminal acts related to this incriminating activity. ²	1.1	Ministry of the Interior in coordination with the relevant State and judicial authorities	Enforcement of legislation, i.e. effective punishment for violations	Continuous	No expenses – the measure is undertaken within regular working activities

² The Criminal Code of the Republic of Serbia (“Official Gazette of RS”, Nos 85/05, 88/05 – corrigendum, 107/05 – corrigendum, 72/09, 111/09, 121/12, 104/13 and 108/14), provides for several criminal acts directly related to Resolution 1540 implementation, namely:

- Unlawful construction of a nuclear facility (Article 267);
- Causing general danger (Article 278);
- Unlawful acquisition of and threatening security by nuclear materials (Article 287);
- Carrying out terrorist acts by using chemical, biological or nuclear materials (Article 391);
- Activating a deadly device in a public place or in a facility or near a facility – explosive, chemical, biological or poisonous or radioactive substances (Article 391c);
- Destruction or damaging a nuclear facility (Article 391d).
- Unlawful manufacture, sale and possession of prohibited weapons (Article 377).
- Violation of restrictions introduced by international organizations (Article 384a).

GOAL 3
Effective control measures

Paragraph 3 of UNSC Resolution 1540 states that: "...States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials involving...

- (a) Accountancy and securing of such items in production, use, storage, or transport
- (b) Physical protection measures
- (c) Border controls and law enforcement
- (d) National export and trans-shipment controls"

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/budget
1.	Defining nuclear, chemical and biological security and safety within national legislation in accordance with the evaluation of the current security challenges, risks and threats	1.1	Ministry of Health; Ministry of Environmental Protection and Ministry of Defence	Adoption of a regulation specifying the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	2019	No expenses – the measure is undertaken within regular working activities
		1.2	Ministry of Education, Science and Technological Development in coordination with Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia	Adoption of the amendments to the Law on the Protection against Ionizing Radiation and on Nuclear Safety	2019	No expenses – the measure is undertaken within regular working activities

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/budget
2.	Development of domestic controls on nuclear, chemical, biological weapons and their means of delivery with the purpose of establishing appropriate technical and administrative capacities, resources and regulatory structure	2.1	Ministry of the Interior; Ministry of Defence; Ministry of Education, Science and Technological Development; Ministry of Health; Ministry of Environmental Protection; Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia, Public Enterprise "Nuclear facilities of Serbia"	A system of control was established. A broad introduction to relevant laws and regulations (process of approving and denying licences for individuals and entities involved in controlled goods activities; establishing a national register or inventory of relevant materials and technologies)	2021	No expenses – the measure is undertaken within regular working activities
3.	Ratification of the Additional Protocol (AP) to the Agreement between the SFRY and the International Atomic Energy Agency on the Implementation of Safeguards concerning the Treaty on the Non-Proliferation of Nuclear Weapons	3.1	Ministry of Education, Science and Technological Development in coordination with the Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia	Ratified Additional Protocol and submitted initial Declaration concerning the fulfilment of undertaken obligations, established national register of nuclear materials		No expenses – the measure is undertaken within regular working activities
4.	Enforcement i.e. implementation of relevant regulations ³ on controlled nuclear, chemical and biological material accountancy; safe transportation, storage and handling of dangerous goods, including nuclear materials, chemicals and toxins (Safe transport - approved carriers, secured containers and packaging, labelling, shipment tracking, etc.);	4.1	Ministry of Defence; Ministry of the Interior; Ministry of Education, Science and Technological Development; Ministry of Health, Ministry of Environmental Protection; Office of the National Security Council and Classified Information Protection and the Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia, Public Enterprise "Nuclear Facilities of Serbia"	Established system of inspections of facilities and laboratories (where controlled goods may be found); Appropriate agency or inter-agency body designated; Designation and implementation of appropriate physical and technical protection measures; Application of the Nuclear Safety and Security Program in Serbia and implementation of the Government Regulation on the security of nuclear facilities and nuclear materials;	2021	No expenses – the measure is undertaken within regular working activities

³ Adequate violation penalties adopted.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/budget
	Implementation of relevant regulations concerning physical security of nuclear, chemical and biological materials and facilities.			Disease surveillance performed		
5.	Cross-border traffic control - customs	5.1	Ministry of Finance – Customs Administration	Promotion of relevant efficient border control for detection, prevention and suppression of illegal trade ⁴	Continuous	No expenses – the measure is undertaken within regular working activities
6.	Issuing licences for import and export of nuclear, chemical and biological materials and their means of delivery (including their technology) and technical review and assessment of goods (dual-use, military, nuclear, chemical and biological) and technologies under established international control regime	6.1	Ministry of Trade, Tourism and Telecommunications in coordination with the Ministry of Foreign Affairs; Ministry of Defence; Ministry of the Interior; Security and Information Agency and the Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia	Export, transit, trans-shipment and re-export controls established. Funds and services such as financing and transporting are monitored and controlled. End-user controls established	2021	No expenses – the measure is undertaken within regular working activities

⁴ Active participation in the World Customs Organization SAFE standards.

GOAL 4
Control lists

UNSC resolution 1540 in its paragraph 6 states that “the Security Council appreciates the usefulness, for the purpose of implementing this resolution, of well managed national control lists, and requests from all Member States, when necessary to pursue at earliest opportunity the development of effective national control lists”.

No.	Measures		Responsibility	Indicators	Deadline	Source of funding/ budget
1.	Development of relevant control lists and their updating with the EU lists	1.1	Ministry of Trade, Tourism and Telecommunications in coordination with other relevant State bodies	Harmonized lists and uniform approval regime	Continuous	No expenses – the measure is undertaken within regular working activities

GOAL 5
Increased awareness

UNSC resolution 1540 provides in its paragraph 8(d) that the Member States “develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws”.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
1.	Strengthen efforts to increase business community’s awareness of the importance of effective export control systems for industrial development and security of international trade	1.1	Ministry of Trade, Tourism and Telecommunications	Relevant Ministries- business entities /community communication improved. Business community and the public are regularly informed about regulations and measures related to non-proliferation of WMD. Realization of regular meetings with business community for the exchange of relevant information	Continuous	No expenses – the measure is undertaken within regular working activities

GOAL 6
Dialogue and co-operation

UNSC resolution 1540 provides in its paragraph 9 that the member states “promote dialogue and cooperation on non-proliferation to address the threat posed by proliferation of nuclear, chemical or biological weapons and their means of delivery”.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
1.	Participation in various non-proliferation programs like the Proliferation Security Initiative, Global Initiative against Nuclear Terrorism, etc.	1.1.	Ministry of Foreign Affairs in coordination with the Ministry of the Interior, Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia ” and Ministry of Finance — Customs Administration	Implementation of adopted documents	Continuous	No expenses – the measure is undertaken within regular working activities
2.	Establishing better cooperation between the countries, that is, regional cooperation	2.1	Ministry of Foreign Affairs and other relevant State bodies	Meetings held with experts from countries in the region, courses for education and training held in national training centres	Continuous	No expenses – the measure is undertaken within regular working activities
3.	Updates and use of IAEA Illicit Trafficking of Nuclear and Radioactive Materials Database	3.1.	Agency for the Protection against Ionizing Radiation and Nuclear Safety of Serbia	Realization of database updates and use	Continuous	No expenses – the measure is undertaken within regular working activities

GOAL 7
Prevention

UNSC resolution 1540 provides in its paragraph 10 that the Member States “are called on to take cooperative action, with a support of their judicial authorities, in accordance with their national legislation and consistent with international law, to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials”.

No.	Measures		Responsibility	Indicators	Deadline	Source of financing/ budget
1.	Preventive action measures which seem to be useful from national point of view to tackle illicit trafficking in nuclear, biological and chemical weapons and their means of delivery.	1.1	Ministry of the Interior and Security Information Agency in coordination with other relevant State bodies	Adoption of relevant procedures	Continuous	No expenses – the measure is undertaken within regular working activities
2.	Development and application of scientific models and approaches for data analysis from social networks aimed at security risk assessment (and establishment of criteria for preventive action)	2.1	Institute for Physics in Belgrade	Establishment of an expert team to formulate recommendations related to the development of new methods for security risk assessment (and development of preventive methods) through panel discussions		No expenses – the measure is undertaken within regular working activities

III. Follow-up on implementation measures

The decision to extend the mandate of the Working Group will be prepared for adoption immediately after the publicizing of the Conclusions on the adoption of the NAP for the implementation of UNSC resolution 1540 on the prevention of the proliferation of WMD and their means of delivery (2018-2022). In line with the Government decision, the Working Group will continue to undertake the following measures and activities:

- WG1540 shall meet at least twice a year to ensure the follow-up on its implementation. The meetings will be attended by at least one representative duly authorized from each Ministry and/or Agency involved in the implementation.
- During these meetings, participants shall analyse the current implementation status using NAP 1540 framework, identify what further steps are necessary for implementation and whether or not the list of implementation measures needs updating.
- Following each meeting, the relevant institutions will be informed about their new obligations regarding NAP implementation follow-up.
- WG1540 shall prepare six-month work plans for monitoring implementation measures.

IV. Further development of NAP 1540

NAP 1540 is a document that can be revised to accommodate further developments. In that context, the procedure and principles of modification are as follows:

- Ministries, agencies, institutions, etc. may recommend that additional measures be taken to improve NAP 1540;
- Proposals shall be submitted to WG1540, in writing, indicating the reason for making such a proposal;
- After examining the proposal and consulting with the relevant authorities, WG1540 will decide whether such a proposal is acceptable or not;
- If the proposal is accepted, WG1540 is authorized to recommend to the relevant ministry to propose to the Government adoption of an appropriate decision to incorporate such a measure into NAP 1540.