



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

6 June 2012

Excellency,

Further to your letter No. S/AC.44/2012/OC.30 of 29 May 2012, I have the honour to enclose herewith the National Action Plan for the implementation of UNSC resolution 1540 (2004) on the prevention of the proliferation of weapons of mass destruction and their means of delivery for the period 2012-2016 adopted by the Government of the Republic of Serbia on 19 April 2012.

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

Feodor Starčević

H.E. Mr. Baso Sangqu
Chairman of the UNSC 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
(2012-2016)**

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.

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

1. To refrain from providing 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), UN Security Council resolutions¹ 1673, 1810 and 1977 were adopted reinforcing the obligations of Member States under resolution 1540 in preventing proliferation of weapons of mass destruction. UNSCR 1673 reinforces the obligations of including controls on proliferation financing. UNSCR 1810 encourages states and international, regional and sub-regional organizations to inform the 1540 Committee (hereinafter: Committee) of areas in which they can provide assistance and submit 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. UNSCR 1977 endorses the important work of the Committee and significantly reinforces international measures to prevent the proliferation of WMD and their means of delivery.

In order to 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 by the provisions of all the ratified or endorsed international conventions concerning WMD 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);

¹ The text of the mentioned UNSC resolutions can be found on:
<http://www.un.org/sc/1540/resolutionstatements.shtml>

- 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 SFRY – International Treaties", No. 2/00);

- Law on the Ratification of the Comprehensive Nuclear-Test-Ban Treaty and Protocol (CTBT) ("Official Journal of SCG – International Treaties", No. 4/04);

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 the SFRY", No. 40/70);

- 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;

- 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 the SFRY – International Treaties", No. 9/85);

- Law on the Ratification of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation ("Official Gazette 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);

- 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. 7/02) and

- International Convention for the Suppression of Acts of Nuclear Terrorism ("Official Journal of SCG – International Treaties", No. 2/06).

To undertake activities aimed at preventing proliferation, it is necessary under UNSCR 1540 to avoid impeding 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 UNSCR 1540. The Republic of Serbia is committed to further development of its administrative and regulatory frameworks and to improve the level of implementation.

Reasons for drafting a National Action Plan on UNSCR 1540

The obligations of UNSCR 1540 are of a multi-dimensional nature and their implementation at national level requires involvement of all Ministries and Agencies 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 UNSCR 1540 (hereinafter: NAP 1540) should facilitate:

- Review of goals of UNSCR 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 the Resolution;
- Allocation of responsibilities, coherent with complementary and transparent implementation of the Resolution;
- Coordination between all relevant ministries and agencies as well as fostering of effective collaboration;
- Systematic monitoring of implementation of measures.

Institutional framework for NAP on UNSCR 1540

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

To create conditions for the elaboration of comprehensive legislation in areas covered by UNSCR 1540, the Government will set up a working body – a Working Group for the improvement of NAP 1540 implementation (hereinafter: the Working Group) to consider the fulfilment of obligations and provide proposals, views and expert explanations for the improvement of UNSCR 1540, both nationally (to coordinate national activities, organize exercises - as a state response to particular situations, seminars, training courses, lectures, etc.), and internationally (in relations with international organizations).

The Working Group will monitor NAP 1540 implementation and provide guidance for the implementation of NAP obligations. It will meet as appropriate, but at least twice a year and will inform the Government on its activities and proposals. An annual progress report will review the measures already undertaken or those to be undertaken to ensure an effective implementation of the Resolution. Based on the findings detailed in the progress report, the initial NAP 1540 could be revised and the UNSC Committee and the OSCE 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 (2012-2016)

The goal of the NAP 1540 is to ensure that the Serbian national legislation is in line with the obligations defined in UNSCR 1540. To achieve this, the NAP 1540 will concentrate, in the 2012 – 2016 period, 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
1.	<i>strengthening the policy on non-proliferation of WMD and their means of delivery</i>	Ministry of Foreign Affairs in coordination with the relevant state authorities	<i>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</i>
		Ministry of Interior	<i>establishment of national coordination mechanisms to detect non-State actors' activities</i>
2.	<i>implementing international multilateral WMD non-proliferation documents</i>	Ministry of Foreign Affairs in coordination with the relevant state authorities	<i>implemented international multilateral documents on non-proliferation of WMD and their means of delivery</i>
		Ministry of Foreign Affairs in coordination with the Serbian Radiation Protection and Nuclear Safety Agency	<i>amended Agreement between the SFRY and the International Atomic Energy Agency on the implementation of guarantees relating to the NPT (the Law on the Ratification of the Agreement was published in the "Official Gazette of the SFRY", No.67/73)</i>

No.	Measures	Responsibility	Indicators
3.	Implementation of counter-terrorism legislative framework	Ministry of Justice and Ministry of Education and Science, in coordination with other relevant state authorities	participation at expert and technical meetings relating to the IAEA Code of Conduct regarding the security and safety of radioactive sources ²
3.1		Ministry of Justice and Ministry of Education and Science, in coordination with other relevant state authorities	signature and endorsement of the remaining counter-terrorism instruments: (1) Amendments to the 2005 Convention on the Physical Protection of Nuclear Materials; (2) 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Security of Fixed Platforms Located on the Continental Shelf
3.2		Ministry of Justice in coordination with other relevant state authorities	enforcement of legislation and enactments, including appropriate effective penalties for breaching the law

² Preparations for the possible signature of the IAEA Code of Conduct on the security and safety of radioactive sources

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 purposes”.

No.	Measures		Responsibility	Indicators
1.	<i>Further implementation of adopted national legislation on the prevention of WMD proliferation³</i>	1.1	Ministry of Justice, in coordination with the Ministry of Interior and other relevant state authorities	<i>Enforcement of legislation and enactments including appropriate effective penalties for breaching the law</i>

³ The Criminal Code of the Republic of Serbia (Official Gazette of RS No. 85/05, No. 88/05 corrigendum, No. 107/05 corrigendum, No. 72/09 and No. 111/09) provides for three criminal acts which are directly related to nuclear safety, namely:

Article 267 Unlawful construction of a nuclear facility;

Article 278 Causing general danger;

Article 287 Unauthorized acquisition of, and threatening of security by nuclear materials.

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
1.	<i>Consider ways to define, within national legislation, nuclear-, chemical and bio-security and safety as well as to build security measures into existing laws</i>	1.1	Ministry of Health, Ministry of Agriculture, Trade, Forestry and Water Industry and Ministry of Defence, in cooperation with the Public Health Institute of Serbia "Dr. Milan Jovanovic Batut" and Ministry of Defence (Military Medical Academy)	<i>Enactment of legislation on means and measures undertaken to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction</i>
		1.2	Ministry of Foreign Affairs in coordination with: Ministry of the Interior Ministry of Defence Ministry of Health Ministry of Finance Customs Administration Civil Aviation Directorate	<i>Elaborate plan of activities within the Global Initiative to Combat Nuclear Terrorism (GICNT)</i>

No.	Measures		Responsibility	Indicators
2.	<p>Further development of domestic controls on:</p> <ul style="list-style-type: none"> - 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	<p>Ministry of Interior Ministry of Defence Ministry of Education and Science Ministry of Health Ministry of Agriculture, Trade, Forestry and Water Industry Serbian Radiation Protection and Nuclear Safety Agency Nuclear Facilities of Serbia Baut Public Health Institute Vinca Institute Chemicals Agency</p>	<p>A system of control was established A broad introduction to relevant laws and regulations (process of approving and denying licenses for individuals and entities involved in controlled goods activities; establishing a national register or inventory of relevant materials and technologies)</p>
3.	<p>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</p>	3.1	<p>Ministry of Foreign Affairs and Serbian Radiation Protection and Nuclear Safety Agency in cooperation with other competent state authorities</p>	<p>ratified Additional Protocol and submitted initial Declaration concerning the fulfilment of undertaken obligations established national register of nuclear materials</p>

No.	Measures	4.1	Responsibility	Indicators
4.	<p><i>Enforcement i.e. implementation of relevant regulations⁴ on controlled nuclear, chemical and biological material accountancy; safe transportation, storage and handling of dangerous goods, including nuclear materials, chemicals and toxins</i></p> <p><i>(safe transportation - approved carriers, secured containers and packaging, labelling, shipment tracking, etc.);</i></p> <p><i>Implementations of relevant regulations concerning physical security of nuclear, chemical and biological materials and facilities;</i></p>	4.1	<p>Ministry of Defence Ministry of the Interior Ministry of Education and Science Ministry of Health Ministry of Agriculture, Trade, Forestry and Water Industry Serbian Radiation Protection and Nuclear Safety Agency Nuclear Facilities of Serbia Batut Public Health Institute Vinea Institute Chemicals Agency</p>	<p><i>Established system of inspections of facilities and laboratories (where controlled goods may be found);</i> <i>Appropriate agency or inter-agency body designated;</i></p> <p><i>Designation and implementation of appropriate physical and technical protection measures;</i> <i>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;</i></p> <p><i>Disease surveillance performed</i></p>
	<p><i>cross-border traffic control-customs</i></p>	4.2	<p>Ministry of Finance- Customs Administration</p>	<p><i>advanced appropriate effective border controls to detect, prevent and combat illicit traffic⁵</i></p>

⁴ Adequate violation penalties adopted

⁵ Active participation in the World Customs Organization SAFE framework of standards

No.	Measures	Responsibility	Indicators
	<p><i>Licensing of imports and exports of nuclear, chemical and biological goods and their means of delivery (including their technologies) and technical review and assessment of goods (dual-use, military, nuclear, chemical and biological) and technologies under the Missile Technology Control Regime, Nuclear Suppliers Group, The Australia Group and the Wassenaar Arrangement</i></p>	<p>Ministry of Economy and Regional Development Serbian Radiation Protection and Nuclear Safety Agency Ministry of Finance-Customs Administration and Nuclear Safety Vinca Institute</p>	<p><i>Export, transit, trans-shipment and re-export controls established</i></p> <p><i>Funds and services such as financing and transporting are monitored and controlled</i></p> <p><i>End-user controls established</i></p>

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
1.	<p><i>Development of relevant control lists and their updating with the EU lists</i></p> <p><i>Harmonization of existing national control lists to avoid the regime of approval by more than one institution</i></p>	1.1	<p>Ministry of Economy and Regional Development in coordination with the Ministry of Finance - Customs Administration and the Serbian Radiation Protection and Nuclear Safety Agency</p>	<p><i>Harmonized lists and a uniform approval regime</i></p>

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
1.	<i>Strengthen efforts to increase business community's awareness of the importance of effective export control systems for industrial development and the security of international trade</i>	1.1	Ministry of Economy and Regional Development	<i>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</i>

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
1.	<i>Participation in various non-proliferation programs like the Proliferation Security Initiative and other programs</i>	1.1.	Ministry of Foreign Affairs in coordination with the Ministry of Interior, Serbian Radiation Protection and Nuclear Safety Agency and the Ministry of Finance	<i>Implementation of adopted documents</i>
2.	<i>Establishing better cooperation between the countries, that is, regional cooperation</i>	2.1	Ministry of Foreign Affairs and other relevant state authorities	<i>Meetings held with experts from countries in the region Courses for education and training held in national training centres</i>
3.	<i>Updates and use in IAEA Illicit Trafficking of Nuclear and Radioactive Materials Database</i>	3.1.	Serbian Radiation Protection and Nuclear Safety Agency	<i>Realization of database updates and use</i>

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
1.	<i>Any 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.</i>	1.1	Ministry of Interior and Ministry of Justice in coordination with other relevant state authorities	<i>Implementation of agreed procedures</i>

III. Follow-up on implementation measures

The Working Group will be established 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 the means of their delivery (2012-2016). The Government decision will define the tasks and composition of this WG, bearing in mind the following:

- 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 development. 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;
- Serbia's civil society active in WMD non-proliferation is also authorized to submit a proposal for any additional measures;
- Proposals for such modifications 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.

V. Resources

The financial resources necessary for the implementation of the measures included in NAP1540 will be provided from the budget and/or through international donations.