



Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 30 June 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Chairman of the Committee

Further to the letter of Mr. Peter Burian, the then Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), of 17 October 2007 addressed to me and my letter to you of 18 January 2008, I have the honour to forward, enclosed herewith, the report of the Republic of Serbia pursuant to resolution 1540 (2004) (see annex).

(Signed) Pavle Jevremović



Annex to the letter dated 30 June 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Chairman of the Committee

Report of Serbia pursuant to Security Council resolution 1540 (2004)

Under article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, the Republic of Serbia became the legal successor/continuity State of the State Union of Serbia and Montenegro on 3 June 2006. Consequently, the Republic of Serbia took over the legislation of the State Union, the Ministries of the Republic assuming the competences exercised by the Ministries of the State Union before.

In pursuit of its foreign-policy goals and priorities, the Republic of Serbia has sought to align its laws with the legal norms of the European Union, as well as with those of other developed democratic countries, including in the field of arms control, disarmament and non-proliferation and in the field of arms trade.

This report is the first report of the Republic of Serbia submitted in accordance with resolutions 1540 (2004), 1673 (2006) and 1810 (2008). This report updates the legislation and measures to implement resolution 1540 (2004) as adopted by the Republic of Serbia since the previous report of Serbia and Montenegro submitted to the Committee in January 2006.

In strict compliance with relevant international obligations and implementing the policy of non-proliferation in a consistent fashion, the Republic of Serbia does not produce and does not possess weapons of mass destruction in whatever shape or form. Serbia's commitment to disarmament and non-proliferation is complemented by its undertaking to not provide support in any form 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.

Following the dissolution of the State Union of Serbia and Montenegro, the Government of the Republic of Serbia drafted a new Law on the Implementation of the Chemical Weapons Convention, aimed at fulfilling the obligations under the Convention more effectively. The Draft Law was submitted to the Parliament at the end of 2007 and is expected to be adopted in mid-2008. Pending its adoption, the relevant Law adopted by the State Union of Serbia and Montenegro continues in force.

Fully abiding by the recommendations of the Sixth Review Conference of the Parties to the Bacteriological (biological) and Toxin Weapons Convention the Government of the Republic of Serbia drafted a Law on withdrawing the reservations on the 1925 Geneva Protocol and submitted it for adoption to the Parliament. Also the drafting of a law on the implementation of the Convention is in the final stage.

Serbia is also firmly committed to removing all remaining substances that could be used to produce weapons of mass destruction from its territory. To that end, the Ministry of Science of the Republic of Serbia and the Vinca Institute for Nuclear Science launched, with IAEA support and assistance, the WIND Nuclear Decommission Programme in 2002 which consists of 5 phases:

- (a) Removal, characterization and repackaging of used nuclear fuels in the storage facilities of the Vinca Institute;
- (b) Preparation for transport and transport of used nuclear fuels of Russian origin from the Vinca Institute to the Russian Federation;
- (c) Reprocessing and storage of used nuclear fuels of Russian origin in the Russian Federation;
- (d) Designing and construction of reprocessing facilities; and
- (e) Storage in the Vinca Institute of all types of radioactive waste to emerge during the decommissioning of the RA nuclear research reactor.

For a successful realization of the WIND Programme, it is important to sign a tripartite agreement between IAEA, a Russian consortium and the Vinca Institute on used nuclear fuels repackaging and transport and to conclude a multilateral transit agreement with Hungary, Ukraine and the Russian Federation. The activities therefore related to the transport of used nuclear fuels from Serbia to the Russian Federation and the negotiations on concrete modalities of the conclusion of the agreements went on throughout 2007.

Regarding the transit agreement, informal consultations of interested parties were held in IAEA on 22 January 2008. The transit countries exchanged information on their national procedures for conclusion of relevant international agreements. It was noted that the draft agreement submitted by the Russian side was acceptable to all participants, so that it would be used as a basis for negotiations. It was agreed to invest an effort to conclude negotiations by adopting a Consolidated Draft Agreement at a meeting scheduled for 6 and 7 May 2008.

With respect to the bilateral agreement on which negotiations have gone on for some time, the representatives of Russia and the Vinca Institute met on 23 January 2008 to discuss the possibility of concluding a trade agreement. They were expected to meet again in May 2008.

Resolved to safeguard national security and comply with relevant Security Council resolutions and international conventions and treaties (e.g., the Republic of Serbia is party to 13 of the international conventions and protocols on counter-terrorism). Serbia has been very consistent in implementing the international norms in the field of non-proliferation of weapons of mass destruction. The national system of arms, military equipment and dual-use goods export control together reflect the relevant legal rules and regulations of the European Union and OSCE. It is the necessary mechanism which strengthens vigilance, prevents proliferation of weapons of mass destruction and limits the possibilities for unauthorized end-users (including non-State actors) to acquire illegally exported goods and technologies.

For reasons of national and regional security and end-use safety, the Republic of Serbia has provided its Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods for an exporter/importer obligation to obtain a licence prior to proceeding to export and/or import certain goods and technologies. It is understood that, along with the controlled use of conventional weapons and the reduced use of small arms and light weapons, the fight against proliferation of weapons of mass destruction is the primary goal of such export controls.

The Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods defines weapons, military equipment and similar technologies covered by the Common List of the European Union and dual-use goods and technologies covered by the List of Dual-Use Goods and Technologies of the European Union as regulated goods. It covers the export and import of regulated goods, provision of technical assistance and the exchange of intellectual property, mediation and other non-commercial activities.

With respect to non-proliferation, it is important to point that the law contains a catch-all clause applied on goods usable in connection with chemical, biological or nuclear weapons or other nuclear devices and their delivery.

It is expected that the catch-all clause will be expanded in the amended Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods in the future to include explicit reference also to the transport of dual-use goods with the pre-planned military end use to destinations under the embargo of the United Nations, European Union and OSCE, so as to align the clause with the Dual-Use Regulation of the European Union.

The publication at the end of 2007 of the Annual Report on Foreign Trade in Regulated Goods for 2005 and 2006, prepared by the Ministry of Economy and Regional Development of the Republic of Serbia, was an important benchmark in promoting transparency and public knowledge of the activities in the field of non-proliferation of weapons of mass destruction.

Indicating its efforts to develop effective border controls as required by resolution 1540 (2004), the Republic of Serbia has signed the declaration on implementation of the WCO Framework of Standards to secure and facilitate global trade (SAFE Framework of Standards), and as a result participates in the WCO Columbus assistance programme on capacity-building in that area.

Notwithstanding the progress achieved in complying with its obligations under resolution 1540 (2004), Serbia continues to be in need of, and would welcome, expert and technical assistance of the Committee, which would help it improve its overall system in this area, as well as draft an Action Plan to implement resolution 1540 (2004).
