

Z A K O N

The Prohibition of the Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Article 1

This law stipulates the prohibition of the Production, Stockpiling and Use of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in accordance with the ratified Convention on the Prohibition of the Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10th April 1972. ("Official Gazette of SFRY" - International Treaties and Other Agreements, No. 43/74).

Article 2

Certain terms used herein shall have the following meanings:

1. Bacteriological (biological) weapons are:
 - a) microbial or other biological agent or toxin, whatever its origin or method of production, by type and quantity is not meant to be used in a prophylactic, protective or other peaceful purposes;
 - b) weapons, equipment or devices intended to use such agents or toxins in the hostile purposes or in armed conflict.
2. Biological agent means any material of biological origin that can cause damage, illness or disease.

Article 3

In the Republic of Serbia prohibited from:

1. refine, produce, possess, use, stockpile, acquire, retain, exported, imported, reeksportovati, carry freight, transit, transshipment, or directly or indirectly transferred to third parties bacteriological (biological) weapons;
2. refine, produce, possess, use, stockpile, acquire, retain, exported, imported, reeksportovati, carry freight, transit, transshipment, or directly or indirectly to other persons carry biological agents or toxins;
3. in any way assist, finance, encourage or incite others to engage in the activities described in points. 1) and 2) above.

Article 4

In the Republic of Serbia allowed the development, production, use, stockpiling, acquisition, possession and trade of biological agents and toxins in prophylactic, protective, diagnostic, preventive and other peaceful purposes or in order to prevent or treat diseases.

Perform the activities referred to in paragraph 1 this article, licensing, maintaining records of issued permits, supervision and other issues related to the activity of biological agents shall be regulated by special law.

Article 5

Commission for the implementation of the Convention (hereinafter: Commission) monitor and coordinate activities related to the implementation of international obligations under the Convention and this Act.

Commission established by the Government.

The application of this law shall then report to the Government at least once every six months.

Article 6

Commission members and representatives of relevant institutions involved in implementing this law, are obligated to protect confidential information obtained in performing duties related to the implementation of the Convention.

Article 7

Ministry of Foreign Affairs in charge shall report (declaration) to the competent body to support the implementation of the Convention the United Nations each year until 15 April for the previous year.

Article 8

A fine of 500,000 to 3,000,000 dinars for economic offense if the legal person:

1) improves, produces, possesses, uses, supply creates, acquires, retains, exports, imports, re-exported, handling transport, transit, transshipment or other persons directly or indirectly transmit biological weapons (Article 3, item 1);

2) improves, produces, possesses, uses, supply creates, acquires, retains, exports, imports, re-exported, handling transport, transit, transshipment or other persons directly or indirectly transfer biological agents or toxins (Article 3, item 2);

3) in any way assist, finance, encourages or incites others to engage in activities prohibited by this law (Article 3, item 3).

For the acts referred to in paragraph 1 this Article, a fine of 50,000 to 200,000 dinars shall be imposed for economic offense and responsible person in the company.

Article 9

For the acts referred to in Article 8 Paragraph 1 this Act, shall be punished by a fine entrepreneur from 200,000 to 500,000.

For the acts referred to in Article 8 Paragraph 1 this Act, shall be imposed on an individual fine of 50,000 to 150,000 dinars.

Article 10

This Law shall enter into force eight days after its publication in "Official Gazette of the Republic of Serbia".

A B R A Z L O W E E N j

I. The constitutional basis

The constitutional basis for enacting this law is contained in the provisions of Article 97 item 9 Constitution of the Republic of Serbia, the Republic of Serbia which regulates and provides, among other things, the system of protection and improvement of environment and production, trade and transport weapons, toxic, flammable, explosive, radioactive and other hazardous substances.

II. Reasons for legislation

Adoption of the Law on the Prohibition of the Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is a function of training to the Republic of Serbia, as a party to the United Nations Convention on the Prohibition of the Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), acquires the capacity and capability to respond to international requirements regarding the prevention of non-state actor (the structure of which the state has no control) to come into possession of the agents, toxins, pathogens and other substances, which can be used contrary to the objectives of the Convention . Therefore, this law affirms commitment to non-proliferation objectives of the Serbian weapons of mass destruction and preventing abuse of their use for activities that are contrary to the Convention (BTWC), Security Council Resolution 1540 of the United Nations and other international instruments, including those adopted in the fight against terrorism.

III. An explanation of basic legal institutions and individual solutions

In Article 1 in addition to determining the content of the law regulates several important things. It stipulated the prohibition of the Production, Stockpiling and Use of Bacteriological (Biological) and Toxin Weapons. In this way, Serbia has confirmed its commitment not to conduct any activity related to the Biological and Toxin Weapons and thus fulfilled one of the most important requirements of the Convention.

Also, banning the use of biological weapons (Article 3) The Republic of Serbia improve implementation of the Convention and exceeds nationally established shortcomings of the Convention, an international standard.

In Article 4 laws governing the exercise of activities, or activities with biological agents, which are not inconsistent with the Convention.

In order to overcome the lack of the Convention stipulated that no institute of international verification, detailed regulation of issues of the activity of biological agents in accordance with the Convention, permitting, record keeping, supervision, etc.. issues, will be subject to a special law (Article 4, paragraph 2).

The Act provides for establishing the Committee for the implementation of this Convention, which will monitor and coordinate activities related to the implementation of international obligations under the Convention.

In Article 7 regulates the issue of the declaration of the Republic of Serbia to the competent body to support the implementation of the Convention at the United Nations, in accordance with the Final Declaration of the 3rd Review Conference of States Parties, including an annex to the Final Declaration of the measures of confidence building, and based on recommendations of the *Ad hoc* meetings of scientific and technological experts of States Parties.

The law established and the penalties for economic crimes and misdemeanors for violation of this law.

IV. Estimate the amount of funds required for law enforcement

Enforcement of this law will not require additional financial resources for implementation of this law is one of the regular duties of the competent Ministry of Foreign Affairs and other competent authorities of the Republic of Serbia.