



REPUBLIC OF SERBIA

Unofficial translation

**LAW ON THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS
AND ON THEIR DESTRUCTION**

(“Official Journal of the Republic of Serbia”, No. 36/09)

**Belgrade
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Explanatory Note by the National Authority

The Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was adopted by the National Assembly (the Parliament) of the Republic of Serbia on 11 May 2009 (“Official Journal of the Republic of Serbia”, No. 36/09), and entered into force on 23 May 2009, thus entirely replacing the previous Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction adopted in 2005 (“Official Journal of Serbia and Montenegro”, No. 44/05).

Although the new Law is designed to facilitate the implementation of the Chemical Weapons Convention, it does not necessarily cover all of its provisions, since some of them have already been covered by other relevant laws in force. This is, for instance, the case with regulations concerning export-import control that are dealt with in detail by the Law on Foreign Trade in Arms, Military Equipment and Dual-Use Goods, adopted in 2005 (“Official Journal of Serbia and Montenegro”, No. 7/2005). Also, most of the provisions concerning criminal offences relevant to the Convention are contained in the Criminal Code (its latest revision entered into force on 1 January 2006, “Official Journal of the Republic of Serbia”, Nos. 85, 88 and 107/05). In addition, provisions on the privileges and immunities of the OPCW and its officials are contained in the Agreement between the Republic of Serbia and the OPCW on the privileges and immunities of the OPCW, signed at The Hague on 7 March 2008, and ratified by Serbia (“Official Journal of the Republic of Serbia”, No. 42/09).

Therefore, the comprehensive nature of the Serbian legislation regarding the implementation of the Convention can only be understood by the application of all the above-mentioned laws and instruments.

It should be noted that all the explanations given in the footnotes, inserted throughout the text of the Law, are provided by the National Authority for the sake of better understanding of its provisions. The unofficial translation from Serbian into English is prepared by the National Authority.

**LAW ON THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS
AND ON THEIR DESTRUCTION**

I. BASIC PROVISIONS

Article 1

The present Law shall establish prohibitions and restrictions on the development, production, stockpiling and use of chemical weapons and chemicals used for the production of such weapons as well as the manner and requirements for the management of dual-use chemicals, including their production, processing, use and stockpiling, in accordance with the confirmed Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction ("Official Journal of the Federal Republic of Yugoslavia - International Treaties", No. 2/00), hereinafter referred to as "the Convention".

Article 2

The following terms in the present Law have the following meanings:

1) "**Chemical weapons**" means:

a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with the purposes of the Convention;

b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those chemicals specified in sub-paragraph a);

c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in sub-paragraph b).

2) "**Toxic chemical**" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, regardless of their origin or of their method of production.

3) "**Precursor**" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or a multicomponent chemical system.

4) "**Production**" of a toxic chemical means its formation through chemical reaction.

5) "**Processing**" of a toxic chemical means a physical process, such as formulation, extraction or purification, in which a toxic chemical is not converted into another toxic chemical.

6) "**Consumption**" of a toxic chemical means its conversion into another chemical via a chemical reaction.

7) "**Annex**" means the Annex on Chemicals to the Convention, containing the Guidelines for schedules of chemicals and Schedules 1, 2 and 3.

8) "**Discrete organic chemical**" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides and metal carbonates, which is identifiable by chemical name, by structural formula, if known, and by a CAS registry number, if assigned.

9) "**PSF-chemical**" means a discrete organic chemical containing the elements phosphorus, sulfur or fluorine.

Article 3

It shall be prohibited under any circumstances in the territory of the Republic of Serbia:

- 1) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- 2) To use chemical weapons;
- 3) To engage in any way in any military preparations to use chemical weapons;
- 4) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited under the present Law;
- 5) To use riot control agents as a method of warfare.

Article 4

Prohibitions referred to in Article 3 of this Law shall not apply to the production, retention, processing and consumption of toxic chemicals and their precursors (hereinafter referred to as "chemicals") for purposes not prohibited under the Convention, such as:

- 1) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- 2) Protective purposes, namely those purposes directly related to protection against toxic chemicals or chemical weapons;
- 3) Military purposes not connected with the use of chemical weapons and not dependent on the use of toxic properties of chemicals as a method of warfare.

Chemicals referred to in paragraph 1 above shall be classified as a Schedule 1, 2 and 3 chemicals of the Annex (hereinafter referred to as: Schedules 1, 2 and 3). The Schedules 1, 2 and 3 form part of this Law and they are published in an annex to it.

Article 5

The production, processing, consumption or storage of chemicals listed in Schedules 1, 2 and 3, and the facilities used for their production, processing and consumption, as well as the facilities used for the production of discrete organic chemicals, shall be declared to the Organization for the Prohibition of Chemical Weapons (hereinafter referred to as "the Organisation"), not later than 31 March of the calendar year for the previous calendar year.

Article 6

The Organisation shall verify the compliance with the Convention in respect of the production, processing, consumption and storage of chemicals, as well as with regard to the facilities used for their production, processing and consumption, on the basis of the declaration made under Article 5 of this Law and the report of an international inspection.

Article 7

Prohibitions referred to in Article 3 of this Law shall not apply to chemicals not listed in Schedules 1, 2 and 3, used for purposes of maintaining public order and domestic riot control.

The Ministry in charge of the interior shall submit a declaration on the possession of chemicals referred to in paragraph 1 of this Article to the Organisation through the Commission for the Implementation of the Convention, not later than 30 days from the date of acquisition of a new chemical for these purposes.

Such a declaration shall contain the name of the chemical, its structural formula and CAS registry number, if assigned.

II. Commission for the Implementation of the Convention¹

Article 8

The Commission for the Implementation of the Convention (hereinafter referred to as "the Commission") shall oversee and coordinate the activities related to the implementation of international obligations under the Convention,

¹ Commission for the Implementation of the Convention represents the "National Authority"

and cooperate with the Secretariat of the Organisation and the national authorities of other State Parties to the Convention as well as with international inspection.

The Commission shall be established by the Government.

Article 9

The Commission shall report to the Government on the implementation of the present Law, at least once every six months.

Article 10

The members of the Commission and representatives of competent Government authorities engaged in the implementation of the present Law, shall protect confidential information they come across in the exercise of their functions related to the implementation of the Convention.

III. ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION

1. Obligation to declare

Article 11

Scientific and military institutes, companies or any other legal entity (hereinafter referred to as “legal entity”) shall, before proceeding to the production of a Schedule 1 chemical, obtain the approval of the Ministry in charge of defence.

The request for approval by the legal entity referred to in paragraph 1 above, shall be accompanied by the data on:

- 1) the factory, plant or facility producing Schedule 1 chemicals;
- 2) quantities to be produced;
- 3) chemicals to be produced;
- 4) purposes for which the produced chemicals will be used.

The request referred to in paragraph 2 above shall be submitted not later than 210 days prior to undertaking the activities for which the approval is sought.

The Ministry in charge of defence shall grant the approval if, according to the submitted data, it is satisfied that the purposes of the production and amounts of chemicals are consistent with Article 18 of the present Law and if the production facility meets the requirements under Articles 19 and 20 of the present Law.

The Ministry in charge of defence, following the granting of the approval, referred to in paragraph 4 above, shall inform about it the Organisation through the Commission.

Article 12

A legal entity that consumes or stores a Schedule 1 chemical, or produces, processes, consumes or stores a Schedule 2 chemical, or produces a Schedule 3 chemical for purposes referred to in Article 4, paragraph 1, sub-paragraphs 2) and 3) of the present Law, as well as the owner or those operating the factory, plant or facility where they are produced, processed or consumed, shall, before proceeding to these activities, submit a notification about it to the Ministry in charge of defence.

The notification referred to in paragraph 1 of this Article shall in particular contain:

- 1) data on the factory, plant or facility and on its owner or operator;
- 2) data on the activity specifying whether it is the production, processing, consumption or storage of a chemical;
- 3) data on the production capacities of the factory, plant or facility;
- 4) data on the precise location where Schedule 1, 2 and 3 chemicals are produced within the factory, plant or facility.

Article 13

The request submitted under Article 11 of the present Law as well as a notification submitted under Article 12, paragraph 2, of the present Law in respect of Schedule 1 chemicals, shall also contain a detailed technical description of the plant or facility, including inventory of the equipment and a detailed diagram.

A registry on the approvals granted and notifications submitted shall be maintained by the Ministry in charge of defence.

An instruction on the maintenance of the registry of the approvals and notifications submitted shall be issued by the Minister in charge of defence.

Article 14

A company or other legal entity (hereinafter referred to as “legal entity”) producing, processing, consuming or storing Schedule 2 chemicals or those producing Schedule 3 chemicals and discrete organic chemicals for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes as well as owners or operator of the factory, plant or facility where they are produced, processed and consumed, shall, before proceeding to these activities, submit a notification to the Ministry in charge of chemical management.

The notification referred to in paragraph 1 of this Article shall in particular contain:

- 1) data on the factory, plant or facility and on its owner or operator;
- 2) data on the activity specifying whether it is the production, processing, consumption or storage of a chemical;
- 3) data on the production capacities of the factory, plant or facility;
- 4) data on the precise location where Schedule 2 and 3 chemicals are produced within the factory, plant or facility.

A registry of notifications referred to in paragraph 1 of this Article shall be maintained by the Ministry in charge of chemical management.

Article 15

The legal entity or owner or operator referred to in Articles 11 and 12 of the present Law, shall notify the Ministry in charge of defence of any reconstruction on the plant for the production and consumption of chemicals, as well as of any changes in the technology of the production and consumption of Schedule 1 chemicals, not later than 180 days before the reconstruction is to start or the new technology is to be introduced.

The Ministry in charge of defence shall notify the Organisation through the Commission of any reconstruction on the plant or any changes in the technology referred to in paragraph 1 above.

Article 16

The legal entity referred to in Article 11 and the legal entity and owner or operator of the factory, plant or facility referred to in Article 12 of the present Law, shall submit to the Ministry in charge of defence, and the legal entity referred to in Article 14, and owner or operator of the factory, plant or facility referred to in Article 15 of the present Law, shall submit to the Ministry in charge of chemical management, a report on the production of Schedule 1, 2 or 3 chemicals and of discrete organic chemicals, on the processing, consumption and storing of Schedule 1 and 2 chemicals, as well as the data on the factory, plant or facility for their production, processing and consumption by 31 January of the current calendar year for the previous calendar year.

In addition to the reports referred to in paragraph 1 above, these legal entities shall also submit, not later than 15 September of the current year for the next calendar year, information on the plans of production, processing, consumption and storage of chemicals as well as on the plans related to the factory, plant or facility where these activities will be carried out.

If the changes occur in the plans of production, processing and consumption of Schedule 2 chemicals or in the plans of production of Schedule 3

chemicals, following the submission of the information referred to in paragraph 2 above, the legal entity shall notify about it not later than five days after the commencement of the activities leading to such changes.

The submission of the information referred to in paragraphs 2 and 3 above, is not required for discrete organic chemicals.

Article 17

The export and import of Schedule 1, 2 or 3 chemicals shall be subject to licensing by the Ministry in charge of foreign trade in arms, military equipment and dual use goods, and allowed strictly for the purposes not prohibited under the Convention.

The export and import of Schedule 1 or 2 chemicals shall be prohibited with the States not party to the Convention.

The holder of a licence referred to in paragraph 1 above shall submit to the licensing authority not later than 31 January of the current year a report on the export and import made in the preceding year as well as not later than 15 September of the current year, an information on the anticipated activities for the next calendar year.

2. Schedule 1 Chemicals

Article 18

Conditions, under which Schedule 1 chemicals can be produced, consumed and stored, shall be as follows:

1) The chemical concerned should be used for research, medical pharmaceutical or protective purposes;

2) The quantity of the chemicals is strictly limited to that which is considered sufficient to meet the purposes specified in paragraph 1, subparagraph 1) of this Article;

3) The aggregate amount of such chemicals at any given time in the territory of the Republic of Serbia should not exceed 1 (one) tonne;

4) The aggregate amount for such purposes acquired in any given year through production, withdrawal from chemical weapons stocks or transfer, should not exceed 1 (one) tonne.

Article 19

The production of Schedule 1 chemicals shall only be permitted at a single small-scale facility.

The production at a single small-scale facility referred to in paragraph 1 above shall be carried out in reaction vessels in production lines which are not configured for continuous operation.

The volume of such a reaction vessel shall not exceed 100 litres, and the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

Article 20

Without prejudice to Article 19 of the present Law, production of Schedule 1 chemicals may be carried out at a facility outside a single small-scale facility provided that:

- 1) Aggregate quantities of the produced chemicals do not exceed 10 kg per year and that such chemicals are intended for protective purposes;
- 2) Aggregate quantities are more than 100 g but do not exceed 10 kg per year per facility, and that the chemicals are produced only for research, medical or pharmaceutical purposes;
- 3) Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, may be carried out at laboratories in aggregate quantities less than 100 g per year per laboratory.

Article 21

The report referred to in Article 16, paragraph 1, of the present Law in connection with Schedule 1 chemicals produced, acquired, consumed or stored in a single small-scale facility, or produced at a facility outside the single small-scale facility in quantities referred to in Article 20, paragraph 1, subparagraphs 1) and 2) of the present Law, shall include:

- 1) data on the facility or plant;
- 2) the chemical name, structural formula and CAS registry number,
- 3) the method employed and the quantity produced;
- 4) the name and quantity of precursors listed in Schedules 1, 2 and 3 used for production of Schedule 1 chemicals;
- 5) the quantity of the chemicals consumed as well as the purpose of the consumption;
- 6) the quantity of chemicals received from or transferred to other facilities accompanied with the information on the quantity, purpose and recipient;
- 7) the maximum quantity of chemicals stored at any time during the year and the quantity stored at the end of the year;
- 8) data on any reconstruction at the facility or plant and on any changes concerning the technological process made during the year, including an inventory of equipment and a detailed diagram.

As an exception from paragraph 1 subparagraph 8) of this Article, the report concerning Schedule 1 chemicals produced outside the single small-scale facility shall not contain an inventory of equipment and a detailed diagram.

Article 22

Information on the plans referred to in Article 16, paragraph 2 of the present Law, with regard to Schedule 1 chemicals produced, consumed or stored at the single small-scale facility or outside the single small-scale facility in quantities referred to in Article 20, paragraph 1, subparagraphs 1) and 2) of the present Law, shall include:

- 1) data on the facility or plant;
- 2) the chemical name, structural formula and CAS registry number;
- 3) the quantity anticipated to be produced and purpose of the production;
- 4) data on any reconstruction of the facility or plant and any changes in the technological process anticipated for the next year, including an inventory of equipment and a detailed diagram;

Apart from data referred to in paragraph 1, subparagraph 3) above, the information regarding Schedule 1 chemicals produced outside the single small-scale facility shall include the period of anticipated production, but as an exception to paragraph 1, subparagraph 4) above, the information shall not contain an inventory of equipment and a detailed diagram.

3. Schedule 2 Chemicals

Article 23

Reports on Schedule 2 chemicals, referred to in Article 16, paragraph 1 of the present Law, shall be required for all plant sites that comprise one or more plant(s) which produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process or consume in the next calendar year more than:

- 1) 1 kg of a chemical designated "*" in Schedule 2, part A;
- 2) 100 kg of any other chemical listed in Schedule 2, part A; or
- 3) 1 tonne of a chemical listed in Schedule 2, part B.

Reports on chemicals referred to in paragraph 1, sub-paragraphs 1) and 2) of this Article, shall be submitted if the concentration of such chemical is at least 10% of the total weight or at least 30% of the total weight of the chemical referred to in paragraph 1, sub-paragraph 3) of this Article.

Article 24

Reports submitted for Schedule 2 chemicals referred to in Article 16, paragraph 1 above shall include:

- 1) Basic data on the factory, plant or facility;
 - a) the name of the factory, the name of its owner or operator or a person in charge;
 - b) its precise location including the address;
 - c) the number of plants or facilities within the factory that produce, process or consume these chemicals;

- 2) The type of the plant or facility with the precise location within the factory, including the specific building or structure number, and the data required under paragraph 1 above concerning the plant;
 - a) the main activities of the plant (production, processing, consumption) or other activities relating to such chemicals (storage);
 - b) the production capacity;
 - c) data if the plant is dedicated to such activities or it is multi-purpose;

- 3) Data on chemicals:
 - a) the chemical name, common or trade name used by the facility, structural formula, and CAS registry number, if assigned;
 - b) the total amount produced, processed, consumed, imported or exported by the plant site in the previous calendar year.

- 4) The purpose of production, processing or consumption of chemicals;
 - a) specification of the product types (product group code);
 - b) sale with a specification of the end user and its type of activity.

Article 25

The information required under Article 16, paragraph 2 of the present Law, in respect of Schedule 2 chemicals shall include:

- 1) Basic data on the factory, plant or facility, including:
 - a) the name of the factory, and the name of the owner or operator or a person in charge;
 - b) its precise location including the address;
 - c) the number of plants or facilities within the factory that produce, process or consume these chemicals;

- 2) The type of the plant or facility with the precise location within the factory, including the specific building or structure number, and the data required under sub-paragraph 1) above concerning the plant, including:
 - a) the main activities of the plant (production, processing, consumption) or other activities relating to such chemicals (storage);
 - b) the production capacity;
 - c) data if the plant is dedicated to such activities or it is multi-purpose;

- 3) Data on chemicals:
 - a) the chemical name, common or trade name used by the facility, structural formula, and CAS registry number, if assigned;
 - b) the total amount anticipated to be produced, processed or consumed by the plant site in the following calendar year, including the anticipated time period for such activities.

- 4) The purpose of production, processing or consumption of chemicals;
 - a) specification of the product types (product group code);
 - b) sale with a specification of the end user and its type of activity.

4. Schedule 3 Chemicals

Article 26

Reports under Article 16, paragraph 1 of the present Law in respect of Schedule 3 chemicals, shall be required for all factories that comprise one or more plant sites which produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 tonnes of any Schedule 3 chemical, with the concentration of at least 30% of its total weight.

Article 27

Reports under Article 16, paragraph 1 of the present Law in respect of Schedule 3 chemicals shall include:

- 1) Basic data on the factory, plant or facility, including:
 - a) the name of the factory, and the name of the owner or operator or a person in charge;
 - b) its precise location including the address;
 - c) the number of plants or facilities within the factory that produce these chemicals;

- 2) The type of the plant or facility with the precise location within the factory, including the specific building or structure number, and the data required under sub-paragraph 1) above concerning the plant, including:
 - a) the type of the main activities;

- 3) Data on chemicals:
 - a) the chemical name, common or trade name used by the facility, structural formula, and CAS registry number, if assigned;
 - b) the approximate amount of production of the chemical in the previous calendar year;
 - c) the purposes for which the chemical was produced.

Article 28

Information required under Article 16, paragraph 2 of the present Law in respect of Schedule 3 chemicals shall include:

- 1) Basic data on the factory, plant or facility, including:
 - a) the name of the factory, and the name of the owner or operator or a person in charge;
 - b) its precise location including the address;
 - c) the number of plants or facilities within the factory that produce these chemicals;

- 2) The type of the plant or facility with the precise location within the factory, including the specific building or structure number, and the data required under paragraph 1 above concerning the plant, including:
 - a) the type of the main activities;

- 3) Data on chemicals:
 - a) the chemical name, common or trade name used by the facility, structural formula, and CAS registry number, if assigned;
 - b) the approximate amount anticipated to be produced in the following calendar year;
 - c) the purposes for which the chemical will be produced.

5. Discrete Organic Chemicals

Article 29

Reporting under Article 16, paragraph 1 above shall be required for discrete organic chemicals (DOCs) if produced by synthesis in a factory, its plant or facility during the previous calendar year in quantity that is:

- 1) More than 200 tonnes; or
- 2) More than 30 tonnes of unscheduled discrete organic chemicals containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as “the PSF-chemical”).

As an exception to paragraph 1 above, the reports shall not be required for discrete organic chemicals which represent explosives or hydrocarbons.

Article 30

Reports under Article 16, paragraph 1 of the present Law shall contain the following:

- 1) Data on the factory comprising the plant where such chemical is produced, including:
 - a) the name of the plant site and the name of the owner or the operator and person in charge;
 - b) its precise location including the address;
 - c) its main activity type;
- 2) Approximate number of plants producing the unscheduled discrete organic chemicals with a specified number of plants producing “PSF-chemicals”;
- 3) Data on discrete organic chemicals:
 - a) approximate aggregate amount of each discrete organic chemical produced; and
 - b) approximate aggregate amount of each “PSF-chemical” produced.

6. Declarations

Article 31

The Ministry in charge of defence or the Ministry in charge of chemical management, on the basis of the reports and information received under Article 16 of the present Law, as well as the licensing authority for export-import, referred to in Article 17, paragraph 3, of the present Law, shall prepare draft declarations required by the Convention and submit them to the Commission, not later than 1 March of each calendar year.

The declarations referred to in paragraph 1 of this Article, as well as declarations on the aggregate national data, shall be prepared by the Commission, in cooperation with other relevant authorities, and submitted to the Organisation.

IV. Supervision²

Article 32

The supervision of the implementation of the present Law shall be performed through international verification and inspection.

1. International Verification

Article 33

International verification shall be conducted through international inspection carried out by international inspectors, in cooperation with escort team.

² Supervision (overseeing) of the implementation by both international and national bodies

Article 34

The arrival of an international inspection team shall be notified by the Organisation to the Commission which shall be obliged to acknowledge the receipt of the notification on the inspection.

Article 35

An escort team shall be designated by the Commission from among its members. Other representatives from the competent authorities already represented in the Commission may also be designated members of the escort team, depending on the notification whether the international inspection is for legal entities under Articles 11 and 12, or legal entities under Article 14 of the present Law.

The Minister in charge of chemical management, in cooperation with the Minister in charge of defence, shall issue instructions concerning the method and procedure for the cooperation with international inspections of the legal entities referred to in paragraph 1 of this Article.

Article 36

The escort team shall ensure that international inspection team during the conduct of an inspection comply with their duties and enjoy the rights accorded to them under the Convention, and, for these purposes:

- 1) At the point of entry, it shall receive from the team-leader of the international inspection a written inspection mandate issued by the Organisation concerning the type, site, time and method of conduct of the inspection;
- 2) At the point of entry, it shall check the equipment and instruments to be employed by the international inspection team accepting or refusing them in accordance with the list issued by the Organisation and the submitted documents;
- 3) It shall provide the transportation so as to enable the inspection team to reach the inspection site not later than 12 hours after its arrival at the point of entry;
- 4) It shall ensure that the inspection is carried out in accordance with the procedures set out in the Convention;
- 5) It shall take part in the verification activities carried out by the inspection team and oversee strict compliance with the mandate issued by the Organisation and that the inspection is conducted in the least intrusive at the inspection site or at the relevant plant;
- 6) Once the inspection is completed, it shall check the equipment and instruments as well as the samples taken by international inspectors, and assists in complying with the customs formalities applicable in such circumstances;
- 7) It shall sign a preliminary report on the inspection completed.

Article 37

Legal entities referred to in Articles 11, 12 and 14 of the present Law shall enable the conduct of the international inspection. They shall cooperate with the escort team and assist it in carrying out the international inspection.

The Minister in charge of chemical management, in cooperation with the Minister in charge of defence, shall issue instruction on the methods and procedures for cooperation of the legal entities referred to in paragraph 1 above, with escort team.

2. Inspection³

Article 38

Inspection of the production, processing, consumption or storage of Schedule 1, 2 and 3 chemicals for military purposes, not prohibited by the Convention, shall be carried out by inspection of the Ministry in charge of defence.

Article 39

Inspection of the production, processing, consumption or storage of Schedule 2 and 3 chemicals and discrete organic chemicals for industrial, agricultural, research, medical, pharmaceutical and other peaceful purposes shall be carried out by environmental inspectors.

Article 40

During the conduct of inspection, the defence and environmental inspectors (hereinafter referred to as “the inspectors”) shall be authorised to verify in particular:

- 1) Compliance with the obligation to declare the production, processing, consumption or storage of chemicals specified in Articles 11, 12 and 14 of the present Law;
- 2) Accuracy of the data provided in the reports on the production, processing, consumption and storage of chemicals;
- 3) Compliance with the obligation to declare any reconstruction works on the plant site producing, processing and consuming of such chemicals as well as any changes in the production, processing and consumption technology of such chemicals;
- 4) Accuracy of the data submitted in the declarations concerning reconstruction works on the plant site producing, processing and consuming chemicals, and respecting the timeframe set for such declarations;

³ Term “Inspection”, used in this section, means national inspection (by national authorities).

5) Compliance with the obligation to submit reports and information on the production, processing, consumption and storage of such chemicals, as well as data on the plant sites producing, processing and consuming such chemicals;

6) Accuracy of the data contained in the reports and information, and respect for the timeframe set for the submission of such reports and information.

Article 41

In the discharge of the functions under Article 40 of the present Law, the inspectors have the mandate and are obliged to:

1) order the submission of a notification on the production, processing, consumption and storage of chemicals under Articles 11, 12 and 14 of the present Law;

2) prohibit the production, processing, consumption and storage of chemicals pending the submission of a notification;

3) order the submission of accurate data on the production, processing, consumption and storage of chemicals;

4) order that the timeframe be respected;

5) order notification of any reconstruction works on the plant site where the chemicals are produced, processed and consumed, as well as any changes in production, processing and consumption technology of such chemical;

6) prohibit the work of the plant site producing, processing, consuming and storing chemicals, as well as any changes in the production, processing and consumption technology of chemicals pending the submission of a notification;

7) order the submission of accurate data on the reconstruction works at the plant site;

8) order compliance with the timeframe for notification of any reconstruction or change in technology; and

9) order submission of reports and information.

In the discharge of their functions under paragraph 1 of this Article, inspectors may also take other measures to prevent the production, processing, consumption and storage of chemicals in contravention of the present Law.

Article 42

If the inspector, acting in accordance with Article 40 of the present Law, finds that the export or import of chemicals is in breach of the Law regulating foreign trade in arms, military equipment and dual-use goods, he/she shall immediately inform the Ministry in charge of foreign trade in arms, military equipment and dual-use goods, and shall, in cooperation with this Ministry, carry out supervision and undertake appropriate measures.

Article 43

The Ministry in charge of defence or the Ministry in charge of chemical management shall submit a report on their inspection activities to the Commission at least once every six months, and, in the case of a grave breach of the provisions of the present Law, immediately. The inspection report shall include in particular information on the inspections carried out, the orders issued and other measures taken, as well as on the complaints lodged.

Article 44

The decision of the inspection to impose measures under Article 41 of the present Law, may be appealed against.

An appeal against the decision shall not suspend its enforcement.

The Minister in charge of defence or Minister in charge of chemical management shall decide on the appeal lodged in the first instance.

V. PROVISIONS ON PENALTIES

1. Economic Offences⁴

Article 45

A fine of RSD⁵ 150,000 to 3,000,000 shall be imposed on a company or any other legal entity which commits an economic offence by producing or processing, consuming or storing chemicals if:

1) it develops, produces, acquires, retains or transfers, directly or indirectly, chemical weapons to any other person, or uses chemical weapons or is otherwise engaged in military preparations for the to use of chemical weapons or otherwise assists, encourages or induces others to participate in the activities prohibited under the present Law or uses riot control agents as a method of warfare (Article 3 of the present Law);

2) before proceeding to the production of Schedule 1 chemicals, it has failed to obtain the approval of the Ministry in charge of defence (Article 11, paragraph 1 of the present Law);

3) it fails to submit in the request for approval, referred to in Article 11, paragraph 1 of the present Law, the accurate data (Article 11, paragraph 2 of the present Law);

⁴ In the Serbian legal system term “Economic Offence” is primarily applicable to companies, enterprises, legal entities and the persons in charge of such entities in cases of the breaches of commercial laws.

⁵ RSD – means “Dinar”, legal currency in the Republic of Serbia

4) it fails to submit within a prescribed time limit a request for approval, referred to in Article 11, paragraph 2 of the present Law (Article 12 of the present Law);

5) it fails to notify to the Ministry in charge of defence consumption and storage of Schedule 1 chemicals, or production, processing, consumption and storage of Schedule 2 chemicals, or production of Schedule 3 chemicals for the purposes referred to in Article 4, paragraph 1, subparagraphs 2) and 3) of the present Law (Article 12 of the present Law);

6) it fails to declare the accurate data in the notification on the commencement of the activity as well as the detailed description of the facility, including an inventory of the equipment and a detailed diagram (Article 12, paragraph 2 and Article 13, paragraph 1 of the present Law);

7) it fails to notify the commencement of its activity to the Ministry in charge of chemical management (Article 14, paragraph 1 of the present Law);

8) it fails to submit the accurate data in the notification on the commencement of the activity to the Ministry in charge of chemical management (Article 14, paragraph 2 of the present Law);

9) it fails to notify any reconstruction works on the plant site for the production, processing and consumption of chemicals or any changes to the technology of the production, processing and consumption of Schedule 1 chemicals, or if it fails to do so at least 180 days before reconstruction works are to begin or new technologies are to be introduced (Article 15 of the present Law);

10) it fails to submit by 31 January of the current calendar year for the previous calendar year a report on the production, processing and storing of chemicals, as well as the data on the plant sites or plants where they are produced, processed or consumed (Article 16, paragraph 1 of the present Law);

11) it fails to submit not later than 15 September of the current calendar year for the next calendar year information on plans for the production, processing, consumption and storage of chemicals as well as on plans related to the plants and facilities where these activities will be carried out (Article 16, paragraph 2 of the present Law);

12) it fails to submit data on the changes occurred after the submission of the information in the plans concerning the production, processing and storage of Schedule 2 chemicals, or in the plans for the production of Schedule 3 chemicals, within a deadline set out in Article 16, paragraph 3 of the present Law;

13) it produces, consumes and stores Schedule 1 chemicals contrary to the terms and conditions set out in Article 18 of the present Law;

14) it produces Schedule 1 chemicals in the prohibited facilities or in reaction vessels configured for continuous operation or whose volume exceeds the prescribed one (Article 19 of the present Law);

15) the production of Schedule 1 chemicals is carried out outside a single small-scale facility and the aggregate amount of chemicals produced is more than 10 kg per year and if the chemicals are not used for protective purposes or research, medical or pharmaceutical purposes (Article 20 of the present Law).

A fine of RSD 50,000 to 200,000 for acts constituting an economic offence under paragraph 1 of this Article, shall be imposed on the persons⁶ in charge of the offending company or any other legal entity.

In addition to the fine imposed for an economic offence referred to in paragraph 1 above, the offending company or any other legal entity may also be punished by a protective measure of banning it from performing certain commercial functions for a period of up to 10 years.

In addition to the fine imposed for an economic offence referred to in paragraph 1 above, the person in charge in a company or any other legal entity may be punished by a protective measure of banning him/her from performing a specific activity for up to 10 years.

Article 46

For acts constituting an economic offence the company or any other legal entity having the import/export licence for Schedule 1, 2 or 3 chemicals, as provided for in the Law on the Foreign Trade in Arms, Military Equipment and Dual-Use Goods (“Official Journal of Serbia and Montenegro”, No. 7/2005), shall be fined from RSD 50,000 to 200,000 if it fails to provide to the licensing authority information on the activities anticipated for the next calendar year before 15 September of the current calendar year (Article 17, paragraph 3 of the present Law).

For acts referred to in paragraph 1 of this Article the person in charge within the company or any other legal entity shall also be fined for the economic offence by RSD 20,000 to 100,000.

2. Minor Offences⁷

Article 47

A minor offence, punishable by a fine of RSD 10,000 to 1,000,000 shall be committed if a company or any other legal entity producing, processing, consuming or storing of chemicals:

1) Fails to report or provide information required under Article 16 of the present Law in respect of Schedule 1 chemicals (Articles 21 and 22 of the present Law);

⁶ A person in charge of the company, in view of the seriousness of the offence, may also be a subject to a criminal responsibility. In such a case, the provisions of the Criminal Code are applicable.

⁷ “Minor Offences” means offences of a lesser gravity, falling within the purview of the Administrative law and dealt with by administrative judge in accordance with the simplified procedure (not part of the judicial but executive authorities).

2) Submits a report for Schedule 1 chemicals under Article 16, paragraph 1, of the present Law not containing data referred to in Article 21 of the present Law;

3) Submits information for Schedule 1 chemicals under Article 16, paragraph 2, of the present Law not containing data required under Article 22 of the present Law;

4) Fails to report under Article 16, paragraph 1 on Schedule 2 chemicals which it produced or processed or consumed in the three previous calendar years or if it continues with such activities or if for such activities it consumed the amounts that exceed those specified in Article 23 of the present Law;

5) Submits a report required for Schedule 2 chemicals under Article 16, paragraph 1, of the present Law, not containing data specified in Article 24 of the present Law;

6) Submits information on the plans for Schedule 2 chemicals referred to in Article 16, paragraph 2, of the present Law, not containing data referred to in Article 25 of the present Law;

7) Fails to report under Article 16, paragraph 1 on a Schedule 3 chemical that was produced during the previous calendar year or anticipated to be produced in the next calendar year, more than 30 tonnes of such chemical in a concentration of at least 30 % in relation to its total weight (Article 26 of the present Law);

8) Submits information under Article 16, paragraph 1, of the present Law, not containing data on Schedule 3 chemicals referred to in Article 27 of the present Law;

9) Submits information on plans for Schedule 3 chemicals under Article 16, paragraph 2, of the present Law, not containing data referred to in Article 28 of the present Law;

10) Fails to report under Article 16, paragraph 1 on unscheduled discrete organic chemicals produced by synthesis in the previous calendar year in the aggregate amounts of more than 200 tonnes or of more than 30 tonnes if chemicals contain the elements of phosphorus, sulfur or fluorine (Article 29 of the present Law);

11) Submits information under Article 29 not containing data referred to in Article 30 of the present Law;

12) Prevents international inspection or fails to cooperate with it or fails to render assistance to escort team in the conduct of an international inspection (Article 37 of the present Law);

For minor offences referred to in paragraph 1 of this Article, the person in charge within the company or any other legal entity, shall be fined by RSD 10,000-50,000, or alternatively punished by up to 30 days in prison.

For minor offences referred to in paragraph 1 of this Article, the operator shall be fined by RSD 50,000-500,000 or alternatively punished by up to 30 days in prison.

For minor offences referred to in paragraph 1 of this Article, the physical person shall be fined by RSD 10,000-50,000 or alternatively punished by up to 30 days in prison.

For minor offences referred to in paragraph 1 of this Article, the company or any other legal entity may, in addition to the fine imposed, be sentenced by a protective measure of banning the discharge of certain activity for a period of up to one year.

For minor offences referred to in paragraph 1 of this Article, the person in charge within the company or any other legal entity may, in addition to the fine imposed, be sentenced by a protective measure of banning the discharge of certain activities for a period of up to one year.

For minor offences referred to in paragraph 1 of this Article, the operator or any other physical person may, in addition to the fine imposed, be sentenced by a protective measure of banning the discharge of certain activity for a period of up to three years.

VI. FINAL PROVISIONS

Article 48

Legal entities producing Schedule 1 chemicals shall submit their requests for approval to Ministry in charge of defence at least within three months of the date of the entry into force of the present Law.

Legal entities consuming or storing Schedule 1 chemicals, producing, processing, consuming or storing Schedule 2 chemicals or those producing Schedule 3 chemicals for purposes referred to in Article 4, paragraph 1, subparagraphs 2) and 3), of the present Law, as well as the owner or the operator of the factory, plant or facility for their production, processing and consumption, shall submit to the Ministry in charge of defence a notification on their activity not later than three months of the date of the entry into force of the present Law.

Legal entities producing, processing or consuming or storing Schedule 2 chemicals or those producing Schedule 3 chemicals or discrete organic chemicals for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes or the owner or the operator of the factory, plant site or facility for their production, processing and consumption, shall submit a notification on their activity to the Ministry in charge of chemical management, not later than three months of the date of the entry into force of the present Law.

Article 49

The Minister in charge of defence shall issue instructions referred to in Article 13 of the present Law within 12 months of the date of the entry into force of the present Law.

The Minister in charge of chemical management, in cooperation with the Minister in charge of defence, shall issue instructions referred to in Article 35, paragraph 2 and in Article 37, paragraph 2, of the present Law, within 12 months of the date of the entry into force of the present Law.

Article 50

The Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (“Official Journal of Serbia and Montenegro”, No. 44/05) shall cease to apply on the date of the entry into force of the present Law.

Article 51

The present Law shall enter into force on the eighth day following the date of its publication in the “Official Journal of the Republic of Serbia”.

ANNEX

<u>Schedule 1</u>	(CAS Registry number)
A. Toxic chemicals:	
(1) O-Alkyl (<C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
e.g. Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)
(2) O-Alkyl (<C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3) O-Alkyl (H or <C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4) Sulfur mustards:	
2-Chloroethylchloromethylsulfide	(2625-76-5)
Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
Bis(2-chloroethylthio)methane	(63869-13-6)
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)
(5) Lewisites:	

Lewisite 1: 2-Chlorovinylchloroarsine	(541-25-3)
Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)

(6) Nitrogen mustards:

HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
HN3: Tris(2-chloroethyl)amine	(555-77-1)

(7) Saxitoxin (35523-89-8)

(8) Ricin (9009-86-3)

B. Precursors:

(9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride (676-99-3)

(10) O-Alkyl (H or <C10, incl. cycloalkyl) O-2-dialkyl

(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonites and

corresponding alkylated or protonated salts

e.g. QL: O-Ethyl O-2-diisopropylaminoethyl
methylphosphonite (57856-11-8)(11) Chlorosarin: O-Isopropyl
methylphosphonochloridate (1445-76-7)(12) Chlorosoman: O-Pinacolyl
methylphosphonochloridate (7040-57-5)**Schedule 2****(CAS Registry number)****A. Toxic chemicals:**

(1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]

phosphorothiolate (78-53-5)
and corresponding alkylated or protonated salts

- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. Precursors:

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g Methylphosphonyl dichloride (676-97-1)
Dimethyl methylphosphonate (756-79-6)
Exemption: O-Ethyl S-phenyl
Fonofos: ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidin-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides
and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols
and corresponding protonated salts

- | | | |
|-------------|---|------------|
| Exemptions: | N,N-Dimethylaminoethanol
and corresponding protonated
salts | (108-01-0) |
| | N,N-Diethylaminoethanol
and corresponding protonated
salts | (100-37-8) |
| (12) | N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-
2-thiols
and corresponding protonated salts | |
| (13) | Thiodiglycol: Bis(2-hydroxyethyl)sulfide | (111-48-8) |
| (14) | Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol | (464-07-3) |

Schedule 3**(CAS Registry number)****A. Toxic chemicals:**

- | | | |
|-----|-------------------------------------|------------|
| (1) | Phosgene: Carbonyl dichloride | (75-44-5) |
| (2) | Cyanogen chloride | (506-77-4) |
| (3) | Hydrogen cyanide | (74-90-8) |
| (4) | Chloropicrin: Trichloronitromethane | (76-06-2) |

B. Precursors:

- | | | |
|-----|--------------------------|--------------|
| (5) | Phosphorus oxychloride | (10025-87-3) |
| (6) | Phosphorus trichloride | (7719-12-2) |
| (7) | Phosphorus pentachloride | (10026-13-8) |
| (8) | Trimethyl phosphite | (121-45-9) |

(9) Triethyl phosphite	(122-52-1)
(10) Dimethyl phosphite	(868-85-9)
(11) Diethyl phosphite	(762-04-9)
(12) Sulfur monochloride	(10025-67-9)
(13) Sulfur dichloride	(10545-99-0)
(14) Thionyl chloride	(7719-09-7)
(15) Ethyldiethanolamine	(139-87-7)
(16) Methyldiethanolamine	(105-59-9)
(17) Triethanolamine	(102-71-6)