



*Missão Permanente de Portugal  
junto das Nações Unidas*

ONU/2010/

The Permanent Mission of Portugal to the United Nations presents its compliments to the Secretariat of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honor to hereby submit the updated matrix, as of August 2010, on the status of implementation of the resolution by the Republic of Portugal.

The Permanent Mission of Portugal to the United Nations avails itself of this opportunity to renew to the Secretariat of the Security Council Committee established pursuant to resolution 1540 (2004) the assurances of its highest consideration.

New York, 15 September 2010

**OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10**

State:  
 Date of Report:  
 Date of Addendum 1:  
 Date of Addendum 2:  
 Date sent to sub-Committee:  
 Revision

**Portugal**  
 28 October 2004  
 05 December 2005  
 19 December 2007  
 14 February 2008  
 10 August 2010

| Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ? | YES | if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) | Remarks<br>(information refers to the page of the English version of the report or an official web site) |
|---|-----|---|--|
| 1 General statement on non-possession of WMD  |     |   |  |
| 2 General statement on commitment to disarmament and non-proliferation  | X   | European Union Strategy Against the Proliferation of WMD  | page 2 of the report   |
| 3 General statement on non-provision of WMD and related materials to non-State actors   | X   | The report says that Portugal does not provide any form of support to non-State actors                  | page 2 of the report   |
| 4 Biological Weapons Convention (BWC)   | X   | Deposit 15 May 1972   | pages 2 and 3 of the report<br>page 2 of Addendum 1  |
| 5 Chemical Weapons Convention (CWC)   | X   | Deposit 10 September 1996   | pages 2 and 3 of the report<br>page 2 of Addendum 1  |
| 6 Nuclear Non-Proliferation Treaty (NPT)  | X   | Deposit 15 December 1977  | pages 2 and 3 of the report<br>page 2 of Addendum 1  |

|    |   |   |  |   |
|----|---|---|--|---|
| 7  | Comprehensive Nuclear Test Ban Treaty (CTBT)                  | X | Deposit 26 June 2000   | <a href="http://unhq-apps-04.un.org/UNODA/TreatyStatu">http://unhq-apps-04.un.org/UNODA/TreatyStatu</a>   |
| 8  | Convention on Physical Protection of Nuclear Material (CPPNM) | X | In force 06 October 1991   | <a href="http://www.iaea.org/Publications/Documents/Conventions/cpp">http://www.iaea.org/Publications/Documents/Conventions/cpp</a>   |
| 9  | Hague Code of Conduct (HCOC)                                  | X | Accession 25 November 2002   | page 2 of the report<br>page 2 of Addendum 1  |
| 10 | Geneva Protocol of 1925                                       | X | Deposit 01 July 1930   | <a href="http://unhq-apps-04.un.org/UNODA/TreatyStatu">http://unhq-apps-04.un.org/UNODA/TreatyStatu</a>   |
| 11 | International Atomic Energy Agency (IAEA)                     | X | Accession 26 October 1957  | page 3 of the report<br>page 2 of Addendum 1  |
| 12 | Nuclear Weapons Free Zone/ Protocol(s)                        |   |  |   |
| 13 | Other Conventions/Treaties                                    | X | EURATOM Treaty   | page 8 of the EU report   |
| 14 | Other Arrangements  | X | <ol style="list-style-type: none"> <li>1. Nuclear Suppliers Group (NSG)</li> <li>2. Australia Group (AG)</li> <li>3. Missile Technology Control Regime (MTCR)</li> <li>4. Zangger Committee (ZC)</li> <li>5. Wassenaar Arrangement (WA)</li> <li>6. Proliferation Security Initiative (PSI)</li> </ol>   | pages 2 and 4 of the report   |
| 15 | Other   | X | <ol style="list-style-type: none"> <li>1. EU Council Decision of 17 November 2003 to include WMD provisions in Agreements with third countries - Revised Cotonou Partnership Agreement (the CPA II)</li> <li>2. Member of the NATO Senior Group on Proliferation (SGP)</li> <li>3. Member of the NATO-Russia Council (NRC)</li> <li>4. Member of the Euro Atlantic Partnership Council (EAPC)</li> </ol> | page 6 of the EU report<br>page 3 Addendum 1<br><a href="http://www.acpsec.org/en/conventions/cotonou/cotonou_revised_e.pdf">http://www.acpsec.org/en/conventions/cotonou/cotonou_revised_e.pdf</a> |

## OP 2 - Biological Weapons (BW)

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | National legal framework |   | Enforcement: civil/criminal penalties and others |   | Remarks   |
|---|--------------------------|---|--|---|---|
|   | YES                      | if YES, indicate source document of national implementation law   | YES  | if YES, indicate source document  |   |
| 1 manufacture/produce   |                          |   | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1  |
| 2 acquire   | X                        |   | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :  |   |
| 3 possess   | X                        | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X  | (...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho   | page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.22">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.22</a> |

|   |                 |   |   |   |   |   |
|---|-----------------|---|---|---|---|---|
| 4 | stockpile/store | X |   | X | explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos)   | <a href="#">23</a>  |
| 5 | develop         |   |   |   |   |   |
| 6 | transport       | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 7 | transfer        |   |   |   |   |   |
| 8 | use             | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | <a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a>   |

|    |  |   |   |   |  |   |
|----|--|---|---|---|--|---|
| 9  | participate as an accomplice in a.m. activities    | X | The Portuguese Penal Code, General part. Art. 26 (Authorship: ...directly participates in its execution, in agreement or together with other person, is punishable as principal, if there has been execution or the beginning of execution) Art. 27 ( Complicity: He who, intentionally or in whatever form, materially or morally helps other person to perform an intentional act, is punishable as accomplice) |   |  | page 4 of Addendum 1<br><a href="http://www.verbojuridico.com/download/portugueseepenalcod.pdf">http://www.verbojuridico.com/download/portugueseepenalcod.pdf</a>                 |
| 10 | assist in a.m. activities                          | X |   |   |  | <a href="http://www.verbojuridico.com/download/portugueseepenalcod.pdf">http://www.verbojuridico.com/download/portugueseepenalcod.pdf</a>   |
| 11 | finance a.m. activities                            | X | Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities.  |   |  | <a href="https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR">https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR</a> |
| 12 | a.m. activities related to means of delivery       | X | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons)<br>2. Law 52/2003: terrorist entities  | X | Law 52/2003 of 22 August (Combating Terrorism) | pages 2 and 3 of the report<br>page 4 of Addendum 1   |
| 13 | involvement of non-State actors in a.m. activities | X | Law 52/2003: terrorist entities   | X | Law 52/2003 of 22 August (Combating Terrorism) |   |
| 14 | Other  | ? | Reviewing the status of national rules and regulations  |   |  | page 4 of the report  |

## OP 2 - Chemical Weapons (CW)

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | National legal framework |   | Enforcement: civil/criminal penalties and others |   | Remarks   |
|---|--------------------------|---|--|---|---|
|   | YES                      | if YES, indicate source document of national implementation law   | YES  | if YES, indicate source document  |   |
| 1<br>manufacture/produce  |                          |   | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1  |
| 2<br>acquire  | X                        | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido                                   | page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 3<br>possess  | X                        |   | X  |   |   |

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 4 | stockpile/store                                 | X |   | X | ou incendiario improvisado e punido com pena de prisão de 2 a 8 anos)   |   |
| 5 | develop   |   |   |   |   |   |
| 6 | transport                                       | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 7 | transfer  |   |   |   |   |   |
| 8 | use   | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | <a href="http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a>   |
| 9 | participate as an accomplice in a.m. activities | X | The Portuguese Penal Code, General part. Art. 26 (Authorship: ...directly participates in its execution, in agreement or together with other  |   |   | page 4 of Addendum 1<br><a href="http://www.verbojuridico.com/download/portuguese-penal-code.pdf">http://www.verbojuridico.com/download/portuguese-penal-code.pdf</a>   |



|    |  |   |  |   |  |   |
|----|--|---|--|---|--|---|
| 10 | assist in a.m. activities                          | X | person, is punishable as principal, if there has been execution or the beginning of execution) Art. 27 ( Complicity: He who, intentionally or in whatever form, materially or morally helps other person to perform an intentional act, is punishable as accomplice) |   |  | <a href="http://www.verbojuridico.com/download/portuguesepenalcode.pdf">http://www.verbojuridico.com/download/portuguesepenalcode.pdf</a>   |
| 11 | finance a.m. activities                            | X | Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities.   |   |  | <a href="https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR">https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR</a> |
| 12 | a.m. activities related to means of delivery       | X | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons)<br>2. Law 52/2003: terrorist entities                   | X | Law 52/2003 of 22 August (Combating Terrorism) | pages 2 and 3 of the report<br>page 4 of Addendum 1   |
| 13 | involvement of non-State actors in a.m. activities | X | Law 52/2003: terrorist entities  | X | Law 52/2003 of 22 August (Combating Terrorism) |   |
| 14 | Other  | ? | 1. Reviewing the status of national rules and regulations<br>2. CWC legislation in the course of being approved  |   |  | page 3 of the report<br>page 5 of Addendum 1  |

## OP 2 - Nuclear Weapons (NW)

State:

Date of Report:

28 October 2004

Date of Addendum 1:

05 December 2005

Date of Addendum 2:

19 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | National legal framework |   | Enforcement: civil/criminal penalties and others |   | Remarks   |
|---|--------------------------|---|--|---|---|
|   | YES                      | if YES, indicate source document of national implementation law   | YES  | if YES, indicate source document  |   |
| 1 manufacture/produce   |                          |   | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1  |
| 2 acquire   | X                        | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons) | X  | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 3 possess   | X                        |   | X  |   |   |
| 4 stockpile/store   | X                        |   | X  |   |   |
| 5 develop   |                          |   |  |   |   |

|    |   |   |   |   |   |   |
|----|---|---|---|---|---|---|
| 6  | transport                                       | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons)   | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | page 3 of the report<br>page 4 of Addendum 1<br><a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 7  | transfer  |   |   |   |   |   |
| 8  | use   | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons)   | X | Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I , Art. 86 :<br>(...equipamentos, meios militares e material de guerra, arma biológica, arma química, arma radioactiva ou susceptível de explosão nuclear, arma de fogo automática, engenho explosivo civil, ou engenho explosivo ou incendiário improvisado é punido com pena de prisão de 2 a 8 anos) | <a href="http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a>   |
| 9  | participate as an accomplice in a.m. activities | X | The Portuguese Penal Code, General part. Art. 26 (Authorship: ...directly participates in its execution, in agreement or together with other person, is punishable as principal, if there has been execution or the beginning of execution) Art. 27 ( Complicity: He who, intentionally or in whatever form, materially or morally helps other person to perform an intentional act, is punishable as accomplice) |   |   | page 4 of Addendum 1<br><a href="http://www.verbojuridico.com/download/portuguesepenalcode.pdf">http://www.verbojuridico.com/download/portuguesepenalcode.pdf</a>   |
| 10 | assist in a.m. activities                       | X |   |   |   | <a href="http://www.verbojuridico.com/download/portuguesepenalcode.pdf">http://www.verbojuridico.com/download/portuguesepenalcode.pdf</a>   |

|    |  |   |  |   |   |
|----|--|---|--|---|---|
| 11 | finance a.m. activities                            | X | Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities.   |   | <a href="https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR">https://www.imolin.org/amlid/showLaw.do?law=4994&amp;language=ENG&amp;country=POR</a> |
| 12 | a.m. activities related to means of delivery       | X | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions, Section II, Art. 4 Prohibition of Acquisition, Detention, Use and Transport of weapons of Cat. A (biological, chemical and radiological weapons)<br>2. Law 52/2003: terrorist entities | X | Law 52/2003 of 22 August (Combating Terrorism)  |
| 13 | involvement of non-State actors in a.m. activities | X | Law 52/2003: terrorist entities  | X | Law 52/2003 of 22 August (Combating Terrorism)  |
| 14 | Other  | ? | Reviewing the status of national rules and regulations   |   | page 4 of the report  |

**OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials?<br>Can violators be penalized ? |                                    | National legal framework |   | Enforcement: civil/criminal penalties, and others |  | Remarks   |
|---|------------------------------------|--------------------------|---|---|--|---|
|   |                                    | YES                      | if YES, indicate source document  | YES   | if YES, indicate source document   |   |
| 1   | Measures to account for production | X                        | 1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control<br>2. Despacho do Director-Geral da Saúde de 14 de Maio de 1999: The Programa Nacional de Controlo da Infecção (PNCI) falls within the National Health Plan (2004 - 2010) and results from the report of the Committee for the Formulation of National Program for Prevention of Nosocomial Infections, established by order of the High Commissioner of Health, September 30, 2005, and published in DR Series II, No. 219, November 15. | X   | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>2. Party to ADR and RID Agreements | <a href="http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 2   | Measures to account for use        | X                        | 1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control<br>2. Despacho do Director-Geral da Saúde de 14 de Maio de 1999: The Programa Nacional de Controlo da Infecção (PNCI) falls within the National Health Plan (2004 - 2010) and results from the report of the Committee for the Formulation of National Program for Prevention of Nosocomial Infections, established by order of the High Commissioner of Health, September 30, 2005, and published in DR Series II, No. 219, November 15. | X   | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>2. Party to ADR and RID Agreements |   |
| 3   | Measures to account for storage    | X                        | 1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control<br>2. Despacho do Director-Geral da Saúde de 14 de Maio de 1999: The Programa Nacional de Controlo da Infecção (PNCI) falls within the National Health Plan (2004 - 2010) and results from the report of the Committee for the Formulation of National Program for Prevention of Nosocomial Infections, established by order of the High Commissioner of Health, September 30, 2005, and published in DR Series II, No. 219, November 15. | X   | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>2. Party to ADR and RID Agreements | <a href="http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 4   | Measures to account for transport  | X                        | Council Directive 94/55/EEC and 96/49/EEC; European Agreement Concerning the International Carriage of Dangerous Goods by Road  | X   | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>2. Party to ADR and RID Agreements |   |
| 5   | Other measures for accounting      |                          |   |   |  |   |

|    |   |   |   |   |   |   |
|----|---|---|---|---|---|---|
| 6  | Measures to secure production   |   | 1. Directive 2000/54/EC<br>2. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control  | X | 1. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de | page 10 of the EU report<br><a href="http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpj.mj.pt/DGPJ/seccions/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 7  | Measures to secure use  | X | 3. Despacho do Director-Geral da Saúde de 14 de Maio de 1999: The Programa Nacional de Controlo da Infecção (PNCI) falls within the National Health Plan (2004 - 2010) and results from the report of the Committee for the Formulation of National Program for Prevention of Nosocomial Infections, established by | X | engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>2. Party to ADR and RID Agreements  |   |
| 8  | Measures to secure storage  | X |   | X |   |   |
| 9  | Measures to secure transport  | X | Council Directive 94/55/EEC and 96/49/EEC; European Agreement Concerning the International Carriage of Dangerous Goods by Road  | X |   |   |
| 10 | Other measures for securing   |   |   |   |   |   |
| 11 | Regulations for physical protection of facilities/materials/ transports               |   |   |   |   |   |
| 12 | Licensing/registration of facilities/persons handling biological materials            | X | Directive 2000/54/EC  |   |   | page 10 of the EU report  |
| 13 | Reliability check of personnel  |   |   |   |   |   |
| 14 | Measures to account for/secure/ physically protect means of delivery                  |   |   |   |   |   |
| 15 | Regulations for genetic engineering work  |   |   |   |   |   |
| 16 | Other legislation/ regulations related to safety and security of biological materials | X | Directive 89/391/EC   |   |   | page 10 of the EU report  |
| 17 | Other   | ? | Reviewing the status of national rules and regulations  |   |   | page 4 of the report  |

**OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials?<br>Can violators be penalized ? | National legal framework |   | Enforcement: civil/criminal penalties, and others |   | Remarks   |
|---|--------------------------|---|---|---|---|
|   | YES                      | if YES, indicate source document  | YES   | if YES, indicate source document  |   |
| 1 Measures to account for production  | X                        | Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention. | X   | 1. Penal Code, Artigo 275º<br>Substâncias explosivas ou análogas e armas 1 - Quem importar, fabricar, guardar, comprar, vender, ceder ou adquirir a qualquer título, transportar, distribuir, detiver, usar ou trazer consigo engenho ou substância explosiva, radioactiva ou própria para a fabricação de gases tóxicos ou asfixiantes, fora das condições legais ou em contrário das prescrições da autoridade competente, é punido com pena de prisão até 3 anos ou com pena de multa<br>2. Law n. 5 of 23 February 2006 on weapons and ammunitions: b)<br>Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, | <a href="http://www.unifr.ch/ddp1/derec/hopenal/legislacion/I_20080626_10.pdf">http://www.unifr.ch/ddp1/derec/hopenal/legislacion/I_20080626_10.pdf</a> |
| 2 Measures to account for use   | X                        | Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention. | X   |   |   |
| 3 Measures to account for storage   | X                        | Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention. | X   |   |   |

|   |                                   |   |   |   |  |  |
|---|-----------------------------------|---|---|---|--|--|
| 4 | Measures to account for transport | X | Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.                             | X | manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos<br>3. Law on implementation of CWC 66 of 28 November 2007, Articles 19-24<br>4. Party to ADR and RID Agreements   |  |
| 5 | Other measures for accounting     |   |   |   |  |  |
| 6 | Measures to secure production     | X |   | X | 1. Penal Code, Artigo 275º<br>Substâncias explosivas ou análogas e armas 1 - Quem importar, fabricar, guardar, comprar, vender, ceder ou adquirir a qualquer título, transportar, distribuir, detiver, usar ou trazer consigo engenho ou substância explosiva, radioactiva ou própria para a fabricação de gases tóxicos ou asfixiantes, fora das condições legais ou em contrário das prescrições da autoridade competente, é punido com pena de prisão até 3 anos ou com pena de multa | page 10 of the EU report <a href="http://www.dgpi.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23">http://www.dgpi.mj.pt/DGPJ/seccoes/leis-da-justica/livro-iv-leis-criminais/pdf6313/l-5-2006/downloadFile/file/L_5_2006.pdf?nocache=1181809903.23</a> |
| 7 | Measures to secure use            | X | 1. Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.<br>2. Directive 98/24/EC | X | 2. Law n. 5 of 23 February 2006 on weapons and ammunitions: b)<br>Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o   |  |
| 8 | Measures to secure storage        | X |   | X |  |  |



|    |   |   |  |   |   |   |
|----|---|---|--|---|---|---|
| 9  | Measures to secure transport  | X | Council Directive 94/55/EEC and 96/49/EEC  | X | desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos<br>3. Law on implementation of CWC 66 of 28 November 2007, Articles 19-24<br>4. Party to ADR and RID Agreements | pages 10 and 11 of the EU report<br><a href="http://www.unifr.ch/ddp1/derec_hopenal/legislacion/I_20080626_10.pdf">http://www.unifr.ch/ddp1/derec_hopenal/legislacion/I_20080626_10.pdf</a>   |
| 10 | Other measures for securing   |   |  |   |   |   |
| 11 | Regulations for physical protection of facilities/materials/ transports |   |  |   |   |   |
| 12 | Licensing of chemical installations/entities/use of materials           | X | Law on implementation of CWC 66 of 28 November 2007, Agreement for installations | X | Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions  | <a href="http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf">http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf</a> |
| 13 | Reliability check of personnel  |   |  |   |   |   |
| 14 | Measures to account for/secure/ physically protect means of delivery    |   |  |   |   |   |
| 15 | National CWC authority  | X | Law on implementation of CWC 66 of 28 November 2007, Art. 5                      | X | National Authority for the Prohibition of Chemical Weapons (Autoridade Nacional para a Proibição das Armas Químicas (ANPAQ))  | <a href="http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf">http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf</a> |
| 16 | Reporting Schedule I, II and III chemicals to OPCW                      | X | Law on implementation of CWC 66 of 28 November 2007, Art. 8                      | X | Inspections are regulated by the Law on implementation of CWC 66 of 28 November 2007, Art. 11. Articles 19-24 provide administrative sanctions  | <a href="http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf">http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf</a> |
| 17 | Account for, secure or physically protect old chemical weapons          |   |  |   |   |   |
| 18 | Other legislation/ regulations controlling chemical materials           | X | Law on implementation of CWC 66 of 28 November 2007, Art. 6                      | X | The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.  | <a href="http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf">http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislacion_database/PT_Lei66de2007_CWCimplementacao.pdf</a> |

|    |       |          |   |  |  |                      |
|----|-------|----------|---|--|--|----------------------|
| 19 | Other | <b>X</b> | Reviewing the status of national rules and regulations, including in the field of CWC |  |  | page 4 of the report |
|----|-------|----------|---|--|--|----------------------|

**OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials?<br>Can violators be penalized ? | National legal framework |   | Enforcement: civil/criminal penalties, and others |  | Remarks   |
|---|--------------------------|---|---|--|---|
|   | YES                      | if YES, indicate source document  | YES   | if YES, indicate source document   |   |
| 1 Measures to account for production  | X                        |   | X   | 1. Penal Code, Artigo 275º<br>Substâncias explosivas ou análogas e armas 1 - Quem importar, fabricar, guardar, comprar, vender, ceder ou adquirir a qualquer título, transportar, distribuir, detiver, usar ou trazer consigo engenho ou substância explosiva, radioactiva ou própria para a fabricação de gases tóxicos ou asfixiantes, fora das condições legais ou em contrário das prescrições da autoridade competente, é punido com pena de prisão até 3 anos ou com pena de multa | <a href="http://www.unifr.ch/ddp1/derec/hopenal/legislacion/l_20080626_10.pdf">http://www.unifr.ch/ddp1/derec/hopenal/legislacion/l_20080626_10.pdf</a> |
| 2 Measures to account for use   | X                        | 1. Decree-Law n. 548/ 77 (licensing system for nuclear activities ; see <a href="http://www.nea.fr/law/legislation/portugal.pdf">http://www.nea.fr/law/legislation/portugal.pdf</a> )<br>2. Decree Law 375/90, 27 November 1990<br>3. Presidential Decree nr. 25, 03 April 2001 | X   | 2. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas  |   |
| 3 Measures to account for storage   | X                        | 4. Parliament Resolution nr. 26, 2001 (relates to the Additional Protocol to the Safeguards Agreement)<br>5. INFCIRC/193  | X   |  |   |

|   |                                   |   |   |   |  |   |
|---|-----------------------------------|---|---|---|--|---|
| 4 | Measures to account for transport |   |   | X | armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>3. Party to ADR and RID Agreements   |   |
| 5 | Other measures for accounting     | X | 1. Council Directives 2003/122/ EURATOM   |   |  |   |
| 6 | Measures to secure production     | X |   | X | 1. Penal Code, Artigo 275º<br>Substâncias explosivas ou análogas e armas 1 - Quem importar, fabricar, guardar, comprar, vender, ceder ou adquirir a qualquer título, transportar, distribuir, detiver, usar ou trazer consigo engenho ou substância explosiva, radioactiva ou própria para a fabricação de gases tóxicos ou asfixiantes, fora das condições legais ou em contrário das prescrições da autoridade competente, é punido com pena de prisão até 3 anos ou com pena de multa |   |
| 7 | Measures to secure use            | X | 1. Decree-Law n. 348/89 of 12 October 1989<br>2. Decree-Law n. 165/02 of 17 July 2002 setting out the framework for radiation protection as implemented by Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992 | X | 2. Law n. 5 of 23 February 2006 on weapons and ammunitions: b) Produtos ou substâncias que se destinem ou possam destinar, total ou parcialmente, a serem utilizados para o desenvolvimento, produção, manuseamento, accionamento, manutenção, armazenamento ou proliferação de armas biológicas, armas químicas ou armas radioactivas ou susceptíveis de explosão nuclear, ou para o  | page 10 of the EU report<br><a href="http://www.nea.fr/law/legislation/portugal.pdf">http://www.nea.fr/law/legislation/portugal.pdf</a> |
| 8 | Measures to secure storage        | X | 3. Council Directive 94/55/EEC and 96/49/EEC  | X |  |   |

|    |   |   |   |   |  |   |
|----|---|---|---|---|--|---|
| 9  | Measures to secure transport  | X |   | X | desenvolvimento, produção, manutenção ou armazenamento de engenhos susceptíveis de transportar essas armas, é punido com pena de prisão de 2 a 5 anos;<br>3. Party to ADR and RID Agreements               | pages 10 and 11 of the EU report<br><a href="http://www.unifr.ch/ddp1/derec/hopenal/legislacion/I_20080626_10.pdf">http://www.unifr.ch/ddp1/derec/hopenal/legislacion/I_20080626_10.pdf</a> |
| 10 | Other measures for securing   |   |   |   |  |   |
| 11 | Regulations for physical protection of facilities/materials/ transports |   |   |   |  |   |
| 12 | Licensing of nuclear installations/entities/use of materials            | X | 1. Directive 96/29/EURATOM: prior authorization<br>2. Decree n. 487 of 5 December 1972 adopted in implementing the Decree-Law 49398 for licensing nuclear plants  |   |  | page 8 of the EU report   |
| 13 | Reliability check of personnel  |   |   |   |  |   |
| 14 | Measures to account for/secure/physically protect means of delivery     |   |   |   |  |   |
| 15 | National regulatory authority   |   | 1. Decree-Law n. 361/79 of 1 September 1979<br>2. Decree-Law n. 296/95 of 17 November 1995<br>3. Decree-Law n. 329/87 of 23 September 1987<br>4. Decree-Law n. 189/93 of 24 May 1993<br>5. Decree-Law n. 97/03 of 7 May 2003<br>6. Decree-Law n. 10/93 of 15 January 1993 | X | Responsibilities are shared among the Ministry of Economic Affairs, Ministry for Health, Ministry for Urban Affairs - Territorial Planning and Environment, and Ministry for Science and Higher Education. | <a href="http://www.nea.fr/law/legislation/portugal.pdf">http://www.nea.fr/law/legislation/portugal.pdf</a>   |

|    |  |   |  |   |   |   |
|----|--|---|--|---|---|---|
| 16 | IAEA Safeguards Agreements   | X | The application of safeguards in Portugal under the bilateral NPT safeguards agreement INFCIRC/272, in force since 14 June 1979, was suspended on 1 July 1986, on which date the agreement of 5 April 1973 between the non-nuclearweapon States of EURATOM, EURATOM and the Agency (INFCIRC/193), to which Portugal had acceded, entered into force for Portugal | X | 1. Safeguards Agreement, acceded 01 July 1986<br>2. Additional Protocol, in force 30 April 2004   | page 2 of the report<br><a href="http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf">http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf</a>             |
| 17 | IAEA Code of Conduct on Safety and Security of Radioactive Sources                       | X | Notification pursuant to GC(47)/RES/7.B1   | X | Point of Contact for Import and Export: Department of Radiological Protection and Nuclear Safety- Instituto Tecnológico e Nuclear (ITN) | <a href="http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf">http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf</a> |
| 18 | IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources  | X | IAEA information system on illicit trafficking and other unauthorized activities involving nuclear and radioactive materials   | X | Contributes to Database Programme   | <a href="http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html">http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html</a>                     |
| 19 | Other Agreements related to IAEA   | X | Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency<br>Convention on Nuclear Safety   | X | In force since 2003-11-23<br>In force since 1998-08-18  | <a href="http://ola.iaea.org/factSheets/CountryDetails.asp?country=PT">http://ola.iaea.org/factSheets/CountryDetails.asp?country=PT</a>                           |
| 20 | Additional national legislation/regulations related to nuclear materials including CPPNM |   |  |   |   |   |
| 21 | Other  |   |  |   |   |   |

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -  
Controls of BW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ? | National legal framework |  | Enforcement: civil/criminal penalties, and measures of implementation, etc |                                  | Remarks  |
|--|--------------------------|--|--|----------------------------------|--|
|  | YES                      | if YES, indicate source document   | YES  | if YES, indicate source document |  |
| 1 Border control   | X                        | 1. Council Regulation no. 2913/1992 (Community Customs Code)<br>2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code)<br>3. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>4. Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community<br>5. Decree Law 360/99 | X  | Penal Code, arts. 274, 275       | page 12 of the EU report<br>page 13 of Addendum 1<br><u>Community Customs Code</u> |
| 2 Technical support of border control measures   | X                        | Scanners and X-ray   | X  | Scanners and X-ray               |  |

|   |  |   |  |   |  |   |
|---|--|---|--|---|--|---|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |
| 4 | Enforcement agencies/authorities   | X | Decree Law 360/99  | X | Customs  | page 13 of Addendum 1   |
| 5 | Export control legislation in place  | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. Decree Law 436/91 of 08 November 1991<br>3. Law 49/2009, 05 August 2009<br>4. Decree Law 1/86, 2 January 1986<br>5. Decree 439/94, 29 June 1994 | X | 1. Decree Law 436/91 of 08 November 1991 plus Decree Law 28/84 of 20 January<br>2. Law 49/2009, 05 August 2009<br>3. Decree Law 1/86, 2 January 1986<br>4. Decree 439/94, 29 June 1994   | page 3 of the report<br>page 14 of the EU report<br>page 13 of Addendum 1   |
| 6 | Licensing provisions   | X | 1.Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91 of 08 November 1991   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |
| 7 | Individual licensing   | X | 2. Decree Law 436/91 of 08 November 1991   | X | 2. Law 49/2009, 05 August 2009<br>3. Decree Law 1/86, 2 January 1986<br>4. Decree 439/94, 29 June 1994   | page 13 of Addendum 1   |
| 8 | General licensing  | X | 3. Law 49/2009, 05 August 2009<br>4. Decree Law 1/86, 2 January 1986<br>5. Decree 439/94, 29 June 1994   | X |  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |



|    |                                 |   |   |   |   |  |
|----|---------------------------------|---|---|---|---|--|
| 9  | Exceptions from licensing       | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade  | X | An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part2 of Annex IV shall not be covered by a general authorisation  | <u>EU Regulation 428/2009</u>  |
| 10 | Licensing of deemed export/visa | X | Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses  | X | Technical assistance needs an authorization   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML</a>  |
| 11 | National licensing authority    | X | 1. Decree Law 436/91of 8 November 1991 plus Decree Law 315/2001 of 10 December<br>2. Decree 439/94, 29 June 1994 (Ministry of Finance; Ministry of Defence)   | X | For defense goods and technology: Ministry of Defence - Direcção-Geral de Armamento e Infra-Estruturas de Defesa (DGAIED)<br>For dual use goods: Ministry of Finance- Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo (DGAIEC) | page 13 of Addendum 1<br><a href="http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm">http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm</a> |
| 12 | Interagency review for licenses |   |   |   |   |  |
| 13 | Control lists                   | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>3. Decree Law 1/86, 2 January 1986<br>4. Decree Law 436/91, 8 November 1991<br>5. Decree 439/94, 29 June 1994 | X | 1. Law 49/2009, 05 August 2009<br>2. Decree Law 1/86, 2 January 1986<br>3. Decree Law 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994   | page 4 of the report<br>page 14 of the EU report<br>page 14 of Addendum 1  |

|    |                                |   |   |   |  |                               |
|----|--------------------------------|---|---|---|--|-------------------------------|
| 14 | Updating of lists              | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items   | X | The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. | <u>EU Regulation 428/2009</u> |
| 15 | Inclusion of technologies      | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91, 8 November 1991  | <u>EU Regulation 428/2009</u> |
| 16 | Inclusion of means of delivery | X | 2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 2. Decree 439/94, 29 June 1994   | page 4 of the report          |
| 17 | End-user controls              | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>3. Decree Law 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994 | X | 1. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14<br>2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994  | page 13 of Addendum 1         |
| 18 | Catch all clause               | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91, 8 November 1991  | page 13 of Addendum 1         |
| 19 | Intangible transfers           | X | 2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 2. Decree 439/94, 29 June 1994   | page 13 of Addendum 1         |

|    |   |   |  |   |  |   |
|----|---|---|--|---|--|---|
| 20 | Transit control                         | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. Law 49/2009, 05 August 2009<br>3. Decree Law 1/86, 2 January 1986 | X | 1. Law 49/2009, 05 August 2009<br>2. Decree Law 1/86, 2 January 1986   | page 13 of Addendum 1                         |
| 21 | Trans-shipment control                  | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items   | X | 1. Decree Law 436/91, 8 November 1991  | page 13 of Addendum 1                         |
| 22 | Re-export control                       | X | 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls"   | X | 2. Decree 439/94, 29 June 1994   | <u>EU Regulation no. 648/2005</u>             |
| 23 | Control of providing funds              | X | Council Regulation (EC) No. 2580 of 27 December 2001   |   |  | <u>EU Regulation No. 2580/2001</u>            |
| 24 | Control of providing transport services |   |  |   |  |   |
| 25 | Control of importation                  | X | 1. Law 49/2009, 05 August 2009<br>2. Decree 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994  | X | 1. Penal Code, art. 275<br>2. Law 49/2009, 05 August 2009<br>3. Decree 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994 | page 3 of the report<br>page 14 of Addendum 1 |
| 26 | Extraterritorial applicability          | X | Law 49/2009, 05 August 2009  | X | Law 49/2009, 05 August 2009  |   |
| 27 | Other                                   | ? | Reviewing the status of national rules and regulations   |   |  | page 4 of the report                          |

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -  
Controls of CW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ? | National legal framework |  | Enforcement: civil/criminal penalties, and measures of implementation, etc |   | Remarks   |
|--|--------------------------|--|--|---|---|
|  | YES                      | if YES, indicate source document   | YES  | if YES, indicate source document  |   |
| 1 Border control   | X                        | 1. Council Regulation no. 2913/1992 (Community Customs Code)<br>2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code)<br>3. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>4. Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community<br>5. Decree Law 360/99 | X  | Penal Code, arts. 274, 275  | page 12 of the EU report<br>page 13 of Addendum 1<br><u>Community Customs Code</u>  |
| 2 Technical support of border control measures   | X                        | Scanners and X-ray   | X  | Scanners and X-ray  |   |
| 3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology   | X                        | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X  | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |

|    |                                     |   |   |   |   |  |
|----|-------------------------------------|---|---|---|---|--|
| 4  | Enforcement agencies/authorities    | X | Decree Law 360/99   | X | Customs   | page 13 of Addendum 1  |
| 5  | Export control legislation in place | X | <p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Decree Law 436/91 of 08 November 1991</p> <p>3. Law 49/2009, 05 August 2009</p> <p>4. Decree Law 1/86, 2 January 1986</p> <p>5. Decree 439/94, 29 June 1994</p> | X | <p>1. Decree Law 436/91 of 08 November 1991 plus Decree Law 28/84 of 20 January</p> <p>2. Law 49/2009, 05 August 2009</p> <p>3. Decree Law 1/86, 2 January 1986</p> <p>4. Decree 439/94, 29 June 1994</p> | <p>page 3 of the report</p> <p>page 14 of the EU report</p> <p>page 13 of Addendum 1</p>   |
| 6  | Licensing provisions                | X | <p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p>   | X | <p>1. Decree Law 436/91 of 08 November 1991</p>   | <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a></p> |
| 7  | Individual licensing                | X | <p>2. Decree Law 436/91 of 08 November 1991</p> <p>3. Law 49/2009, 05 August 2009</p>   | X | <p>2. Law 49/2009, 05 August 2009</p> <p>3. Decree Law 1/86, 2 January 1986</p> <p>4. Decree 439/94, 29 June 1994</p>   | page 13 of Addendum 1  |
| 8  | General licensing                   | X | <p>4. Decree Law 1/86, 2 January 1986</p> <p>5. Decree 439/94, 29 June 1994</p>   | X |   | <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a></p> |
| 9  | Exceptions from licensing           | X | <p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade</p>   | X | <p>An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part2 of Annex IV shall not be covered by a general authorisation</p>           | <p><u>EU Regulation 428/2009</u></p>   |
| 10 | Licensing of deemed export/visa     | X | <p>Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses</p>   | X | <p>Technical assistance needs an authorization</p>  | <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML</a></p>           |

|    |                                 |   |   |   |   |  |
|----|---------------------------------|---|---|---|---|--|
| 11 | National licensing authority    | X | <p>1. Law on implementation of CWC 66 of 28 November 2007, Art. 4 :<br/>Licenciamento (Sem prejuízo da legislação comunitária vigente, compete à Direcção -Geral das degas e dos Impostos Especiais sobre o Consumo o licenciamento do comércio externo dos produtos químicos tóxicos)</p> <p>2. Decree Law 436/91of 8 November 1991 plus Decree Law 315/2001 of 10 December</p> <p>3. Decree 439/94, 29 June 1994 (Ministry of Finance; Ministry of Defence)</p> | X | <p>For defense goods and technology: Ministry of Defence Direcção-Geral de Armamento e Infra-Estruturas de Defesa (DGAIED)</p> <p>For dual use goods: Ministry of Finance- Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo (DGAIEC)</p>  | <p>page 13 of Addendum 1<br/><a href="file:///E:/EU%20States%202010/PORTUGAL/seminario_duplo_uso_apres_final2.ppt#375,28,Slide 28">file:///E:/EU%20States%202010/PORTUGAL/seminario_duplo_uso_apres_final2.ppt#375,28,Slide 28</a></p> |
| 12 | Interagency review for licenses |   |   |   |   |  |
| 13 | Control lists                   | X | <p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>3. Decree Law 1/86, 2 January 1986</p> <p>4. Decree Law 436/91, 8 November 1991</p> <p>5. Decree 439/94, 29 June 1994</p>  | X | <p>1. Law 49/2009, 05 August 2009</p> <p>2. Decree Law 1/86, 2 January 1986</p> <p>3. Decree Law 436/91, 8 November 1991</p> <p>4. Decree 439/94, 29 June 1994</p>  | <p>page 4 of the report<br/>page 14 of the EU report<br/>page 14 of Addendum 1</p>   |
| 14 | Updating of lists               | X | <p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p>  | X | <p>The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.</p> | <p><u>EU Regulation 428/2009</u></p>   |

|    |                                |   |   |   |   |                               |
|----|--------------------------------|---|---|---|---|-------------------------------|
| 15 | Inclusion of technologies      | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91, 8 November 1991   | <u>EU Regulation 428/2009</u> |
| 16 | Inclusion of means of delivery | X | 2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 2. Decree 439/94, 29 June 1994  | page 4 of the report          |
| 17 | End-user controls              | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>3. Decree Law 436/91, 8 November 1991 | X | 1. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14<br>2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994 | page 13 of Addendum 1         |
| 18 | Catch all clause               | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91, 8 November 1991   | page 13 of Addendum 1         |
| 19 | Intangible transfers           | X | 2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 2. Decree 439/94, 29 June 1994  | page 13 of Addendum 1         |
| 20 | Transit control                | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. Law 49/2009, 05 August 2009<br>3. Decree Law 1/86, 2 January 1986                                    | X | 1. Law 49/2009, 05 August 2009<br>2. Decree Law 1/86, 2 January 1986  | page 13 of Addendum 1         |

|    |   |   |   |   |  |   |
|----|---|---|---|---|--|---|
| 21 | Trans-shipment control                  | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X |  | page 13 of Addendum 1                         |
| 22 | Re-export control                       | X | 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments" | X | 1. Decree Law 436/91, 8 November 1991<br>2. Decree 439/94, 29 June 1994  | <u>EU Regulation no. 648/2005</u>             |
| 23 | Control of providing funds              | X | Council Regulation (EC) No. 2580 of 27 December 2001  |   |  | <u>EU Regulation No. 2580/2001</u>            |
| 24 | Control of providing transport services |   |   |   |  |   |
| 25 | Control of importation                  | X | 1. Law 49/2009, 05 August 2009<br>2. Decree 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 1. Penal Code, art. 275<br>2. Law 49/2009, 05 August 2009<br>3. Decree 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994 | page 3 of the report<br>page 14 of Addendum 1 |
| 26 | Extraterritorial applicability          | X | Law 49/2009, 05 August 2009   | X | Law 49/2009, 05 August 2009  |   |
| 27 | Other                                   | ? | Reviewing the status of national rules and regulations, including in the field of CWC   |   |  | page 4 of the report<br>page 18 of Addendum 1 |



**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -  
Controls of NW including Related Materials**

State:  
Date of Report:  
Date of Addendum 1:  
Date of Addendum 2:

**Portugal**  
28 October 2004  
05 December 2005  
19 December 2007

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ? | National legal framework |  | Enforcement: civil/criminal penalties, and measures of implementation, etc |                                  | Remarks  |
|--|--------------------------|--|--|----------------------------------|--|
|  | YES                      | if YES, indicate source document   | YES  | if YES, indicate source document |  |
| 1 Border control   | X                        | 1. Council Regulation no. 2913/1992 (Community Customs Code)<br>2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code)<br>3. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>4. Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community<br>5. Decree Law 360/99 | X  | Penal Code, arts. 274, 275       | page 12 of the EU report<br>page 13 of Addendum 1<br><u>Community Customs Code</u> |
| 2 Technical support of border control measures   | X                        | Scanners and X-ray   | X  | Scanners and X-ray               |  |

|   |  |   |  |   |  |   |
|---|--|---|--|---|--|---|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |
| 4 | Enforcement agencies/authorities   | X | Decree Law 360/99  | X | Customs  | page 13 of Addendum 1   |
| 5 | Export control legislation in place  | X | <ol style="list-style-type: none"> <li>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</li> <li>2. Decree Law 436/91 of 08 November 1991</li> <li>3. Law 49/2009, 05 August 2009</li> <li>4. Decree Law 1/86, 2 January 1986</li> <li>5. Decree 439/94, 29 June 1994</li> </ol> | X | <ol style="list-style-type: none"> <li>1. Decree Law 436/91 of 08 November 1991 plus Decree Law 28/84 of 20 January</li> <li>2. Law 49/2009, 05 August 2009</li> <li>3. Decree Law 1/86, 2 January 1986</li> <li>4. Decree 439/94, 29 June 1994</li> </ol>   | <p>page 3 of the report</p> <p>page 14 of the EU report</p> <p>page 13 of Addendum 1</p>  |
| 6 | Licensing provisions   | X | 1.Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | <ol style="list-style-type: none"> <li>1. Decree Law 436/91 of 08 November 1991</li> </ol>   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a> |
| 7 | Individual licensing   | X | <ol style="list-style-type: none"> <li>2. Decree Law 436/91 of 08 November 1991</li> <li>3. Law 49/2009. 05 August 2009</li> </ol>   | X | <ol style="list-style-type: none"> <li>2. Law 49/2009, 05 August 2009</li> <li>3. Decree Law 1/86, 2 January 1986</li> <li>4. Decree 439/94, 29 June 1994</li> </ol>   | page 13 of Addendum 1   |

|    |                                 |   |  |   |  |   |
|----|---------------------------------|---|--|---|--|---|
| 8  | General licensing               | X | <p>4. Decree Law 1/86, 2 January 1986</p> <p>5. Decree 439/94, 29 June 1994</p>  | X |  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:001:0269:en:PDF</a>   |
| 9  | Exceptions from licensing       | X | <p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade</p>  | X | <p>An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part2 of Annex IV shall not be covered by a general authorisation</p>  | <p><u>EU Regulation 428/2009</u></p>  |
| 10 | Licensing of deemed export/visa | X | <p>Council Joint Action of 22 June 2000 concerning the control of technical</p>  | X | <p>Technical assistance needs an authorization</p>   | <p><a href="http://eur-lex.europa.eu/LexUriServ/LexU">http://eur-lex.europa.eu/LexUriServ/LexU</a></p>  |
| 11 | National licensing authority    | X | <p>1. Decree Law 436/91of 8 November 1991 plus Decree Law 315/2001 of 10 December</p> <p>2. Decree 439/94, 29 June 1994 (Ministry of Finance; Ministry of Defence)</p>   | X | <p>For defence goods and technology: Ministry of Defence Direcção-Geral de Armamento e Infra-Estruturas de Defesa (DGAIED)</p> <p>For dual use goods: Ministry of Finance- Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo (DGAIEC)</p> | <p>page 13 of Addendum 1</p> <p><a href="http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm">http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm</a></p> |
| 12 | Interagency review for licenses |   |  |   |  |   |
| 13 | Control lists                   | X | <p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>3. Decree Law 1/86, 2 January 1986</p> <p>4. Decree Law 436/91, 8 November 1991</p> <p>5. Decree 439/94, 29 June 1994</p> | X | <p>1. Law 49/2009, 05 August 2009</p> <p>2. Decree Law 1/86, 2 January 1986</p> <p>3. Decree Law 436/91, 8 November 1991</p> <p>4. Decree 439/94, 29 June 1994</p>   | <p>page 4 of the report</p> <p>page 14 of the EU report</p> <p>page 14 of Addendum 1</p>  |

|    |                                |   |   |   |  |  |
|----|--------------------------------|---|---|---|--|--|
| 14 | Updating of lists              | X | Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items   | X | The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. | <a href="#">EU Regulation 428/2009</a> |
| 15 | Inclusion of technologies      | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items  | X | 1. Decree Law 436/91, 8 November 1991  | <a href="#">EU Regulation 428/2009</a> |
| 16 | Inclusion of means of delivery | X | 2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 2. Decree 439/94, 29 June 1994   | page 4 of the report                   |
| 17 | End-user controls              | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)<br>3. Decree Law 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994 | X | 1. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14<br>2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994  | page 13 of Addendum 1                  |
| 18 | Catch all clause               | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and  | X | 1. Decree Law 436/91, 8 November 1991  | page 13 of Addendum 1                  |

|    |   |   |   |   |  |   |
|----|---|---|---|---|--|---|
| 19 | Intangible transfers                    | X | exports, transfer, brokering and transit of dual-use items<br>2. Decree Law 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 1991<br>2. Decree 439/94, 29 June 1994   | page 13 of Addendum 1                         |
| 20 | Transit control                         | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. Law 49/2009, 05 August 2009<br>3. Decree Law 1/86, 2 January 1986  | X | 1. Law 49/2009, 05 August 2009<br>2. Decree Law 1/86, 2 January 1986   | page 13 of Addendum 1                         |
| 21 | Trans-shipment control                  | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments" | X | 1. Decree Law 436/91, 8 November 1991<br>2. Decree 439/94, 29 June 1994  | page 13 of Addendum 1                         |
| 22 | Re-export control                       | X | 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<br>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments" | X | 1. Decree Law 436/91, 8 November 1991<br>2. Decree 439/94, 29 June 1994  | <u>EU Regulation no. 648/2005</u>             |
| 23 | Control of providing funds              | X | Council Regulation (EC) No. 2580 of 27 December 2001  |   |  | <u>EU Regulation No. 2580/2001</u>            |
| 24 | Control of providing transport services |   |   |   |  |   |
| 25 | Control of importation                  | X | 1. Law 49/2009, 05 August 2009<br>2. Decree 436/91, 8 November 1991<br>3. Decree 439/94, 29 June 1994   | X | 1. Penal Code, art. 275<br>2. Law 49/2009, 05 August 2009<br>3. Decree 436/91, 8 November 1991<br>4. Decree 439/94, 29 June 1994 | page 3 of the report<br>page 14 of Addendum 1 |

|    |                                |   |  |   |  |   |
|----|--------------------------------|---|--|---|--|---|
| 26 | Extraterritorial applicability | X | Law 49/2009, 05 August 2009                            | X | Law 49/2009, 05 August 2009  |   |
| 27 | Other                          | ? | Reviewing the status of national rules and regulations | ? | Program has been developed to support control of export and technology transfers to detect and fight nuclear and radioactive smuggling | page 4 of the report<br>page 21 of Addendum 1 |

## OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:  
 Date of Report:  
 Date of Addendum 1:  
 Date of Addendum 2:

**Portugal**  
 28 October 2004  
 05 December 2005  
 19 December 2007

| Can information be provided on the following issues ? |  | YES |  | Remarks               |
|---|--|-----|--|-----------------------|
| 1   | Control lists - items (goods/equipment/materials/technologies) | X   | EU control lists include NSG, AG, WA, MTCR and ZC and are applied by the Portuguese export control system  | page 4 of the report  |
| 2   | Control lists - other  | X   | Lists provided by the various anti-terrorism initiatives   | page 22 of Addendum 1 |
| 3   | Assistance offered   | X   | 1. Basic Course for Portuguese speaking countries on national implementation of CWC<br>2. Assistance and protection course for 1st responders of Portuguese speaking countries   | page 22 of Addendum 1 |
| 4   | Assistance requested   |     |  |                       |
| 5   | Assistance in place (bilateral/plurilateral/multilateral)      | X   | EU contribution to G 8 Global Partnership to enhance nuclear safety and security, chemical weapons destruction, re-employment of former scientists, export control and border security   | page 6 of the report  |
| 6   | Information for industry                                       | X   | Pursue official contacts with private companies operating in this field in order to spread information on the existing rules on the matter and to stress proliferation risks   | page 4 of the report  |
| 7   | Information for the public                                     | X   | Portuguese Customs (DGAIEC - Ministry of Finance) web page ( <a href="http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm">http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm</a> ) | page 22 of Addendum 1 |