

1540 COMMITTEE MATRIX OF BRAZIL

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

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

State:

Date of report:

Date of first addendum:

Date of second addendum:

Date of third addendum:

Date of Committee approval:

Brazil

29 October 2004

22 September 2005

17 March 2006

17 December 2007

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.		YES	if YES, relevant information (i.e. signing, accession, ratification, etc.)	Remarks (information refers to the page of the English version of the national report or an official web site)
1	Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 18 September 1998	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Tlatelolco, Deposit 29 January 1968	
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit 25 September 2009	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 17 October 1985	
5	2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 24 July 1998	
7	Chemical Weapons Convention (CWC)	X	Deposit 13 March 1996	
8	Biological Weapons Convention (BWC)	X	Deposit 27 February 1973	
9	Geneva Protocol of 1925	X	Deposit 28 August 1970	
10	Other Conventions/Treaties	X	<p>State party to 13 of the 19 universal legal instruments against terrorism, including the following relevant to resolution 1540 (2004):</p> <ul style="list-style-type: none"> • 1997 International Convention for the Suppression of Terrorist Bombings (23/08/2002) • 1999 International Convention for the Suppression of the Financing of Terrorism (16/09/2005) <p>Convention Against Transnational Organized Crime – Palermo Convention Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof The Antarctic Treaty Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water Stockholm Convention on Persistent Organic Pollutants Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal Inter-American Convention Against Terrorism 2005 International Health Regulations</p>	
11	International Atomic Energy Agency (IAEA)	X	Since 29 July 1957	
12	Hague Code of Conduct (HCOC)			
13	Other Arrangements	X	<p>Nuclear Suppliers Group (NSG): since 1996 Missile Technology Control Regime (MTCR): since 1995</p>	
14	General statement on non-possession of WMD	X	State reports that it does not possess - and has never developed - nuclear, chemical and biological weapons.	
15	General statement on commitment to disarmament and non-proliferation	X	State reports that it is fully committed to the objectives of non-proliferation of weapons of mass destruction (WMDs).	

16	General statement on non-provision of WMD and related materials to non-State actors	X	State reports that it is fully committed to the international efforts aimed at preventing non-State actors from gaining access to those weapons, as well as to related materials and technology. Brazil is fully committed to the objectives of UNSCR 1540 and 1977	
17	Other ¹	X	<p>Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy Quadripartite Safeguards Agreement, between Argentina, Brazil, ABACC and IAEA (1991) The Compromise of Mendoza (1999) Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) Declaration of Montevideo (2013)</p> <p>Member of: The World Health Organization (WHO) The World Organisation for Animal Health (OIE) International Criminal Police Organization (INTERPOL) World Customs Organisation (WCO) International Maritime Organisation (IMO) Organization of American State (OAS) World Bank Group International Monetary Fund (IMF) Financial Action Task Force on Money Laundering (FATF) Financial Action Task Force of Latin America (GAFILAT)</p>	

1. Including, as appropriate, information with regard to membership in relevant international, regional or sub-regional organizations.

OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

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, source document of national implementation law	YES			if YES, source document	
		N W	C W	B W		N W	C W	B W		
1	manufacture/produce	X	X	X	NW/CW/BW: Penal Code –Decree 2.848 of 7 December 1940, Art 278 (any hazardous substance for health) NW: Federal Constitution, Article 21, para XXIII Law 6.453 of 17 October 1977, Art 20 CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, Art 253 Law 9.065, of 12 February 1998, Art. 56 BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)Legislative Decree 77.374 of 1 April 1976 promulgates the BWC	X	X	X	NW/CW/BW: Law 9.605 of 12 February 1998, Art 56 Law 6.514 of 22 July 2008, Art 64 Penal Code –Decree 2.848 of 7 December 1940, Art 278 (any hazardous substance for health) NW: Law 6.453 of 17 October 1977, Art .20 Decree-Law 227, of 28 February 1967, Art. 90 CW: Penal Code - Decree 2.848 of 07 December 1940, Art 253 Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Law 9.065, of 12 February 1998, Art. 56 BW: Law 11.105 of 24 March 2005, Art 29 (GMOs only)	

2	acquire	X	X	X	<p>NW: Federal Constitution, Article 21, para XXIII Law 6.453 of 17 October 1977, Art 22 Resolution 110/11, of 1 September 2011, issued by the National Commission for Nuclear Energy</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, Art 253</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>	X	X	<p>NW: Law 6.453 of 17 October 1977, Art 22</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, Art 253 Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005</p>	
3	possess	X	X	X	<p>NW: Federal Constitution, Article 21, para XXIII Law 4.118 of 27 August 1962, art 40 Law 6.453 of 17 October 1977, Art 22</p> <p>CW: Legislative Decree 9 of 20 February 1996 incorporates approves the Chemical Weapons Convention (CWC) into domestic law Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, Art 253</p>	X	X	<p>NW: Law 4.118 of 27 August 1962, art 40 Law 6.453 of 17 October 1977, Art. 22</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, Art 253 Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005</p>	

					BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)Legislative Decree 77.374 of 1 April 1976 promulgates the BWC					
4	stockpile/store	X	X	X	NW/CW/BW: Penal Code –Decree 2.848 of 7 December 1940, Art 278(any hazardous substance for health) NW: Federal Constitution, Article 21, para XXIII Law 6.453 of 17 October 1977, Art 22 CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Law 9.065, of 12 February 1998, Art. 56 BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)Legislative Decree 77.374 of 1 April 1976 promulgates the BWC	X	X	X	NW/CW/BW: Law 9.065 of 12 February 1998, Art 56 Law 6.514 of 22 July 2008, Art 64 Penal Code –Decree 2.848 of 7 December 1940, Art 278(any hazardous substance for health) NW: Law 6.453 of 17 October 1977, Art 22: CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Law 9.065, of 12 February 1998, Art. 56 BW: Law 11.105 of 24 March 2005, Art 29 (GMOs only)	
5	develop	X	X	X	NW: Federal Constitution, Article 21, para XXIII CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC		X	X	CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Law 9.065 of 12 February 1998 Decree 5.459, of 7 June 2006	

					Law 11.254 of 27 December 2005 Law 13.123 of 20 May 2015, art 5 (traditional knowledge) BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)Legislative Decree 77.374 of 1 April 1976 promulgates the BWC Law 13.123 of 20 May 2015, art 5 (traditional knowledge)				BW: Decree 5.459 of 7 June 2005	
6	transport	X	X		NW: Federal Constitution, Article 21, para XXIII Law 6.453 of 17 October 1977, Art 22 CW: Penal Code - Decree 2.848 of 07 December 1940, Art 253 Law 9.065, of 12 February 1998, Art. 56	X	X	?	NW/CW/BW: Law 9.065 of 12 February 1998, Art 56 Law 6.514 of 22 July 2008, Art 64 NW: Law 6.453 of 17 October 1977, Art 22 CW: Penal Code - Decree 2.848 of 07 December 1940, Art 253 Law 9.065, of 12 February 1998, Art. 56 BW: Law 11.105 of 24 March 2005, Art 29 (GMOs only)	
7	transfer	X	X	X	NW/CW/BW: Penal Code –Decree 2.848 of 7 December 1940, Art 278 (any hazardous substance for health) NW: Federal Constitution, Article 21, para XXIII Law 4.118 of 27 August 1962, art 40 Law 6.453 of 17 October 1977, Art 20 and 22 CW: Legislative Decree 9 of 20 February 1996	X	X	X	NW/CW/BW: Law 9.065 of 12 February 1998, Art 56 Law 6.514 of 22 July 2008, Art 64 Penal Code –Decree 2.848 of 7 December 1940, Art 278 (any hazardous substance for health) NW: Law 4.118 of 27 August 1962, art 40 Law 6.453 of 17 October 1977, Art. 22 CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005	

					approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Penal Code - Decree 2.848 of 07 December 1940, Art 253 Law 11.254 of 27 December 2005 Law 9.065, of 12 February 1998, Art. 56				National Security Law - Law 7.170 of 14 December 1983, Art 12 defines the criminal sanctions for unauthorized cases Penal Code - Decree 2.848 of 07 December 1940, Art 253 Law 9.065, of 12 February 1998, Art. 56	
8	use	X	X	X	NW/CW/BW: Decree 4394 of 27 September 2002 (incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law: terrorist intent) NW: Federal Constitution, Article 5 (terrorism) 21, para XXIII Law 6.453 of 17 October 1977, Art 20 CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Law 9.065, of 12 February 1998, Art. 56 BW: Decree 67.200 of 15 September 1970, which ratifies the Geneva Protocol of 1925 Penal Code – Decree 2.848 (07/12/40) Art. 267	X	X	X	NW/CW/BW: Act 7.347 of 24 July 1985, as amended Law 9.065 of 12 February 1998, Art 56 Law 6.514 of 22 July 2008, Art 64 NW: Penal Code - Decree 2.848 of 07 December 1940 Law 6.453 of 17 October 1977, Art 20 CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, Art 252: Law 9.065, of 12 February 1998, Art. 56 BW: Heinous Crimes Law - Law 8.072 of 25 July 1990 (inducement of epidemics by the release of pathogens) Penal Code - Decree 2.848 of 07 December 1940, Art 259, 267, 270:	
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Penal Code, Article 29 Decree 4394 of 27 September 2002 incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law: terrorist intent	X	X	X	NW/CW/BW: Penal Code, Article 29	
10	assist in abovementioned	X	X	X	NW/CW/BW: Penal Code, Article 29	X	X	X	NW/CW/BW: Penal Code, Article 29	

	activities				Decree 4394 of 27 September 2002 incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law: terrorist intent CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005				CW: Law 11.254 of 27 December 2005	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Law 9.613 of 3 March 1998 as amended by 12.683 of 2012	X	X	X	NW/CW/BW: COAF (Council for Financial Activities Control)	
12	abovementioned activities related to means of delivery ²	X	X	X	NW/CW/BW: Law 7.170 (14/12/1983) Crimes against national security, Art. 12 CW: Legislative Decree 9 of 20 February 1996 Law 11.254 of 27 December 2005 BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)Legislative Decree 77.374 of 1 April 1976 promulgates the BWC	X	X	X	NW/CW/BW: Law 7.170(14/12/1983) Crimes against national security, Art. 12 CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 BW: Law 9.613 of 3 March 1998: applicability to financing BW and its means of delivery	
13	involvement of non-State actors in abovementioned activities	X	X	X	NW/CW/BW: Decree 4394 of 27 September 2002 incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law: terrorist intent NW: Constitution, Article 21 CW: Legislative Decree 9 of 20 February 1996 Law 11.254 of 27 December 2005 BW: Legislative Decree 89 of 1972 approves	X	X	X	NW/CW/BW: Heinous Crimes Act - Act 8.072 of 25 July 1990: crimes of terrorism Penal Code - Decree 2.848 of 7 December 1940 as amended by Law 11.106 of 28 March 2005 CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005	

					incorporates the Biological and Toxin Weapons Convention (BWC) into domestic law Legislative Decree 77.374 of 1 April 1976 promulgates the BWC					
14	Other	X	X	X	NW: Decree 2.864, of 7 December 1998 CW/BW: Penal Code - Decree 2.848 of 07 December 1940, Art 278		X	X	CW/BW: Penal Code - Decree 2.848 of 07 December 1940, Art 278	

2. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials³

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES			if YES, source document	YES			if YES, source document	
		N W	C W	B W *		N W	C W	B W		
1	Measures to account for production	X	X	X	NW/CW/BW: Federal Constitution, Art 225, V NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy CW: Legislative Decree 9 of 6 March 1996: Decree 3.665 of 20 November 2000 (R-105) Law 10.357, of 27 December 2001 BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005	X	X	?	NW: Law 6.453 of 17 October 1977 ABACC CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Law 10.357, of 27 December 2001 BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005	
2	Measures to account for use	X	X	X	NW/CW/BW: Federal Constitution, Art 225, V NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3	X	X	?	NW: Law 6.453 of 17 October 1977 ABACC	

					Law 7.781 of 27 June 1989, Art 2 Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy CW: Legislative Decree 9 of 06 March 1996: Decree 3.665 of 20 November 2000 (R-105): BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005				CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005	
3	Measures to account for storage	X	X	?	NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy CW: Legislative Decree 9 of 06 March 1996: Decree 3.665 of 20 November 2000 (R-105): BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005	X	X	?	NW: Law 6.453 of 17 October 1977 ABACC CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005	
4	Measures to account for transport	X	X	X	NW: INFCIRC/435 INFCIRC/435/Mod.1 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 Resolution 013/88, of 1 August 1988, issued by the National Commission of Nuclear Energy Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy CW: Decree 1797, 25 January 1996 - Enforcement of the Partial Scope Treaty to Facilitate the	X	X	?	NW: Law 6.453 of 17 October 1977 ABACC CW: Decree-Law 2063, 6 October 1983 provides for fines to be applied for infringements of	

					<p>Transportation of Hazardous Materials within Mercosur, of 30 December 1994 Decree 2866, 07 December 1998 - First Additional Protocol to a.m. # 2 Administrative Act 22, 19 January 2001 - Inspection of Road Transportation Law 10.357, of 27 December 2001</p> <p>BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005 Instruction 175-004, of 4 April 2014, issued by the National Civil Aviation Agency Ministerial Order 472, of 9 March 2009, issued by the Ministry of Health</p>				<p>regulations, for the conduct of road transportation of hazardous bulks or products Law 10.357, of 27 December 2001</p> <p>BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005</p>	
5	Other measures for accounting	X	X		<p>NW: Decree-Law 227, of 28 February 1967, Art. 90</p> <p>CW: Decree 4,074 of 2002 (Agro toxics) Law 10.357, of 27 December 2001 (narcotics and psychotropic) Decree 4.262, of 10 June 2002</p>	X	X		<p>NW: Decree-Law 227, of 28 February 1967, Art. 90</p> <p>CW: Decree 4,074 of 2002, Section III Law 10.357, of 27 December 2001 (narcotics and psychotropic) Decree 4.262, of 10 June 2002</p>	
6	Measures to secure production	X	?	?	<p>NW: Decree-Law 12.731 of 21 November 2012</p> <p>CW: Decree 97.626, 10 April 1989</p> <p>BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005</p>	X		?	<p>NW: Law 6.453 of 17 October 1977</p> <p>BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005 Normative Instruction CTNBio no 16 of 27 May 1998 (animals)</p>	
7	Measures to secure use	X	?	?	<p>NW: Decree-Law 12.731 of 21 November 2012 Law 6.453 of 17 October 1977, Art 25 Act 7.781 of 27 June 1989, Art 2</p>	X		?	<p>NW: Law 6.453 of 17 October 1977</p>	

					CW: Decree 97.626, 10 April 1989 BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005				BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005 Normative Instruction CTNBio no 16 of 27 May 1998	
8	Measures to secure storage	X	?	?	NW/CW/BW: ISPS Code NW: Decree-Law 12.731 of 21 November 2012 Law 6.453 of 17 October 1977, Art 25 BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005	X		?	NW: Law 6.453 of 17 October 1977 BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005	
9	Measures to secure transport	X	?	?	NW/CW/BW: Regulation 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004: Complementary Instructions to Road and Railway Transportation of Dangerous Products (radioactive) ISPS Code NW: Decree-Law 12.731 of 21 November 2012 Law 7.781 of 27 June 1989, Art 2 Resolution 013/88, of 1 August 1988, issued by the National Commission of Nuclear Energy CW: Administrative Act 22, 19 January 2001 CONAMA (National Council for the Environment) Resolution 1-A, 23 January 1986 Administrative Act 349, 10 June 2002 Instruction 1.602, 7/88 DAC Decree 96.044, 18 May 1988 Administrative Act 3 of 26 May 1995 Administrative Act 204 of 26 May 1997	X	?	?	NW: Law 6.453 of 17 October 1977 CW: Decree-Law 2.063, 6 October 1983 provides for fines to be applied for infringements of regulations, for the conduct of road transportation of hazardous bulks or products.	

					BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005 Instruction 175-004, of 4 April 2014, issued by the National Civil Aviation Agency Ministerial Order 472, of 9 March 2009, issued by the Ministry of Health				BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005 Normative Instruction CTNBio no 16 of 27 May 1998	
10	Other measures for securing		X		CW: Law 8.078, 11 September 1990 Decree 2.657, 3 July 1998 (Safety)		?		CW: Law 9.605, 12 February 1998-	
11	Regulations for physical protection of facilities/materials/ transports	X	?	?	NW/CW/BW: Regulation 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004 "Complementary Instructions to Regulations for Road and Railway Transportation of Dangerous Products" NW: Law 4.118 of 27 August 1962: Law 7.781 of 27 June 1989, Art 2					
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	X	X	X	NW: National Commission for Nuclear Energy (CNEN) Law 7.781 of 27 June 1989, Art 2 CW: Legislative Decree 9 of 06 March 1996 Decree 3.665 of 20 November 2000 (R-105) BW: Resolution RDC 210/2003: norms for licensing and production - Responsible Agency: National Sanitary Surveillance Agency (ANVISA).		X		CW: Decree 3.665 of 20 November 2000 (R-105)	
13	Reliability check of personnel									
14	Measures to account for/secure/ physically protect means of delivery	X	X	X	NW/CW/BW: Decree 3.665 of 20 November 2000 (R-105): control of means of delivery, parts and propellants: Army Command is controlling products with destructive power or any other					

					property - also Navy and Air Force are involved, mainly with regard to the transportation of these products					
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3. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument))

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National regulatory authority	X	National Commission for Nuclear Energy (CNEN) (Law 4.118 of 27 August 1962)	X	National Commission for Nuclear Energy (CNEN) (Law 4.118 of 27 August 1962)	
2	IAEA Safeguards Agreements	X	Agreement of 13 December 1991 between Argentina, Brazil, ABACC and IAEA for the Application of Safeguards INFCIRC/435	X	Agreement of 13 December 1991 between Argentina, Brazil, ABACC and IAEA for the Application of Safeguards INFCIRC/435	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support	X	Expressed support	
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources	X	Expressed support	X	Expressed support	
	IAEA Incident and Trafficking Database	X	Participates	X	Participates	
6	Other Agreements related to IAEA	X	Vienna Convention on Civil Liability for Nuclear Damage Convention on Early Notification of a Nuclear Accident Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Convention on Nuclear Safety	X	Vienna Convention on Civil Liability for Nuclear Damage Convention on Early Notification of a Nuclear Accident Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Convention on Nuclear Safety	

			<p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</p> <p>Vienna Convention on Civil Liability for Nuclear Damage</p> <p>Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)</p>		<p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management</p> <p>Vienna Convention on Civil Liability for Nuclear Damage</p> <p>Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)</p>	
7	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Decree 2.648 of 1 July 1998	X	Decree 2.648 of 1 July 1998	
8	Other	X	<p>Decree-Law 1.809 of 07 October 1980, later regulated by Decree 2.210 of 22 April 1997: created a Protection System for the Brazilian Nuclear Program - SIPRON implementing and responding to safety necessities related to activities/facilities/projects /personnel involved/civil population and environment</p> <p>Legislative Decree 2750 of 27 August 1998, Cooperation Agreement on the peaceful uses of nuclear energy between Brazil and the Russian Federation</p>	X	<p>Decree-Law 1.809 of 07 October 1980, later regulated by Decree 2.210 of 22 April 1997: created a Protection System for the Brazilian Nuclear Program - SIPRON implementing and responding to safety necessities related to activities/facilities/projects /personnel involved/civil population and environment</p> <p>Legislative Decree 2750 of 27 August 1998, Cooperation Agreement on the peaceful uses of nuclear energy between Brazil and the Russian Federation</p>	

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National CWC authority	X	Decree 2.074 of 14 November 1996	X	National Authority, Coordination-General of Sensitive Items, Ministry of Science and Technology	
2	Reporting Schedule I, II and III chemicals to OPCW	X	Initial Declaration and Reported on production Schedule I, II and III	X	Initial Declaration and Reported on production Schedule I, II and III	
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials	X	Law 10.357, of 27 December 2001 Resolution Conama 23 of 12 December 1996, Annex 2, List of Dangerous Features (Annex III of the Basel Convention)	X	Law 10.357, of 27 December 2001, art. 14	
5	Other					

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	Regulations for genetic engineering work	X	1. Federal Constitution of 1988, Article 225, para I, II and V Law No 11.105 of 24 March 2005 Decree No. 5,591 of 22 November 2005	X	National Technical Commission of Bio Security (CTNBio). Law 8,974, of 5 January 1995 and its regulations, Decree 1.752 of 20 December 1995.	
2	Other legislation/ regulations related to safety and security of biological materials	X	CTNBio Normative Instructions	X	CTNBio Normative Instructions	
3	Other	X	Law 13.123 of 20 May 2015 Law 11.460 of 21 March 2007	X	Law 13.123 of 20 May 2015 Law 11.460 of 21 March 2007	

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

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc				Remarks
		YES			if YES, source document	YES			if YES, source document	
		N W	C W	B W		N W	C W	B W		
1	Border control	X	X	X	NW/CW/BW: Decree-Law 37 of 18 November 1966, as amended Decree 4,543 of 26 December 2002, as amended. Consolidation of Ministerial Acts (Imports), Ministerial Act 17 of 1 December 2003, as amended. Consolidation of Ministerial Acts (Exports), Ministerial Act 12 of 3 September 2003, as amended.	X	X	X	NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) and Law 9.112 of 10 October 1995 The Department of Civil Aviation, Air Force Command: Airports Law 8,630 of 25 February 1993 (Port Modernization Law): Port Authorities Council Customs Administration, Ministry of Finance BW: Brazilian Sanitary Surveillance Agency (ANVISA), in accordance with Resolution RDC 1/2003	
2	Technical support of border control measures	X	X	X	NW/CW/BW: The Ministry of Science, Technology and Innovation organizes the Course of Identification of Sensitive Goods, aimed at training border controls officers to identify commodities used in the production of WMDs	X	X	X	NW/CW/BW: The Ministry of Science, Technology and Innovation organizes the Course of Identification of Sensitive Goods, aimed at training border controls officers to identify commodities used in the production of WMDs	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									

4	Enforcement agencies/authorities	X	X	X	<p>NW/CW/BW: Federal Revenue and Customs Secretariat (SFR) as well as Police and Armed Forces as subsidiaries</p> <p>NW: National Commission of Nuclear Energy</p> <p>CW: Ministry of Science and Technology</p> <p>BW: CTNBio</p>	X	X	X	<p>NW/CW/BW: Federal Revenue and Customs Secretariat (SFR) as well as Police and Armed Forces as subsidiaries</p> <p>NW: National Commission of Nuclear Energy</p> <p>CW: Ministry of Science and Technology</p> <p>BW: CTNBio</p>	
5	Export control legislation in place	X	X	X	<p>NW/CW/BW: Federal Constitution of 1988 Law 9.112 of 10 October 1995 as amended Decree 3.665 of 20 November 2000 Law 9.649 of 27 May 2004 with Decree-Law 37 of 18 November 1966 Decree 1.861 of 12 April 1996 Ministerial Act SECEX No. 36 of 22 November 2007 Decree 4.214 (30 April 2002)</p> <p>NW: Law 6.189 of 16 December 1974, art 11 Law 6.453 of 17 October 1977, Art 25 6. Administrative Act SAE/PR 61 of 12 April 1996 Resolution 23, of 18 November 2014, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES) Resolution 9, of 2 April 2007, issued by the Inter-ministerial commissions for Export Control of Sensitive Goods (CIBES) Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>CW: Decree No. 2.977 of 1 March 1999 Law 9.649 of 27 May 2004 with Decree-Law 37 of 18 November 1966</p>	X	X	X	<p>NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) and Law 9.112 of 10 October 1995 Inter-ministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures CIBES resolutions</p> <p>NW: Law 6.453 of 17 October 1977, Art 25 Law 6.453 of 17 October 1977: penalizes unauthorized export and import</p> <p>CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005</p>	

					Ministerial Order 437, of 14 June 2012, issued by the Ministry of Science, Technology and Innovation BW: Resolution 21, of 19 July 2013, issued by the Inter-ministerial commission for					
6	Licensing provisions	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, as amended by Decree 4,214 of 30 April 2002 Decree 3.665 of 20 November 2000: formal authorization of export by the Army Decree 4.214 (30 April 2002) CW: Ministerial Order 437, of 14 June 2012, issued by the Ministry of Science, Technology and Innovation BW: Resolution 21, of 19 July 2013, issued by the Inter-ministerial Commission for Export Control of Sensitive Goods (CIBES)	X	X	X	NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) and Law 9.112 of 10 October 1995 as amended by Decree 4214 of 30 April 2002 establishes the Inter-ministerial Commission for the Export Control of Sensitive Goods (CIBES) BW: Ministry of Agriculture and Supply (MAPA), through the Secretariat of Agricultural Protection (SDA)	
7	Individual licensing	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, as amended by Decree 4,214 of 30 April 2002 Decree 3.665 of 20 November 2000: formal authorization of export by the Army	X	X	X	NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) and Law 9.112 of 10 October 1995 Law 6.453 of 17 October 1977: penalizes unauthorized export and import Inter-ministerial Commission for Export Control of Sensitive Goods: BW: Resolution 21 of the Ministry of Science Technology and Innovation, 19 July 2013	
8	General licensing	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995 Decree 4.214 (30 April 2002)	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995 Decree 4.214 (30 April 2002)	

9	Exceptions from licensing			X	BW: CIBES Resolution 21 of 19 July 2013 (3.2.2 b.1)			X	BW: CIBES Resolution 21 of 19 July 2013 (3.2.2 b.1)	
10	Licensing of deemed export/visa									
11	National licensing authority	X	X	X	NW/CW/BW: Inter-ministerial Commission for Export Control of Sensitive Goods Regulation 49 of 16 February 2004 NW: National Commission for Nuclear Energy (CNEN) (Regulation 49 of 16 February 2004)	X	X	X	NW/CW/BW: General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT NW: Penal Code (Decree-Law 2.848 of 1940) and Act 9.112 of 10 October 1995 Act 6.453 of 17 October 1977: penalizes unauthorized export and import	
12	Interagency review for licenses	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995 Decree 4.214 (30 April 2002) General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT: SISCOMEX procedure used (Regulation 49 of 16 February 2004)	X	X	X	NW/CW/BW: Inter-ministerial Commission for Export Control of Sensitive Goods: Ministries: Science and Technology Defence Development, Industry and Foreign Trade Finance Justice Foreign Affairs Resolution CIBES 1 of 19 October 2004 SISCOMEX requires consent from CNEN on nuclear and radioactive items	
13	Control lists	X	X	X	NW/CW/BW: Law 9.112 (10 October 1995, as amended) Inter-ministerial Regulation 631 MCT/MD - List of Sensitive Goods CIBES Resolution 22 of 9 July 2014 Control List of Missile-related items Inter-ministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures Resolution 23, of 18 November 2014, issued by the Inter-ministerial Commission for Export Control of Sensitive Goods (CIBES)	X	X	X	NW/CW/BW: Law 9.112 (10 October 1995, as amended)	

					<p>NW: Decree 1.861 of 12 April 1996 based on Law 9.112 of 10 October 1995: List of Nuclear Equipment, Material or Technology Regulation 61 of 12 April 1996: List of Dual-use Equipment and Material and Related Technology Resolution 23, of 18 November 2014, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES)</p> <p>CW: Inter-ministerial Regulation 631 MCT/MD - List of Sensitive Goods Ministerial Regulation 804 of 13 December 2001 Ministerial Order 437, of 14 June 2012, issued by the Ministry of Science, Technology and Innovation</p> <p>BW: Resolution 13, of 10 March 2010, issued by the Inter-ministerial Commission for Export Control of Sensitive Goods (CIBES)</p>				<p>NW: Resolution 23, of 18 November 2014, issued by the Interministerial Commission for Export Control of Sensitive Goods (CIBES)</p> <p>CW: Inter-ministerial order MCT 437 of 14 June 2012</p> <p>BW: Resolution CIBES, 13 of 10 March 2010 CIBES Resolution 21 of 19 July 2013</p>	
14	Updating of lists	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Articles 2 and 5 II</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Articles 2 and 5 II (Updated by the Inter-ministerial Commission of Export Controls of sensitive goods/ published in the official Gazette)</p>	
15	Inclusion of technologies	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art 1, IV), 2) Decree 3.665 of 20 November 2000: formal authorization of export by the Army</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art 6 Inter-ministerial Regulation 631 MCT/MD - List of Sensitive Goods CIBES Resolution 7 of 13 March 2007 Control List of Missile-related items Resolution CIBES, No. 18 of 16 August 2012</p> <p>BW: CIBES Resolution 8 of 13 March 2007: Biological Control List</p>	

16	Inclusion of means of delivery	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995	X	X	X	NW/CW/BW: CIBES Resolution 7 of 13 March 2007 Control List of Missile-related items Resolution CIBES, No. 17 of 16 August 2012 Resolution CIBES, No. 18 of 16 August 2012	
17	End-user controls	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Art 3 NW: Resolution 9, of 2 April 2007, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES)	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Art 3 NW: CIBES Resolution 9 of 2 April 2007- Procedures for issuing of End-User certificates during import of nuclear items BW: CIBES Resolution 21 of 19 July 2013	
18	Catch all clause	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Art 3, II) 3	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Arts. 6 and 7	
19	Intangible transfers	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Art 1 IV) 2 (provision of technical data or technical assistance)	X	X	X	NW/CW/BW: Law 9.112 of 10 October 1995, Art 1 IV) 2 (provision of technical data or technical assistance)	
20	Transit control									
21	Trans-shipment control									
22	Re-export control									
23	Control of providing funds	X	X	X	NW/CW/BW: Law 9.613 of 3 March 1998 as amended by 12.683 of 2012	X	X	X	NW/CW/BW: COAF (Council for Financial Activities Control)	
24	Control of providing transport services									
25	Control of importation	X	X	X	NW/CW/BW: Federal Constitution of 1988 Decree 3.665 of 20 November 2000: formal authorization of import by the Army	X	X	X		

					<p>NW: Law 6.189 of 16 December 1974, art 11Act 6.453 of 17 October 1977, Art 25 CIBES Resolution 6 of September 2007- CIBES Resolution 9 of 2 April 2007 Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>CW: Regulation 275 of 23 April 2002 Decree No. 2.977 of 1 March 1999: CWC scheduled chemicals</p> <p>BW: Normative Instruction 1 of 08 July 2002 by the Ministry of Agriculture, Livestock and Food Supply: list of organisms for biological control MCTI/MF 977/2010</p>				<p>NW: Law 6.453 of 17 October 1977</p> <p>CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005 Inter-ministerial order MCT 436 of 14 June 2012</p> <p>BW: Products containing genetically modified organisms (GMOs) can only be imported with prior authorization from the National Technical Commission of Bio Security (CTNBio)</p>	
26	Extraterritorial applicability									
27	Other									

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

Can information be provided on the following issues?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	<p>Lists of Sensitive Goods/List of Conventional Materials for Military Use (Inter-ministerial Regulation 631 of 13 November 2001)</p> <p>List of Nuclear Equipment, Material and Technology/List of Dual-use Equipment, Material and Related Technology (Regulation 61 of 12 April 1996)</p> <p>Lists of substances identified by the CWC (Ministerial Regulation 804 of 13 December 2001)</p> <p>Normative Instruction 1 of 08 July 2002 by the Ministry of Agriculture, Livestock and Food Supply: norms for the importing of materials designed for research, including organisms for biological control and other specific purposes</p> <p>CIBES Resolutions</p>	
2	Control lists - other			
3	Assistance offered	X	In response to specific requests, the Brazilian Government is ready to provide assistance as appropriate to States in the Latin American and Caribbean region and other developing countries lacking the legal and/or regulatory infrastructure and implementation experience required to implement the provisions set forth by the Security Council Resolution 1540.	
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)			
7	Work with and inform industry	X	<p>General Coordination Office for Sensitive Goods, within the Ministry of science and Technology (CGBE/MCT) and the National Commission of Nuclear Energy (CNEN) are in constant interaction with industry involved in activities related to sensitive goods and technologies as well as with their representative associations</p> <p>"Project Sciences", further nominated "National Program for Integration State Enterprise in the sensitive Areas (Pronabens)", carried out by CGBE/MCTI and by the Brazilian Intelligence agency (ABIN) intends to inform private and governmental sectors: outreach-activities to chemical and biological industries, nuclear-related industry and missile-related industry. It aims at expanding its activities to all industries and governmental institutions that work with sensitive technologies. Activities in the present are focusing on laboratories, researches and governmental institutions related to biological area"</p>	
8	Work with and inform the public	X	Relevant web sites are open to public domain	

9	Point of Contact	X	Division of Disarmament and Sensitive Technologies (DDS/MRE), Ministry of External Relations dds@itamaraty.gov.br	
10	Other ⁴			

4. Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.