

1540 COMMITTEE MATRIX OF REPUBLIC OF THE CONGO

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: Republic of the Congo
Date of Report: 17 September 2012
Date of Addendum:
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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 28 October 1978	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Pelindaba, deposit 26 November 2013	
3	Convention for the Suppression of Acts of Nuclear Terrorism			
4	Convention on Physical Protection of Nuclear			

	Material (CPPNM)			
5	2005 Amendment to the CPPNM			
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 2 September 2014	
7	Chemical Weapons Convention (CWC)	X	Deposit 4 December 2007	
8	Biological Weapons Convention (BWC)	X	Deposit 23 October 1978	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	<p>Party to 4 of 19 universal legal instruments against terrorism, including the following relevant to Resolution 1540: 1999 International Convention for the Suppression of the Financing of Terrorism International Health Regulation (2005)</p> <p>OAU Convention on the Prevention and Combating Terrorism, deposit 10 October 2006</p> <p>Bamako Convention on the ban of the import into Africa and the control of trans boundary movement and management of hazardous wastes within Africa, deposit 25 June 1997</p> <p>Sea Bed Treaty, deposit 23 October 1978</p>	
11	International Atomic Energy Agency (IAEA)	X	Since 2009	
12	Hague Code of Conduct (HCOC)	X	Subscribing State	
13	Other Arrangements			
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation			
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reported that its “authorities have many occasions condemned the activities of WMD and means of delivery proliferation by non-state actors”	
17	Other ¹	X	Member of : Action Group against Money Laundering in Central Africa (GABAC) African Union (AU)	

			Economic Community of Central African States (ECCAS) International Maritime Organization (IMO) International Monetary Fund (IMF) INTERPOL Organisation for Animal Health (OIE) World Bank Group World Customs Organization (WCO) (SAFE Framework of Standards) World Health Organization (WHO) State Party to the following Convention : Cotonou Agreement	
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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: Article 184 of the Constitution in conjunction with NPT and Pelindaba Treaty CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
2	acquire	X	X	X	NW: Article 184 of the Constitution in conjunction with NPT and Pelindaba Treaty CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
3	possess	X	X	X	NW: Article 184 of the Constitution in conjunction with Pelindaba Treaty CW Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in					

					conjunction with BWC					
4	stockpile/store	X	X	X	NW: Article 184 of the Constitution in conjunction with Pelindaba Treaty CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
5	develop	X	X	X	NW: Article 184 of the Constitution in conjunction with Pelindaba Treaty CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
6	transport	X			NW: Article 184 of the Constitution in conjunction with Pelindaba Treaty					
7	transfer		X	X	CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
8	use		X		CW: Article 184 of the Constitution in conjunction with CWC		?	?	CW/BW: Code of water Art. 21 (dump polluting or dangerous for health materials into water needs an authorization from Ministry of water) Code of water Art.20 and 91 (sanctions to pollute water)	

9	participate as an accomplice in abovementioned activities									
10	assist in abovementioned activities		X		CW: Article 184 of the Constitution in conjunction with CWC					
11	finance abovementioned activities	X	X	X	NW/CW/BW: Article 184 of the Constitution in conjunction with the 1999 International Convention for the Suppression of the Financing of Terrorism Regulation No. 01/03-CEMAC-UMAC of 4 April 2004 on Preventing and Suppression of Money Laundering and Financing Terrorism	X	X	X	NW/CW/BW: Regulation No. 01/03-CEMAC-UMAC of 4 April 2004 on Preventing and Suppression of Money Laundering and Financing Terrorism Financial Investigation National Agency (Agence Nationale d'Investigation Financière - ANIF)	
12	abovementioned activities related to means of delivery ²		X	X	CW: Article 184 of the Constitution in conjunction with CWC BW: Article 184 of the Constitution in conjunction with BWC					
13	involvement of non-State actors in abovementioned activities									
14	Other									

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		NW: INFCIRC/831 and Additional Protocol in force since 28 October 2011. Code of Mines (production of nuclear source material needs an authorization from Ministry of Mines) CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 57 (Production of potentially Toxic Chemicals needs an authorization from Ministry of Environment).	?	X		NW: Code of Mines Art. 175 to 180 (sanctions) Ministry of Mines CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 84 (sanctions) Ministry of Environment	
2	Measures to account for use	X	X		NW: INFCIRC/831 and Additional Protocol in force since 28 October 2011. CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 57 (Use of potentially Toxic Chemicals needs an authorization from Ministry of Environment).		X		CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 84 (sanctions) Ministry of Environment	
3	Measures to account for storage	X			NW: INFCIRC/831 and Additional Protocol in force since 28 October 2011. Code of Mines (storage of nuclear source material needs an authorization from Ministry of Mines)	?			NW: Code of Mines Art. 175 to 180 Ministry of Mines	

4	Measures to account for transport	?			NW: Code of Mines (storage of nuclear source material needs an authorization from Ministry of Mines)	?			NW: Code of Mines Art. 175 to 180 Ministry of Mines	
5	Other measures for accounting		X		CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 39 to 47 (Commerce of potentially Toxic Chemicals needs an authorization from Ministry of Environment).		X		CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 84 (sanctions) Ministry of Environment	
6	Measures to secure production									
7	Measures to secure use									
8	Measures to secure storage									
9	Measures to secure transport									
10	Other measures for securing									
11	Regulations for physical protection of facilities/materials/ transports									
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	?	?	?	NW/CW/BW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 39 to 47 (Facilities where dangerous materials are handled needs an authorization from Ministry of Environment).	?	?	?	NW/CW/BW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 76 to 80 (sanctions). Ministry of Environment	
13	Reliability check of personnel									
14	Measures to account for/secure/ physically protect means of delivery									

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					
2	IAEA Safeguards Agreements	X	INFCIRC/831 and Additional Protocol in force since 28 October 2011.	X	INFCIRC/831 and Additional Protocol in force since 28 October 2011.	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources					
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources					
5	IAEA Incident and Trafficking Database					
6	Other Agreements related to IAEA					
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other					

**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	Ministry of Foreign Affairs and Francophonie	X	Ministry of Foreign Affairs and Francophonie	
2	Reporting Schedule I, II and III chemicals to OPCW					
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
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					
2	Other legislation/ regulations related to safety and security of biological materials					
3	Other					

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 CEMAC Customs Code amended by Regulation No 05/01-UEAC-097-CM-06	X	X	X	NW/CW/BW: CEMAC Customs Code Customs	
2	Technical support of border control measures					?	?	?	NW/CW/BW: Use of ASYCUDA ++ system	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities	?			NW: Code of Mines (exportation of nuclear source material needs an authorization from Ministry of Mines)	?			NW: Code of Mines Art. 175 to 180 Ministry of Mines	
5	Export control legislation in place	?			NW: Code of Mines (exportation of nuclear source material needs an authorization from Ministry of Mines)	?			NW: Code of Mines Art. 175 to 180 Ministry of Mines	
6	Licensing provisions	?	?	?	NW: Code of Mines (exportation of nuclear source material needs an authorization from Ministry of Mines) NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting	?	?	?	NW: Code of Mines Art. 175 to 180 Ministry of Mines NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting the	

				the cargo tracking document during international transport by sea			cargo tracking document during international transport by sea	
7	Individual licensing	?		NW: Code of Mines (exportation of nuclear source material needs an authorization from Ministry of Mines)	?		NW: Code of Mines Art. 175 to 180 Ministry of Mines	
8	General licensing							
9	Exceptions from licensing							
10	Licensing of deemed export/visa							
11	National licensing authority	?		NW: Code of Mines (exportation of nuclear source material needs an authorization from Ministry of Mines)	?		NW: Code of Mines Art. 175 to 180 Ministry of Mines	
12	Interagency review for licenses							
13	Control lists	?		NW: Code of Mines (define nuclear source material)	?		NW: Code of Mines (define nuclear source material) Ministry of Mines	
14	Updating of lists							
15	Inclusion of technologies							
16	Inclusion of means of delivery							
17	End-user controls							
18	Catch all clause							
19	Intangible transfers							
20	Transit control	?	?	NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting the cargo tracking document during international transport by sea	?	?	NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting the cargo tracking document during international transport by sea	

21	Trans-shipment control	?	?	?	NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting the cargo tracking document during international transport by sea	?	?	?	NW/CW/BW: Decree No. 1033 of 14 May 2008 Instituting the cargo tracking document during international transport by sea	
22	Re-export control									
23	Control of providing funds	X	X	X	NW/CW/BW: Article 184 of the Constitution in conjunction with the 1999 International Convention for the Suppression of the Financing of Terrorism Regulation No. 01/03-CEMAC-UMAC of 4 April 2004 on Preventing and Suppression of Money Laundering and Financing Terrorism	X	X	X	NW/CW/BW: Regulation No. 01/03-CEMAC-UMAC of 4 April 2004 on Preventing and Suppression of Money Laundering and Financing Terrorism Financial Investigation National Agency (Agence Nationale d'Investigation Financière - ANIF)	
24	Control of providing transport services									
25	Control of importation	?	X		NW: Code of Mines (importation of nuclear source material needs an authorization from Ministry of Mines) Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 52 (Prohibition of the importation of nuclear wastes). CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 57 (importation of toxic chemicals needs an authorization of the Ministry of Environment).	?	X		NW: Code of Mines Art. 175 to 180 Ministry of Mines Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 82 (sanctions for the importation of nuclear wastes) CW: Law No. 003/91 of 23 April 1991 on Protection of the Environment Art. 84 (sanctions). Ministry of Environment	
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)			
2	Control lists - other			
3	Assistance offered			
4	Assistance requested	X	14 January 2010, Letter from the Ministry of Foreign Affairs and Cooperation requesting assistance for training on export control for officials from the Republic of Congo in the three forthcoming years.	
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)			
7	Work with and inform industry			
8	Work with and inform the public			
9	Point of Contact	X	Colonel Jean Aimé Ignoumba, Tel: +242-06-9781919, Email: ignoumba@yahoo.fr	
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.