

1540 COMMITTEE MATRIX OF NETHERLANDS

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:	NETHERLANDS
Date of First Report:	28 October 2004
Addendum 1	16 November 2005, Add.1
Addendum 2	17 October 2007
Date of Committee Approval:	

	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 2 May 1975	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Deposit Treaty Banning Nuclear Weapons in Latin America, Additional Protocol I, 1 January 1971	
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit International Convention for the Suppression of Acts of Nuclear Terrorism 30 June 2010	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 06 October 1991	
5	2005 Amendment to the CPPNM	X	Deposit 17 April 2011	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Deposit 23 March 1999	

	(not in force)			
7	Chemical Weapons Convention (CWC)	X	Deposit 29 April 1997	
8	Biological Weapons Convention (BWC)	X	Deposit 22 June 1981	
9	Geneva Protocol of 1925	X	Deposit 31 October 1930	
10	Other Conventions/Treaties	X	Treaty Banning Nuclear Weapon Tests in the Atmosphere etc., entry into force 14 September 1964 EURATOM Treaty, entry into force 1 January 1958 State Party to 16 of the 19 universal legal instruments against terrorism, including the following relevant to resolution 1540 (2004): 1997 International Convention for the Suppression of Terrorist Bombings (20 May 2005) 1999 International Convention for the Suppression of the Financing of Terrorism (17 May 2004); 2005 Protocol for the suppression of unlawful acts against the safety of maritime navigation; 2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf;	
11	International Atomic Energy Agency (IAEA)	X	Since 1957	
12	Hague Code of Conduct (HCOC)	X	Subscribed on 25 November 2002	
13	Other Arrangements	X	Wassenaar Arrangement (WA) Australia Group (AG) Zangger Committee (ZC) Nuclear Suppliers Group (NSG) Missile Technology Control Regime (MTCR) Proliferation Security Initiative (PSI) Global Initiative to Combat Nuclear Terrorism (GICNT)	
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation	X	The Netherlands states that it endorses the European Union Strategy against the proliferation of WMD	
16	General statement on non-provision of WMD and related materials to non-State actors	X	The Netherlands states that it does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transfer or use WMD and their means of delivery	
17	Other ¹	X	EU Council Decision of 17 November 2003 to include WMD provisions into agreements with third countries - Revised Cotonou Partnership Agreement (the CPA II) Member of: Financial Action Task Force against Money Laundering (FATF)	

			International Maritime Organization (IMO) International Monetary Fund (IMF) Inter-Parliamentary Union (IPU) INTERPOL Organization for Security and Cooperation in Europe (OSCE) World Bank Group World Customs Organization (WCO) World Health Organization (WHO) World Organisation for Animal Health (OIE)	
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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: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act, Section 2 Weapons and Ammunition Act BW: Biological Weapons Convention (Implementation) Act	X	X	X	NW: Nuclear Energy Act, section 79: terrorist purposes are a criminal offence :Economic Offences Act, Art 1a CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)			
2	acquire	X	X	X	NW: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act, Section 2 BW: Biological Weapons Convention (Implementation) Act	X	X	X	NW: Nuclear Energy Act, section 79: terrorist purposes are a criminal offence Economic Offences Act, Art 1a CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)			
3	possess	X	X	X	NW: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act, Section 2	X	X	X	NW: Nuclear Energy Act, section 79: terrorist purposes are a criminal offence Economic Offences Act, Art 1a CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)			

				BW: Biological Weapons Convention (Implementation) Act				
4	stockpile/store	X	X	X NW: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 2 BW: Biological Weapons Convention (Implementation) Act	X	X	X NW: Nuclear Energy Act, section 79 [possess]: terrorist purposes are a criminal offence Economic Offences Act, Art. 1(a) CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)	
5	develop		X	X CW: Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 2 BW: Biological Weapons Convention (Implementation) Act		X	X CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)	
6	transport	X	X	X NW: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act BW: Biological Weapons Convention (Implementation) Act	X	X	X NW: Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)	
7	transfer	X	X	X NW: Nuclear Energy Act, Sections 15, 29: requirement of a license CW: Chemical Weapons Convention (Implementation) Act, Sections	X	X	X NW: Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)	

				BW: Biological Weapons Convention (Implementation) Act					
8	use	X	X	?	NW: Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence Criminal Code, Section 161 quarter and 161 quinquies: prohibition of exposure of human beings, animals and plants to ionizing radiation etc. CW: Chemical Weapons Convention (Implementation) Act, Section 2 BW: Criminal Code, Sections 172, 173, 173a, 173b, and 287	X	?	?	NW: Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence Criminal Code, Section 161 quarter and 161 quinquies: prohibition of exposure of human beings, animals and plants to ionizing radiation etc. CW: Criminal Code, Sections 172, 173, 173a, 173b, and 287 BW: Criminal Code, Sections 172, 173, 173a, 173b, and 287
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Criminal Code: complicity (Sections 47 and 48)	X	X	X	NW/CW/BW: Criminal Code: complicity (Sections 47 and 48) Criminal Code, Sections 172, 173, 173a, 173b, and 287
10	assist in abovementioned activities	X	X	X	NW/CW/BW: Criminal Code: participation, subornation and material support (Sections 47 and 48)	X	X	X	NW/CW/BW: Criminal Code: participation, subornation and material support (Section 47 and 48), participation in a criminal organization (Sections 140 and 140 a)
11	finance abovementioned activities	X	X	X	NW/CW/BW: On 1 August 2008, the Act on Prevention of Money Laundering and Financing of Terrorism (Wet ter voorkoming van Witwassen en Financiering van Terrorisme, WWFT) entered into force. In addition, an implementation decree (Uitvoeringsbesluit Wet ter voorkoming van Witwassen en Financiering van Terrorisme) and an implementation regulation (Uitvoeringsbesluit Wet ter voorkoming van	X	X	X	NW/CW/BW: Criminal Code: participation, subornation and material support (Section 47), participation in a criminal organization (Sections 140 and 140 a) The Financial Intelligence Unit Nederland (FIU-Nederland). The FIU-Nederland was instituted on 1 January 2006 and includes the former Meldpunt Ongebruikelijke Transacties (MOT) of the Dutch Ministry of Justice and the Bureau for Police Support of the National

				Witwassen en Financieren van Terrorisme) were implemented on 1 August 2008			Public Prosecutor (BLOM). The FIU-Nederland is part of the International Police Service (IPOL) of the National Police Services Agency (KLPD).			
12	abovementioned activities related to means of delivery ²		X	X	CW: Chemical Weapons Convention (Implementation) Act, Section 2 BW: Biological Weapons Convention (Implementation) Act (Section 4)	X	X	CW/BW: Economic Offences Act, Arts. 1(1) to 6(4)		
13	involvement of non-State actors in abovementioned activities	X	X	X	NW/CW/BW: Terrorist Crimes Act	X	X	X	NW: Aggravating circumstances Criminal Code, Section 83 in combination with 79 and 80.2 of the Nuclear Energy Act CW/BW: Aggravating circumstances Criminal Code, Section 83 in combination with Section 6.4 of the Economic Offences Act Violations of provisions by Dutch nationals living outside the Netherlands are subject to Dutch Criminal law	
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 Materials ³

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	
		NW	CW	BW*		NW	CW	BW		
1	Measures to account for production	X	X		<p>NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree EURATOM Treaty INFCIRC/193</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997</p>	X	X		<p>NW: Economic Offences Act, Art 1a</p> <p>CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 15</p>	
2	Measures to account for use	X	X		<p>NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree EURATOM Treaty INFCIRC/193</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997</p>	X	X		<p>NW: Economic Offences Act, Art 1a</p> <p>CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 15</p>	
3	Measures to account for storage	X	X		<p>NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree EURATOM Treaty</p>		X		<p>NW: Economic Offences Act, Art 1a</p> <p>CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 15</p>	

				INFCIRC/193 CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997					
4	Measures to account for transport	X	X	X	NW: Directive 92/3 EURATOM Council Directive 2008/68/EC Decree on the Transport of Radioactive Waste and Spent Fuel of 27 March 2009 (Stb. 2009, No. 168). This decree implements the Council Directive 2006/117/Euratom INFCIRC/193 CW/BW: Council Directives 2008/68/EC	X	X	X	NW/ CW/ BW: Party to ADR and RID
5	Other measures for accounting								
6	Measures to secure production	X	X	X	NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009 Ordinance on physical protection of nuclear facilities and fissionable materials - update The ministerial order on security and nuclear fuel came into force in January 2011. CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997 Directive 98/24/EC BW: Directive 2000/54/EC			X	CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 15
7	Measures to secure use	X	X	X	NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009 Ordinance on physical protection of nuclear facilities and fissionable materials - update	X	X		NW: Economic Offences Act, Art. 1(1)

				<p>The ministerial order on security and nuclear fuel came into force in January 2011.</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997 Directive 98/24/EC</p> <p>BW: Directive 2000/54/EC</p>			<p>CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 1</p>			
8	Measures to secure storage	X	X	?	<p>NW: Nuclear Energy Act (Stb.* 1963, No. 82), as last amended in 2009 Ordinance on physical protection of nuclear facilities and fissionable materials - update The ministerial order on security and nuclear fuel came into force in January 2011.</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997 Directive 98/24/EC</p> <p>BW: Directive 2000/54/EC</p>	X	X	<p>NW: Economic Offences Act, Art. 1(1)</p> <p>CW: Economic Offences Act, Art. 1(1) as amended by the CWC Implementation Act n. 338 of 8 of June 1995, Chapter 5 Section 15</p>		
9	Measures to secure transport	X	X	X	<p>NW: Council Directives 94/55/EEC and 96/49/EEC Decree on the Transport of Radioactive Waste and Spent Fuel of 27 March 2009 (Stb. 2009, No. 168). This decree implements the Council Directive 2006/117/Euratom Fissionable Materials, Ores and Radioactive Substances (Transport) Decree, Section 4a Ordinance on physical protection of nuclear facilities and fissionable materials - update The ministerial order on security and nuclear fuel came into force in January 2011.</p> <p>CW/ BW: Council Directives 94/55/EEC and 96/49/EEC Regulation (EC) No 1272/2008 of the</p>	X	X	X	<p>NW: Security plan for transport</p> <p>CW/ BW: Security plan for transport Party to ADR and RID</p>	

				European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006				
10	Other measures for securing	X		<p>NW: Nuclear Installations, Fissionable Materials and Ores Decree of 4 September 1969 (Stb. 1969, No. 403), as amended; Fissionable Materials, Ores and Radioactive Substances (Transport) Decree of 4 September 1969 (Stb. 1969, No. 405), as amended; Fissionable Materials and Ores (Registration) Decree of 8 October 1969 (Stb. 1969, No. 471); Nuclear Energy Act, National Defence (Exemption) Decree of 20 October 1969 (Stb. 1969, No. 476), as amended; Nuclear Secrecy Decree of 17 June 1971 (Stb. 1971, No. 420); Nuclear Energy Act (Contributions) Decree of 25 June 1981 (Stb. 1981, No. 455), as amended by Decree of 24 August 2004 (Stb. 2004, No 476); Radiation Protection Decree of 16 July 2001 (Stb. 2001, No. 197), as amended by various decrees.</p>	X		<p>NW: Nuclear Installations, Fissionable Materials and Ores Decree of 4 September 1969 (Stb. 1969, No. 403), as amended; Fissionable Materials, Ores and Radioactive Substances (Transport) Decree of 4 September 1969 (Stb. 1969, No. 405), as amended; Fissionable Materials and Ores (Registration) Decree of 8 October 1969 (Stb. 1969, No. 471); Nuclear Energy Act, National Defence (Exemption) Decree of 20 October 1969 (Stb. 1969, No. 476), as amended; Nuclear Secrecy Decree of 17 June 1971 (Stb. 1971, No. 420); Nuclear Energy Act (Contributions) Decree of 25 June 1981 (Stb. 1981, No. 455), as amended by Decree of 24 August 2004 (Stb. 2004, No 476); Radiation Protection Decree of 16 July 2001 (Stb. 2001, No. 197), as amended by various decrees.</p>	
11	Regulations for physical protection of facilities/ materials/ transports	X	X	?	X	X	<p>NW: Nuclear Installations, Fissionable Materials and Ores (Registration) Decree (1969), Section 36.2 in combination with the Nuclear Installations Security Guidelines 1993 and the 2001 Radiation Protection Decree (implements Euratom Directives 96/29 and 97/43) Ordinance on physical protection of nuclear facilities and fissionable materials - update The ministerial order on security and nuclear</p>	

				<p>The ministerial order on security and nuclear fuel came into force in January 2011.</p> <p>CW: Law requires physical protection of dangerous goods including chemical agents CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997 Governmental Regulation on the implementation of the CWC of 22 April 1997</p> <p>BW: Law requires physical protection of dangerous goods including biological agents</p>				<p>fuel came into force in January 2011.</p> <p>CW: Law requires physical protection of dangerous goods including chemical agents CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997 Governmental Regulation on the implementation of the CWC of 22 April 1997</p>	
12	Licensing/registration of installations/facilities/persons/entities/use/handling of materials	X	X	X	<p>NW: Nuclear Energy Act, as amended, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997</p> <p>BW: Directive 2000/54/EC</p>	X	X	X	<p>NW: The responsibility for nuclear activities is not centralised, but is shared by several ministers who consult each other and issue regulations jointly</p> <p>CW: CWC Implementation Act n. 338 of 8 June 1995 as last amended by the Decree of 22 April 1997</p> <p>BW: Directive 2000/54/EC</p>
13	Reliability check of personnel	X			<p>NW: Secrecy Decree Nuclear Energy Act, Art. 2.8</p>	X			<p>NW: Secrecy Decree Nuclear Energy Act, Art. 2.8</p>
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	X	Non-proliferation of Nuclear Weapons/Nuclear Disarmament	X	Ministry of Economic Affairs, Agriculture and Innovation	
2	IAEA Safeguards Agreements	X	Safeguards Agreement 5 June 1975 INFCIRC 229 Subsumed by INFCIRC/193 Additional Protocol in force since 30 April 2004	X	The IAEA inspects nuclear and related facilities under safeguards agreements	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG	X	Points of contact for export and import: 1. Mr. W. Koster Team Stralingsbescherming SenterNovem Den Haag 2. Mr Hans Van Halem Directorate for Chemicals, Waste, Radiological Protection, Radiation Protection Nuclear and Biosafety Division/IPC 645 Ministry of Housing, Spatial Planning & the Environment	
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	X	Participates	X	Participates	

6	Other Agreements related to IAEA	X	<p>Convention on Early Notification of a Nuclear Accident 23 Sep 1991</p> <p>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 23 Sep 1991</p> <p>Convention on Nuclear Safety 15 Oct 1996</p> <p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management 26 April 2000</p>	X	<p>Convention on Early Notification of a Nuclear Accident 23 Sep 1991</p> <p>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 23 Sep 1991</p> <p>Convention on Nuclear Safety 15 Oct 1996</p> <p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management 26 April 2000</p>	
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other	X	The Environmental Protection Act, in conjunction with the Environmental Impact Assessment Decree, stipulates that any licence application for a nuclear installation must be accompanied by an environmental impact assessment, in compliance with EU Council Directive 97/11/EC.	X	The Environmental Protection Act, in conjunction with the Environmental Impact Assessment Decree, stipulates that any licence application for a nuclear installation must be accompanied by an environmental impact assessment, in compliance with EU Council Directive 97/11/EC.	

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	CWC (Implementation) Act Minister of Economic Affairs	X	Ministry of Economic Affairs	
2	Reporting Schedule I, II and III chemicals to OPCW	X	CWC (Implementation) Decree Declarations made	X	Economic Offences Act Netherlands has submitted nine declarations according to the Annex 9 of the OPCW 2009 Annual Report on Implementation	
3	Account for, secure or physically protect old chemical weapons					
4	Other legislation/ regulations controlling chemical materials	X	Directive 89/391/EC	X	Directive 89/391/EC	
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					http://www.minInv.nl/portal/page?_pageid=116,1640393&_dad=portal&_schema=PORTAL
2	Other legislation/ regulations related to safety and security of biological materials	X	Directive 89/391/EC	X	Directive 89/391/EC	page 10 of the EU report
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	?	NW/CW/BW: Council Regulation 2913/1992 (Community Customs Code) Commission Regulation 2454/1993 (Implementing provisions to the Community Customs Code) EU Regulation no. 648 of 13 April 2005 (Security Amendment) 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	X	X	?	NW/CW/BW: Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc.: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam			
2 Technical support of border control measures	X	?	?	NW/CW/BW: EU Regulation no. 648 of 13 April 2005 (Security Amendment) The project Sagitta Entry ('Sagitta Binnenbrengen', SBB)	X	?	?	NW/CW/BW: Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available			
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Decree on Financial Involvement concerning Strategic Goods: military materials Strategic Services Act (Stb. 2011, 445)	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1)			

4	Enforcement agencies/authorities	X	X	X	NW/CW/BW: Import and Export Act, article 19: FIOD-ECD (export) and Customs	X	X	X	NW/CW/BW: Economic Offences Act, Arts. 17 to 27 Act regarding Supervisory Provisions
5	Export control legislation in place	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order 2012 (Import and Export): import, export, transit controls of military materials, military technology, and dual-use items General Customs Act (Staatsblad 2008, 111) Strategic Services Act (Stb. 2011, 445)	X	X	X	NW/CW/BW: Strategic Goods (Import and Export) Order: right to carry out controls, to investigate and prosecute criminal offences and impose penalties Economic Offences Act: degree of penalty
6	Licensing provisions	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order 2012 (Import and Export): import, export, transit controls of military materials, military technology, and dual-use items Decree on Financial Involvement concerning Strategic Goods: military materials	X	X	X	NW/CW/BW: Strategic Goods Order of 2012 (Import and Export) Economic Offences Act: degree of penalty
7	Individual licensing	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order 2012 (Import and	X	X	X	NW/CW/BW: Strategic Goods Order of 2012 (Import and Export) Order of 2012 Economic Offences Act: degree of penalty

				Export): import, export, transit controls of military materials, military technology, and dual-use items Decree on Financial Involvement concerning Strategic Goods: military materials				
8	General licensing	X	X	X NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods order 2012 (Import and Export): import, export, transit controls of military materials, military technology, and dual-use items Decree on Financial Involvement concerning Strategic Goods: military materials	X	X	X	NW/CW/BW: Strategic Goods Order of 2012 (Import and Export) Decree Economic Offences Act: degree of penalty
9	Exceptions from licensing	X	X	X NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Global licence for dual-use items in principle, a global licence may be issued for intra-community trade for all items mentioned in Annex IV to the EC Regulation With regard to Belgium and Luxembourg the Strategic Goods Order of 2012 (import and Export) is not in force due to special Customs arrangements under the Benelux Treaty	X	X	X	NW/CW/BW: 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
10	Licensing of deemed export/visa	X	X	X NW/CW/BW: Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses ("exporter" is any natural or legal person ... has the power for determining the sending of the item out of the customs territory of the	X	X	X	NW/CW/BW: Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses ("exporter" is any natural or legal person ... has the power for determining the sending of the item out of the customs territory of the

				Community, or who decides to transmit or make available software or technology by electronic media ... to a destination outside the Community.)			Community, or who decides to transmit or make available software or technology by electronic media ... to a destination outside the Community.)		
11	National licensing authority	X	X	X	NW/CW/BW: Ministry of Economic Affairs Ministry of Security and Justice	X	X	X	NW/CW/BW: Dutch Tax & Customs Administration/Customs North and Central Import-Export Agency (Centrale Dienst In- en Uitvoer)
12	Interagency review for licenses	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 NW: Nuclear Energy act Nuclear Installations, Fissionable Materials and Ores Decree Transport of Fissionable Materials, Ores and Radioactive Substances Decree CW: Chemical Weapons Convention Implementing Act (CWC Implementing Act) (Stb. 1995, 338) Chemical Weapons Convention Implementing Order (CWC Implementing Order) (Stb. 1997, 15) BW: Strategic Goods Order of 2012 (Stcr. 2011, 19960)	X	X	X	NW/CW/BW: Ministry of Economic Affairs Ministry of Foreign Affairs Military Intelligence and Security Service (MIVD) General Intelligence and Security Service (AIVD)
13	Control lists	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009	X	X	X	NW/CW/BW: Ministry of Foreign Affairs Minister for Foreign Trade and Development Cooperation

				Strategic Goods Order of 2012: Military goods list					
14	Updating of lists	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009	X	X	X	NW/CW/BW: The lists of dual-use items set out in Annex I and Annex IV shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that each Member State has accepted as a member of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. Appendix to the Eighth Decree amending the Export Decree [Decree of 12 June 1981 relating to the export of strategic materials (Stb. 1981, No. 351)]
15	Inclusion of technologies	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic goods Order of 2012: military goods and technologies	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1)
16	Inclusion of means of delivery	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic goods Order of 2012: military goods and technologies	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1)
17	End-user controls	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1) Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items

				April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order of 2012 (Import and Export): military goods				including penalties	
18	Catch all clause	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Import and Export Act, article 2a(6): Authorization of non-listed items Catch-all order – Article 4 of the Dual-use regulation	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1)
19	Intangible transfers	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Services Act (Stb. 2011, 445) Strategic Goods Order of 2012 (Import and Export): military goods Chemical Weapons Convention Implementing Order (CWC Implementing Order) (Stb. 1997, 15)	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1)
20	Transit control	X	X	X	NW/CW/BW: 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 Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1) Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties
21	Trans-shipment control	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1) Strategic Goods Order of 2012 (Import and

				control of exports, transfer, brokering and transit of dual-use items; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties			Export): transit controls of military materials, military technology, and dual-use items including penalties		
22	Re-export control	X	X	X	NW/CW/BW: 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; (EC) No 388/2012 of April 19, 2012 which amends Council Regulation (EC) 428/2009 Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1) Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties
23	Control of providing funds	X	X	X	NW/CW/BW: Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	X	X	NW/CW/BW: Economic Offences Act, Art. 1 (1) The Financial Intelligence Unit Nederland (FIU-Nederland). The FIU-Nederland was instituted on 1 January 2006 and includes the former Meldpunt Ongebruikelijke Transacties (MOT) of the Dutch Ministry of Justice and the Bureau for Police Support of the National Public Prosecutor (BLOM). The FIU-Nederland is part of the International Police Service (IPOL) of the National Police Services Agency (KLPD).
24	Control of providing transport services								
25	Control of importation	X	X	X	NW: Nuclear Energy Act, as amended Act of 5 July 1962 on Imports and Exports (Stb. 1962, No. 295), amended on 24 March 1976 (Stb. 1976, No. 215), as implemented by the Export of Industrial Products Decree of 26 April 1963 (Stb. 1963, No. 128).	X	X	X	NWCW/BW: Economic Offences Act, Art. 1 (1) Strategic Goods Order of 2012 (Import and Export): transit controls of military materials, military technology, and dual-use items including penalties

				<p>CW: Strategic Goods (Import and Export): certain chemicals coming from non-States Parties to the CWC</p> <p>BW: Import and Export Act, article 2a(6): Authorization of non-listed items Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties</p>					
26	Extraterritorial applicability	X	X	X	<p>NW/CW/BW: End-user certificates</p>	X	X	X	<p>NW/CW/BW: Economic Offences Act, Art. 1 (1)</p>
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	X	In response to specific requests, the Netherlands is prepared to provide assistance as appropriate to States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of UNSCR 1540 (2004) on non-proliferation.	
4 Assistance requested			
5 Point of Contact for assistance	X	Requests on assistance should be directed to the head of the Division of Nuclear Affairs and Non-proliferation of the Security Policy Department of the Netherlands Ministry of Foreign Affairs.	
6 Assistance in place (bilateral/multilateral)			
7 Work with and inform industry	X	Awareness programmes for Dutch companies, universities or research institutions; education of industries to comply with export control and CWC obligations; also meetings with industry on EU level.	
8 Work with and inform the public	X	Information on government websites, publications and leaflets	
9 Point of Contact	X	Division of Nuclear Affairs and Non-proliferation of the Security Policy, Department of the Netherlands Ministry of Foreign Affairs	
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.