

1540 COMMITTEE MATRIX OF PORTUGAL

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: **PORTUGAL**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **05 December 2005**
 Date of Addendum 2: **19 December 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 15 December 1977	
2 Nuclear Weapons Free Zone/ Protocol(s)			
3 Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit 25 September 2014	
4 Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 6 October 1991	

5	2005 Amendment to the CPPNM	X	Deposit 26 November 2010	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 26 June 2000	
7	Chemical Weapons Convention (CWC)	X	Deposit 10 September 1996	
8	Biological Weapons Convention (BWC)	X	Deposit 15 May 1972	
9	Geneva Protocol of 1925	X	Deposit 1 July 1930	
10	Other Conventions/Treaties	X	EURATOM Treaty State Party to 14 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 (10/11/2001) and 1999 International Convention for the Suppression of the Financing of Terrorism (18/10/2002)	
11	International Atomic Energy Agency (IAEA)	X	Member since 26 October 1957	
12	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
13	Other Arrangements	X	Nuclear Suppliers Group (NSG) Australia Group (AG) Missile Technology Control Regime (MTCR) Zangger Committee (ZC) Wassenaar Arrangement (WA) Proliferation Security Initiative (PSI) Global Initiative to Combat Nuclear Terrorism (GICNT) Global Partnership against the spread of Weapons and Materials of Mass Destruction.	
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation	X	The State reports that it fully endorses the European Union Strategy against the proliferation of WMD, the EU Security Strategy as well as the EU strategy on Small Arms and Light Weapons	

16	General statement on non-provision of WMD and related materials to non-State actors	X	<p>The State reports that it does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. It also reports that according to its Law 17/2011 from 3 of May and in light of the National Strategy against Terrorism it is an offence to promote or initiate a group, organization or terrorist organization, to adhere or support it, to lead a group, organization or terrorist association, to practice preparatory acts for the constitution of such a group, or for the practice of crimes referred to in this Law. This includes acts involving the intention to cause danger through fire, explosions, release of radioactive or toxic gases or substances, research and devices of biological or chemical weapons and use of nuclear energy</p>	
17	Other ¹	X	<p>EU Council Decision of 17 November 2003 to include WMD provisions in agreements with third countries – Revised Cotonou Partnership Agreement (the CPA II)</p> <p>Member of: NATO Senior Group on Proliferation (SGP); Member of the NATO-Russia Council (NRC); Member of the Euro Atlantic Partnership Council (EAPC);</p> <p>Member/Part of: European Convention on the suppression of terrorism. European Union; Financial Action Task Force against Money Laundering (FATF); International Civil Aviation Authority; 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 Organization for Animal Health</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			
		NW	CW	BW		NW	CW	BW				
1	manufacture/produce	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code			
2	acquire	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code			
3	possess	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275 ^o of the Portuguese Penal Code			
4	stockpile/store	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)			

					NW/CW: Article 275º of the Portuguese Penal Code				NW/CW: Article 275º of the Portuguese Penal Code	
5	Develop	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I, Arts. 4 and 86 CW/BW: Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions, Chapter 10, Section I, Arts. 4 and 86 CW/BW: Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June) Article 275º of the Portuguese Penal Code	
6	transport	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275º of the Portuguese Penal Code	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275º of the Portuguese Penal Code	
7	transfer	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275º of the Portuguese Penal Code	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) NW/CW: Article 275º of the Portuguese Penal Code	
8	use	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013) Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)	

				<p>NW/CW: Article 272º of the Portuguese Penal Code</p>				<p>NW/CW: Article 272º of the Portuguese Penal Code</p> <p>BW: Penal Code, Article 283, [Spreading disease, analysis of change or prescription; 1 - Whoever: a) Propagates contagious disease; ... and thus create serious danger to life or danger to another person's physical integrity is punished with imprisonment 1-8 years.]</p>		
9	participate as an accomplice in abovementioned activities	X	X	X	<p>NW/CW/BW: The Portuguese Penal Code, General part. Art. 26 (Authorship: ...directly participates in its execution, in agreement or together with other person, is punishable as principal, if there has been execution or the beginning of execution) Art. 27 (Complicity: He who, intentionally or in whatever form, materially or morally helps other person to perform an intentional act, is punishable as accomplice)</p> <p>Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)</p>	
10	assist in abovementioned activities	X	X	X	<p>NW/CW/BW: The Portuguese Penal Code, General part. Art. 26</p> <p>Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)</p>	X	X	X	<p>NW/CW/BW: The Portuguese Penal Code, General part. Art. 26</p> <p>Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)</p>	

11	finance abovementioned activities	X	X	X	NW/CW/BW: Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities. Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)	X	X	X	NW/CW/BW: Law No. 60/2015 of 24 June
12	abovementioned activities related to means of delivery ²	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)	X	X	X	NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)
13	involvement of non-State actors in abovementioned activities	X	X	X	NW/CW/BW: Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)	X	X	X	NW/CW/BW: Law 52/2003 of 22 August 2003 as amended through 2015 (by Law No. 60/2015 of 24 June)
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			YES					
		NW	CW	BW*	if YES, source document	NW	CW		BW	if YES, source document
1	Measures to account for production	X	X		<p>NW: Parliament Resolution nr. 26, 2001 (relates to the Additional Protocol to the Safeguards Agreement)</p> <p>INFCIRC/193</p> <p>Decree-law 30/2012 Decree-Law 165/2002 Decree-law 262/2012</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.</p>	X	X		<p>NW/CW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>NW: Decree-law 30/2012</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions</p>	
2	Measures to account for use	X	X		<p>NW: Parliament Resolution nr. 26, 2001 (relates to the Additional Protocol to the Safeguards Agreement)</p> <p>INFCIRC/193</p> <p>Decree-law 262/2012</p>	X	X		<p>NW/CW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions</p>	

				<p>CW: Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.</p>						
3	Measures to account for storage	X	X	<p>NW: Parliament Resolution nr. 26, 2001 (relates to the Additional Protocol to the Safeguards Agreement)</p> <p>INFCIRC/193</p> <p>Decree-law 262/2012</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, The National Authority for the Prohibition of Chemical Weapons adopts the necessary measures for the verification and control of the implementation of the Convention.</p>	X	X	<p>NW/CW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions</p>			
4	Measures to account for transport	X	X	X	<p>NW/CW/BW: Council Directive 2008/68/EC; Inland transport of Dangerous Goods</p> <p>NW: Decree-law 19-A/2014 (Revises 41-A re transport by land of rad. Materials)</p> <p>Parliament Resolution nr. 26, 2001 (relates to the Additional Protocol to the Safeguards Agreement)</p> <p>INFCIRC/193</p> <p>Decree-law 262/2012</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Party to ADR and RID Agreements</p> <p>NW: Decree-law 19-A/2014 (Revises 41-A re transport by land of rad. Materials)</p> <p>CW: Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions</p>	

5	Other measures for accounting									
6	Measures to secure production	X	X	X	<p>NW: Decree-Law n. 348/89 of 12 October 1989 (Protection from Ionising Radiation)</p> <p>Decree-Law n. 165/02 of 17 July 2002, as amended, setting out the framework for radiation protection as implemented by Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992</p> <p>Decree-Law No. 375/90, as amended (CPPNM)</p> <p>Decree-law 262/2012</p> <p>Decree-law 30/2012 of 9 February</p> <p>CW: Directive 98/24/EC</p> <p>BW: Directive 2000/54/EC</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Penal Code: Article 152-B Violation of safety rules endangering workers(78)</p>	
7	Measures to secure use	X	X	X	<p>NW: Decree-Law n. 348/89 of 12 October 1989 (Protection from Ionising Radiation)</p> <p>Decree-Law n. 165/02 of 17 July 2002, as amended, setting out the framework for radiation protection as implemented by Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992</p> <p>Decree-law 262/2012</p> <p>Decree-Law No. 375/90, as amended (CPPNM)</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Penal Code: Article 152-B, Violation of safety rules endangering workers (78)</p>	

				<p>CW: Directive 98/24/EC</p> <p>BW: Directive 2000/54/EC</p>					
8	Measures to secure storage	X	X	X	<p>NW: Decree-law 262/2012</p> <p>Decree-Law n. 348/89 of 12 October 1989 (Protection from Ionising Radiation)</p> <p>Decree-Law n. 165/02, as amended, of 17 July 2002 setting out the framework for radiation protection as implemented by Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992</p> <p>Decree-Law No. 375/90, as amended (CPPNM)</p> <p>CW: Directive 98/24/EC</p> <p>BW: Directive 2000/54/EC</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Penal Code: Article 152-B, Violation of safety rules endangering workers (78)</p>
9	Measures to secure transport	X	X	X	<p>NW/CW/BW: Council Directive 2008/68; Inland transport of Dangerous Goods</p> <p>Party to ADR and RID Agreements</p> <p>NW: Decree-Law n. 348/89 of 12 October 1989 (Protection from Ionising Radiation)</p> <p>Decree-Law n. 165/02 of 17 July 2002, as amended, setting out the framework for radiation protection as implemented by Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992</p>	X	X	X	<p>NW/CW/BW: Law n. 5 of 23 February 2006 on weapons and ammunitions as amended through 2013 (by Law n. 50/2013 of 24 July 2013)</p> <p>Penal Code: Article 152-B, Violation of safety rules</p> <p>NW: Decree-Law n. 348/89 of 12 October 1989 (Protection from Ionising Radiation)</p> <p>Decree-Law n. 165/02 of 17 July 2002, as amended, setting out the framework for radiation protection as implemented by</p>

				Decree-Law No. 375/90, as amended {CPPNM} Decree-law 19-A/2014 (Revises 41-A re transport by land of rad. Materials) Decree-law 262/2012				Decree n. 9/90 and amended by Decree n. 3/92 of 6 March 1992 Decree-Law No. 375/90, as amended {CPPNM} Decree-law 19-A/2014 (Revises 41-A re transport by land of rad. Materials) Decree-law 262/2012	
10	Other measures for securing								
11	Regulations for physical protection of facilities/ materials/ transports	X	X	X	NW/CW/BW: Law 102/2009 of 10 September Decree-law 262/2012 of 17 December Decree-law 246A/2015 of 21 October (revises Decree-law 41A transport of dangerous substances and materials CW: Decree-law 254/2007 of 12 June (contains dispositions about physical conditions of facilities dealing with chemical agents) BW: Decree Law 84/97 of 16 April (contains dispositions about physical conditions of facilities dealing with biological agents)	X	X	X	NW/CW/BW: Law 102/2009 of 10 September Decree-law 262/2012 of 17 December Decree-law 246A/2015 of 21 October (revises Decree-law 41A transport of dangerous substances and materials CW: Decree-law 254/2007 of 12 June (contains dispositions about physical conditions of facilities dealing with chemical agents) BW: Decree Law 84/97 of 16 April (contains dispositions about physical conditions of facilities dealing with biological agents)
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	X	X	X	NW: Decree-law 375/90 Decree-law 165/2002 Decree-law 262/2012 CW: Law on implementation of CWC 66 of 28 November 2007, Agreement for installations BW: Directive 2000/54/EC	X	X	X	NW: Directive 96/29/EURATOM: prior authorization Decree n. 487 of 5 December 1972 adopted in implementing the Decree-Law 49398 for licensing nuclear plants CW: Law on implementation of CWC 66 of 28 November 2007, Articles 19-24 provide administrative sanctions BW:

								Directive 2000/54/EC	
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	X	Decree-Law No. 319/2003, of 20 December, appointing ITN as the competent authority for the implementation of the additional protocol Decree-law 165/2002 Decree-law 30/2012 Decree-law 156/2013	X	Responsibilities are shared among the Ministry of Economy, Ministry of Health, , Superior Technical Institute (IST), Ministry for Education and Science and National Regulatory Authority (COMRSIN).	
2	IAEA Safeguards Agreements	X	INFCIRC/193, acceded 01 July 1986 Additional Protocol, in force 30 April 2004	X	INFCIRC/193, acceded 01 July 1986 Additional Protocol, in force 30 April 2004	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Point of Contact for Import and Export for Open sources: Superior Technical Institute (IST) Point of Contact for Import and Export for sealed sources: Directorate-General of Health Point of Contact for Sources destined to Nuclear Cycle Facilities: COMRSIN	X	Point of Contact for Import and Export for Open sources: Superior Technical Institute (IST) Point of Contact for Import and Export for sealed sources: Directorate-General of Health Point of Contact for Sources destined to Nuclear Cycle Facilities: COMRSIN	
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 Assistance in the Case of a Nuclear Accident or Radiological Emergency (2003-10-23)</p> <p>Convention on Nuclear Safety (1998-05-20)</p> <p>Convention on Early Notification of a Nuclear Accident (1993-04-30)</p> <p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (2009-05-15)</p>	X	<p>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (2003-10-23)</p> <p>Convention on Nuclear Safety (1998-05-20)</p> <p>Convention on Early Notification of a Nuclear Accident (1993-04-30)</p> <p>Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (2009-05-15)</p>	
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?	<u>National legal framework</u>		<u>Enforcement: civil/criminal penalties and others</u>		Remarks
	YES	if YES, source document	YES	if YES, source document	
1 National CWC authority	X	Law on implementation of CWC 66 of 28 November 2007, Art. 5	X	Ministry of Foreign Affairs chairs the National Authority for the Prohibition of Chemical Weapons (Autoridade Nacional para a Proibição das Armas Químicas (ANPAQ))	
2 Reporting Schedule I, II and III chemicals to OPCW	X	Law on implementation of CWC 66 of 28 November 2007, Art. 8 Makes Declarations	X	Makes Declarations	
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	X	Decree-Law No. 126/93 of 20 April - regulates the use and marketing of genetically modified organisms Decree-Law 2/2001 of January 4 - Regulates the contained use of genetically modified micro-organisms, transposing into national law Directive 98/81 / EC of the Council of 26 October Decree-Law No. 84/97 of 16 April - Transposing into national law Council Directives No 90/679 / EEC of 26 November and 93/88 / EEC of 12 October, and the Directive on 95/30 / EC, of 30 June on the protection of the health and safety of workers from the risks arising from exposure to biological agents at work Order No. 1129/95 of 15 September - Approves the list of biological agents and animal and plant pathogens and biological proliferation equipment Order No. 405/98 of 11 July - laying down minimum requirements for the safety and health protection of workers from the risks related to exposure to biological agents at work, provides that the list of biological agents classified in groups 2, 3 and 4 shall be approved by order of the Ministers of Health	X	Decree-Law No. 126/93 of 20 April - regulates the use and marketing of genetically modified organisms Decree-Law 2/2001 of January 4 - Regulates the contained use of genetically modified micro-organisms, transposing into national law Directive 98/81 / EC of the Council of 26 October Decree-Law No. 84/97 of 16 April - Transposing into national law Council Directives No 90/679 / EEC of 26 November and 93/88 / EEC of 12 October, and the Directive on 95/30 / EC, of 30 June on the protection of the health and safety of workers from the risks arising from exposure to biological agents at work Order No. 1129/95 of 15 September - Approves the list of biological agents and animal and plant pathogens and biological proliferation equipment Order No. 405/98 of 11 July - laying down minimum requirements for the safety and health protection of workers from the risks related to exposure to biological agents at work, provides that the list of biological agents classified in groups 2, 3 and 4 shall be approved by order of the Ministers of Health	

			and Labour and Solidarity Order No. 751/94 of 16 August - lays down the rules to be complied with the notification of the deliberate release of genetically modified organisms, as well as the notification of the placing on the market of products containing such organisms		and Labour and Solidarity Order No. 751/94 of 16 August - lays down the rules to be complied with the notification of the deliberate release of genetically modified organisms, as well as the notification of the placing on the market of products containing such organisms	
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: Council Regulation no. 2913/1992 (Community Customs Code) Commission Regulation no. 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 Decree Law 360/99	X	X	X	NW/CW/BW: Customs Authority Penal Code, art. 274					
2 Technical support of border control measures	X	X	X	NW/CW/BW: EU Regulation no. 648 of 13 April 2005 (Security Amendment) New Computerised Transit System (NCTS) - Security and Safety Aspects is to be updated in its features as required by Regulation (EC) 648/2005	X	X	X	NW/CW/BW: X-ray Scanners and radiation portal monitors					

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	<p>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 Law 49/2009 of 5 August – Regulates the provisions requested to perform the activity of trade and industry of goods and military technologies (defence-related products) and the control of arms brokering.</p>	X	X	X	<p>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 (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) Tax Violations Regime (Law 15/2001, dated June 5th), as amended</p>
4	Enforcement agencies/authorities	X	X	X	<p>NW/CW/BW: Decree Law 360/99</p>	X	X	X	<p>NW/CW/BW: Customs</p>
5	Export control legislation in place	X	X	X	<p>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 Law 49/2009 of 5 August – Regulates the provisions requested to perform the activity of trade and industry of goods and military technologies (defence-related products) and the control of arms brokering.</p> <p>Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994</p>	X	X	X	<p>NW/CW/BW: Decree Law 28/84 of 20 January</p> <p>Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994 Legal Framework of Tax Offenses (RGIT) (Law 15/2001, dated June 5th), as amended</p>
6	Licensing provisions	X	X	X	<p>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</p> <p>Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p>	X	X	X	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994</p> <p>Legal Framework of Tax Offenses (RGIT) (Law 15/2001, dated June 5th), as amended</p>

				Decree 439/94, 29 June 1994				Directorate-General for National Defence Resources (DGRDN) of the Ministry of Defence (MoD) is the licencing and enforcement authority for the circulation and transmission of defence-related products. According to Decree 122/2011 of 29 December, articulated with Regulatory Decree 5/2012, of 5 January, and under Laws 49/2009 of 5 August and 37/2011 of 22 June Dual use goods are controlled by the Portuguese Tax and Customs Authority under Ministry of Finance.	
7	Individual licensing	X	X	X	X	X	X	<p>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</p> <p>Law 49/2009 of 5 August – Regulates the provisions requested to perform the activity of trade and industry of goods and military technologies (defence-related products) and the control of arms brokering.</p> <p>Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994</p>	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994 Legal Framework of Tax Offenses (RGIT) (Law 15/2001, dated June 5th), as amended</p>
8	General licensing	X	X	X	X	X	X	<p>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</p> <p>Ordinance from the Ministry of Defence 290/2011 of 4 November – Approves and publishes the General Licences in accordance with Article 7 of the Law 37/2011 of 22 June.</p>	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994 Legal Framework of Tax Offenses (RGIT) (Law 15/2001, dated June 5th), as amended</p>

				<p>Law 37/2011 of 22 June, as amended – Establishes the procedures for transfer and circulation of defense-related products, transposing the Directive 2009/43/CE (terms and conditions of transfers of defence-related products within the Community)</p> <p>Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994</p>					
9	Exceptions from licensing	X	X	X	<p>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) Possibility of National General Authorisation for intra-Community trade</p>	X	X	X	<p>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</p>
10	Licensing of deemed export/visa	X	X	X	<p>NW/CW/BW: Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses</p>	X	X	X	<p>NW/CW/BW: Technical assistance needs an authorization</p>
11	National licensing authority	X	X	X	<p>NW/CW/BW: Decree Law 315/2001 of 10 December</p> <p>Decree 439/94, 29 June 1994 (Ministry of Finance; Ministry of Defence)</p>	X	X	X	<p>NW/CW/BW: For military good and technology: Ministry of Defence Directorate-General for National Defence Resources (DGRDN) For dual use goods: Ministry of Finance - Tax and Customs Authority</p>
12	Interagency review for licenses								
13	Control lists	X	X	X	<p>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</p> <p>Decree Law 1/86, 2 January 1986</p>	X	X	X	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree Law 1/86, 2 January 1986</p> <p>Decree 439/94, 29 June 1994</p>

				Decree 439/94, 29 June 1994 Decree 153/2012 of 16 July - Transposes into national law the updated version of the Common Military List of the European Union					
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	X	X	X	NW/CW/BW: The list of dual-use items set out in the Annex to Council regulation (EC) n. 428/2009 of 5 May 2009 shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.
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 Decree Law 1/86, 2 January 1986 Decree 439/94, 29 June 1994	X	X	X	NW/CW/BW: Decree 439/94, 29 June 1994
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 Decree Law 1/86, 2 January 1986 Decree 439/94, 29 June 1994	X	X	X	NW/CW/BW: Decree 439/94, 29 June 1994
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	X	X	X	NW/CW/BW: EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14 Decree 439/94, 29 June 1994

				EU Regulation no. 648 of 13 April 2005 (Security Amendment) Decree 439/94, 29 June 1994					
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 Decree 439/94, 29 June 1994	X	X	X	NW/CW/BW: Decree 439/94, 29 June 1994
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 Decree 439/94, 29 June 1994	X	X	X	NW/CW/BW: Decree 439/94, 29 June 1994
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 Decree Law 371/80, 11 September 1980 Decree Law 1/86, 2 January 1986	X	X	X	NW/CW/BW: Decree Law 371/80, 11 September 1980 Decree Law 1/86, 2 January 1986
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 control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the	X	X	X	NW/CW/BW: Decree 439/94, 29 June 1994

				means of transport and the consignments					
22	Re-export control	X	X	X	<p>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</p> <p>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments</p>	X	X	X	<p>NW/CW/BW: Decree 439/94, 29 June 1994</p>
23	Control of providing funds	X	X	X	<p>NW/CW/BW: Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities. Law n.o 52/2003 of 22 August 2003, Combating Terrorism. Art. 2</p>	X	X	X	<p>NW/CW/BW: Decree - Law No. 325/95 of 2 December 1995 on the prevention of laundering of money and other goods proceeding from criminal activities. Law n.o 52/2003 of 22 August 2003, Combating Terrorism. Art. 2:</p>
24	Control of providing transport services								
25	Control of importation	X	X	X	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree 439/94, 29 June 1994</p>	X	X	X	<p>NW/CW/BW: Decree Law 371/80, 11 September 1980</p> <p>Decree 439/94, 29 June 1994</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	EU control lists include NSG, AG, WA, MTCR and ZC and are applied by the Portuguese export control system	
2	Control lists - other	X	Lists provided by the various anti-terrorism initiatives	
3	Assistance offered	X	Portugal offers for Portuguese speaking countries, expertise in: <ul style="list-style-type: none"> • drafting legislation on, and implementation of, export controls of military and defense related materials; • drafting, updating and managing of registers and control lists for military and defense related materials; • export control procedures and drafting of national reports on export control activities; • training on proliferation prevention activities; • outreach and awareness-raising (private sector and academia) 	
4	Assistance requested			
5	Point of Contact for assistance	X	Mr. André Sobral Cordeiro (Head of the the Disarmament and Non-proliferation Division Directorate-General for External Policy, Ministry of Foreign Affairs Mr. Fernando Demee de Brito Head of the National Authority for the Implementation of the Chemical Weapons Convention Ministry of Foreign Affairs Mrs. Maria João Coelho Proliferation Security Intelligence Services	
6	Assistance in place (bilateral/multilateral)			

7	Work with and inform industry	X	Pursue official contacts with private companies operating in this field in order to spread information on the existing rules on the matter and to stress proliferation risks	
8	Work with and inform the public	X	Portuguese Tax and Customs Authority web page: http://www.dgaiec.min-financas.pt/pt/licenciamento/bens_tecnologias_duplo_uso/bens_tecnologias_duplo_uso.htm	
9	Point of Contact	X	Mr. André Sobral Cordeiro (Head of the the Disarmament and Non-proliferation Division Directorate-General for External Policy Ministry of Foreign Affairs) Mr. Fernando Demee de Brito Head of the National Authority for the Implementation of the Chemical Weapons Convention Ministry of Foreign Affairs) Mrs. Maria João Coelho Proliferation Security Intelligence Services	
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.