The Permanent Representative of Austria to the United Nations

New York, 19 December 2007

No. 61.110/7/07

Excellency,

I am writing to you with reference to your letter S/AC.44/2007/ODA.OC.5 of 17 October 2007, by which you requested an update and further information/clarifications on the information provided by Austria with regard to the implementation of SC Resolution 1540 (2004) as well as to Austria’s 1540 Points of Contact.

With reference to paragraph 1 of OP 1 and related matters of the matrix (page 1) I declare that Austria does not possess any nuclear, chemical, biological or toxin weapons (Weapons of Mass Destruction).

For further updated information on Austria’s efforts to implement SC Resolution 1540 (2004) please find attached to this letter Austria’s 1540 matrix with updated data as well as additional information (see annex 1) which I kindly request to be included in the matrix. Austria’s updated 1540 Points of Contact are contained in annex 2.

Furthermore, let me inform you that Austria has no objection to posting its attached 1540-matrix as complemented by the information contained in annex 1 as a public document on the Committee’s website.

Let me assure you, Excellency, that Austria stands ready to provide any further information that might be required and will continue to engage in a transparent and open dialogue with the Committee.

[Signature]

Gerhard Pfanzelter
Ambassador

Enclosure

H.E.
Mr. Peter Burian
Chairman 1540 Committee
Secretariat of the 1540 Committee,
Secretariat Building, Room S-3055-I,
Attention: Mr. Vesselin Kostov,
United Nations,
New York, NY 10017.
Annex 1

The Permanent Mission of Austria requests the 1540 Committee to update the attached 1540-Matrix (which is not identical with the matrix transmitted by the 1540 Committee in its letter S/AC.44/2007/ODA.OC.5 of 17 October 2007) with the following additional information. The references listed below pertain to the attached 1540-Matrix.

➤ **OP 1 and related matters...**

Par. 1: Please update information according to Austria’s declaration of non-possession of Weapons of Mass Destruction as contained in the present letter.

➤ **OP 2 - Biological Weapons (BW)**

**Column National Legal Framework:**
Par. 1-5: Please delete the existing data entry and put „Foreign Trade Act 2005 (Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 1972)” instead.

Par. 6-14: No data entry.

**Column Enforcement:**
Par. 1 to 3, 5, 7 and 13 should read „Penal Code, Section 177a“.
Par. 4, 6 and 9 to 12 should read „Penal Code, Section 177a and 12“.
Par. 8 should read „General criminal provisions, Penal Code, Section 89“.

➤ **OP 2 - Chemical Weapons (CW)**

**Column National Legal Framework:**
Par. 1-5: Please delete the existing data entry and put „Foreign Trade Act 2005 (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction)” instead.

Par. 6-14: No data entry.
Column Enforcement:
Par. 1 to 3, 5 and 7 should read “Penal Code, Section 177a”.
Par. 4 and 6 should read “Penal Code, Section 177b”.
Par. 8 should read “Penal Code, Section 171 and 177b”.
Par. 9 to 12 should read “Penal Code, Section 12, 171, 177a, 177b”.
Par. 13 should read “Penal Code, Section 171, 177a, 177b”.

OP 2 - Nuclear Weapons (NW)

Column National Legal Framework:
Par. 1, 4 to 8 should read „Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999“.

Column Enforcement:
Par. 1 to 3, 5 and 7 should read “Penal Code, Section 177a”.
Par. 4 and 6 should read “Penal Code, Section 177b”.
Par. 8 should read “Penal Code, Section 171 and 177b”.
Par. 9 to 12 should read “Penal Code, Section 12, 171, 177a, 177b”.
Par. 13 should read “Penal Code, Section 171, 177a, 177b”.

OP 3 (a) and (b) – Account for/Secure/Physically Protect BW

Column National Legal Framework:
Par. 1 to 4 should read „Foreign Trade Act 2005; Federal Act on Occupational Safety and Health Protection (ArbeitnehmerInnenschutzgesetz)“.
Par. 1 and 3 please add to the existing data entry „Industrial Code (Gewerbeordnung)".

OP 3 (a) and (b) – Account for/Secure/Physically Protect CW

Column National Legal Framework:
Par. 1 to 4 should read „Foreign Trade Act 2005; Federal Act on Occupational Safety and Health Protection (ArbeitnehmerInnenschutzgesetz)“.
Par. 1 and 3 please add to the existing data entry „Industrial Code (Gewerbeordnung)".

OP 3 (c) and (d) ... Controls of BW including related matters

Column Enforcement:
Par. 1: Please delete “Austrian Customs” and put “Austrian Tax and Customs Administration” instead.
Par. 2: Please delete the existing data entry and put „Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center“ instead.

OP 3 (c) and (d) ... Controls of CW including related matters

Column Enforcement:
Par. 1: Please delete “Austrian Customs” and put “Austrian Tax and Customs Administration” instead.
Par. 2: Please delete the current data entry and put instead “Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center”.

➢ OP 3 (c) and (d) … Controls of NW including related matters

Column Enforcement:

Par. 1: Please delete “Austrian Customs” and put “Austrian Tax and Customs Administration” instead.
Par. 2: Please delete the existing data entry and put „Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center“ instead.
Annex 2

Austria – Points of contact concerning resolution 1540 (2004) as of 19 December 2007

1. Department II.8 – Disarmament, Non-proliferation and Arms Control
   c/o Amb. Dr. Alexander Marschik
   Head of Department
   Federal Ministry for Foreign Affairs
   Minoritenplatz 8
   1014 Vienna
   Austria

   E-mail: abii8@bmaa.gv.at
   Phone: (+43) 501150-3356
   Fax: (+43) 501159-3356

2. Department C2/2 – Export Control and Import Licenses
   c/o Mr. Helmut Krehlik
   Head of Department
   Federal Ministry of Economics and Labour
   Stubenring 1
   1010 Vienna
   Austria

   E-mail: post@c22 bmwa gv.at
   Phone: (+43) 1 - 71100-0

3. Permanent Mission of Austria to the United Nations
   c/o Mr. Christoph Wieland
   First Committee Expert
   600 Third Avenue, 31st floor
   New York, N.Y. 10016

   E-mail: new-york-ov@bmaa.gv.at
   Phone: (917) 542 8400
   Fax: (212) 949 1840
OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

<table>
<thead>
<tr>
<th>Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?</th>
<th>YES</th>
<th>if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)</th>
<th>Remarks (information refers to the page of the English version of the report or an official web site)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. General statement on non-possession of WMD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. General statement on commitment to disarmament and non-proliferation</td>
<td>X</td>
<td>EU Strategy against Proliferation of WMD</td>
<td>page 3 of the report</td>
</tr>
<tr>
<td>3. General statement on non-provision of WMD and related materials to non-State actors</td>
<td>X</td>
<td>Has a wide range of legislative measures to prevent the proliferation of WMD, including by non-State actors.</td>
<td>page 2 of the report</td>
</tr>
<tr>
<td>4. Biological Weapons Convention (BWC)</td>
<td>X</td>
<td>Deposit 10 August 1973</td>
<td></td>
</tr>
<tr>
<td>6. Nuclear Non-Proliferation Treaty (NPT)</td>
<td>X</td>
<td>Deposit 27 June 1969</td>
<td></td>
</tr>
<tr>
<td>11. International Atomic Energy Agency (IAEA)</td>
<td>X</td>
<td>Since 1957</td>
<td>page 5 of the report</td>
</tr>
<tr>
<td>12. Nuclear Weapons Free Zone/Protocol(s)</td>
<td>X</td>
<td>EURATOM Treaty</td>
<td></td>
</tr>
<tr>
<td>13. Other Conventions/Treaties</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Other Arrangements</td>
<td>X</td>
<td></td>
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<tr>
<td><strong>Zangger Committee</strong></td>
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<tr>
<td><strong>Nuclear Suppliers Group</strong></td>
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<td><strong>Australia Group</strong></td>
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<td></td>
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<tr>
<td><strong>MTCR</strong></td>
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<td></td>
<td></td>
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<tr>
<td><strong>Wassenaar Arrangement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supports non-proliferation clause in the EU third country mixed agreements

**State Party of 12 UN Conventions against Terrorism:**

3. *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*
5. *International Convention Against the Taking of Hostages*
<table>
<thead>
<tr>
<th>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties and others</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>National legal framework</td>
<td>if YES, indicate source document of national implementation law</td>
<td>YES</td>
</tr>
<tr>
<td>1 manufacture/produce</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>2 acquire</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>3 possess</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>4 stockpile/store</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>5 develop</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>6 transport</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>7 transfer</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>8 use</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>9 participate as an accomplice in a.m. activities</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>10 assist in a.m. activities</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>11 finance a.m. activities</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>12 a.m. activities related to means of delivery</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>13 involvement of non-State actors in a.m. activities</td>
<td>X</td>
<td>1. The Federal Constitution, Art. 9 2. BWC Ratification Law</td>
<td>X</td>
</tr>
<tr>
<td>14 Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Austria
State: 28 October 2004
Date of Addendum 1: 08 November 2005
## OP 2 - Chemical Weapons (CW)

<table>
<thead>
<tr>
<th>Activity</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties and others</th>
<th>Remarks</th>
</tr>
</thead>
</table>
2. *CWC Ratification Law*                      | X                                              | *Penal Code, Section 177a*  
Page 5 of the report                     |
| acquire                                       | X                                             | X                                              | X                        |
| possess                                       | X                                             | X                                              | X                        |
2. *CWC Ratification Law*                      | X                                              | *Penal Code, Section 177a*  
Page 2 of Addendum 1                       |
| develop                                       | X                                             | ?                                              | X                        |
| transport                                     | X                                             | ?                                              | X                        |
2. *CWC Ratification Law*                      | X                                              | *Penal Code, Section 177a*  
Page 2 of Addendum 1                       |
| use                                           | X                                             | ?                                              | X                        |
| participate as an accomplice in a.m. activities|                                               | X                                              | X                        |
| assist in a.m. activities                     | 1. *The Federal Constitution*, Art. 9  
2. *CWC Ratification Law*                      | X                                              | *Penal Code, Section 177a*  
Page 5 of the report                     |
| finance a.m. activities                       |                                               | X                                              | X                        |
| a.m. activities related to means of delivery  |                                               | X                                              | X                        |
| involvement of non-State actors in a.m. activities|                                               | X                                              | *Penal Code, Section 177a*  
Page 3 of Addendum 1                       |
### OP 2 - Nuclear Weapons (NW)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Does national legislation exist which prohibits persons or entities to engage in one of the following activities?</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties and others</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 manufacture/produce</td>
<td>YES</td>
<td><strong>Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>page 5 of the report page 3 of Addendum 1</td>
</tr>
<tr>
<td>2 acquire</td>
<td><strong>x</strong></td>
<td><strong>1. The Federal Constitution, Art. 9</strong></td>
<td><strong>x</strong></td>
<td>page 5 of the report page 2 of Addendum 1</td>
</tr>
<tr>
<td>3 possess</td>
<td>?</td>
<td><strong>2. NWC Ratification Law</strong></td>
<td><strong>x</strong></td>
<td>page 2 of Addendum 1</td>
</tr>
<tr>
<td>4 stockpile/store</td>
<td><strong>x</strong></td>
<td><strong>Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>page 5 of the report page 3 of Addendum 1</td>
</tr>
<tr>
<td>5 develop</td>
<td><strong>x</strong></td>
<td><strong>Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>page 2 of Addendum 1</td>
</tr>
<tr>
<td>6 transport</td>
<td><strong>x</strong></td>
<td></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>page 5 of the report</td>
</tr>
<tr>
<td>7 transfer</td>
<td><strong>x</strong></td>
<td></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>pages 2 and 3 of Addendum 1</td>
</tr>
<tr>
<td>8 use</td>
<td><strong>x</strong></td>
<td><strong>Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td></td>
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<tr>
<td>10 assist in a.m. activities</td>
<td><strong>x</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td></td>
<td>page 5 of the report</td>
</tr>
<tr>
<td>11 finance a.m. activities</td>
<td><strong>x</strong></td>
<td></td>
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<tr>
<td>12 a.m. activities related to means of delivery</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>13 involvement of non-State actors in a.m. activities</td>
<td><strong>x</strong></td>
<td><strong>Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999</strong></td>
<td><strong>Penal Code, Section 177a</strong></td>
<td>page 3 of Addendum 1</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>X</td>
<td>Nuclear Non-proliferation Act 1991 amended in 1996</td>
<td>pages 2 and 5 of the report page 3 of Addendum 1</td>
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</table>


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

<table>
<thead>
<tr>
<th>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?</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties, and others</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>if YES, indicate source document</td>
<td>YES</td>
<td>if YES, indicate source document</td>
</tr>
<tr>
<td>1. Measures to account for production</td>
<td></td>
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<td>2. Measures to account for use</td>
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<td>3. Measures to account for storage</td>
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<td>4. Measures to account for transport</td>
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<tr>
<td>5. Other measures for accounting</td>
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<td></td>
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<tr>
<td>6. Measures to secure production</td>
<td>X</td>
<td>Directive 2000/54/EC</td>
<td>page 10 of the EU report</td>
</tr>
<tr>
<td>7. Measures to secure use</td>
<td>X</td>
<td></td>
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<tr>
<td>8. Measures to secure storage</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>10. Other measures for securing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Regulations for physical protection of facilities/materials/ transports</td>
<td></td>
<td></td>
<td>page 10 of the EU report</td>
</tr>
<tr>
<td>12. Licensing/registration of facilities/persons handling biological materials</td>
<td>X</td>
<td>Directive 2000/54/EC</td>
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<tr>
<td>13. Reliability check of personnel</td>
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<tr>
<td>14. Measures to account for/secure/physically protect means of delivery</td>
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<td></td>
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<tr>
<td>15. Regulations for genetic engineering work</td>
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<td></td>
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</tr>
<tr>
<td>No</td>
<td>Description</td>
<td>Reference</td>
<td>Remarks</td>
</tr>
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<td>----</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>----------------------------------------------</td>
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<tr>
<td>16</td>
<td>Other legislation/ regulations related to safety and security of biological materials</td>
<td>Directives 89/391/EC</td>
<td>page 10 of the EU report</td>
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<tr>
<td>17</td>
<td>Other</td>
<td></td>
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</table>
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?

<table>
<thead>
<tr>
<th>Measure</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties, and others</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
<td>1 Measures to account for production</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2 Measures to account for use</td>
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<td>3 Measures to account for storage</td>
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<td>4 Measures to account for transport</td>
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<td>5 Other measures for accounting</td>
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<tr>
<td>6 Measures to secure production</td>
<td>X</td>
<td></td>
<td>pages 10 of the EU report</td>
</tr>
<tr>
<td>7 Measures to secure use</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Measures to secure storage</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>9 Measures to secure transport</td>
<td>X</td>
<td>X Party to ADR and RID agreements</td>
<td>pages 10 and 11 of the EU report</td>
</tr>
<tr>
<td>10 Other measures for securing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Regulations for physical protection of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>facilities/materials/transport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Licensing of chemical installations/entities/use of materials</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>13 Reliability check of personnel</td>
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<tr>
<td>14 Measures to account for/secure/physically protect means of delivery</td>
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<tr>
<td>15 National CWC authority</td>
<td>X</td>
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<td><a href="http://www.opcw.org/docs/NationalAuthorities.pdf">www.opcw.org/docs/NationalAuthorities.pdf</a></td>
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<tr>
<td></td>
<td>Reporting Schedule I, II and III chemicals to OPCW</td>
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<tr>
<td>17</td>
<td>Account for, secure or physically protect old chemical weapons</td>
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<tr>
<td>18</td>
<td>Other legislation/ regulations controlling chemical materials</td>
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<td></td>
</tr>
<tr>
<td>19</td>
<td>Other</td>
<td></td>
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</table>
### OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

<table>
<thead>
<tr>
<th>Measure Description</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties, and others</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Measures to account for production</td>
<td>X Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</td>
<td>X Nuclear Non-Proliferation Act provides requisite powers to the Federal Ministry for Economy and Labour</td>
<td>page 5 of the report page 3 of Addendum 1</td>
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<td>2. Measures to account for use</td>
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<td>4. Measures to account for transport</td>
<td>X Nuclear Non-Proliferation Act, Part 3</td>
<td>X Criminal Code, Section 177b</td>
<td>page 7 of the report page 4 of Addendum 1</td>
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<td>6. Measures to secure production</td>
<td>X Nuclear Non-Proliferation Act, Part 3</td>
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<td>7. Measures to secure use</td>
<td>X Nuclear Non-Proliferation Act, Part 3</td>
<td>X Criminal Code, Section 177b</td>
<td>pages 6 and 7 of the report page 4 of Addendum 1</td>
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<td>10. Other measures for securing</td>
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<td>11. Regulations for physical protection of facilities/materials/ transports</td>
<td>X Nuclear Non-Proliferation Act, Part 3</td>
<td>X Criminal Code, Section 177b</td>
<td>page 6 of the report page 4 of Addendum 1</td>
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<td>12. Licensing of nuclear installations/entities/use of materials</td>
<td>X License issued by the Federal Ministry of Interior</td>
<td>X Criminal Code, Section 177b</td>
<td>page 6 of the report page 4 of Addendum 1</td>
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<td>13. Reliability check of personnel</td>
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**State:**
**Date of Report:**
**Date of Addendum 1:**

**Austria**

28 October 2004
08 November 2005
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<tr>
<th></th>
<th>Measures to account for/secure/physically protect means of delivery</th>
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<td>2. Ministry of the Interior: physical protection</td>
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<td>IAEA Safeguards Agreements</td>
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<td>17</td>
<td>IAEA Code of Conduct on Safety and Security of Radioactive Sources</td>
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<td>IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources</td>
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<td>Participates in the IAEA reporting system</td>
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<td>Other Agreements related to IAEA</td>
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<td>20</td>
<td>Additional national legislation/regulations related to nuclear materials including CPPNM</td>
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<td>Other</td>
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<td>Interministerial committee: increased cooperation between licensing and enforcement authorities</td>
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### OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

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<th>Enforcement: civil/criminal penalties, and measures of implementation, etc</th>
<th>Remarks</th>
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<td>if YES, indicate source document</td>
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<td><strong>2. Technical support of border control measures</strong></td>
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<td>page 2 of the report</td>
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<td>X</td>
<td>Finance Ministry: Department to combat fraud and Centre for risk analysis</td>
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<td>page 2 of the report</td>
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<td><strong>4. Enforcement agencies/authorities</strong></td>
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<td>page 6 of the report</td>
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<td><strong>6. Licensing provisions</strong></td>
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<td>X</td>
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<td><strong>7. Individual licensing</strong></td>
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<tr>
<td><strong>8. General licensing</strong></td>
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**State: Austria**
- **Date of Report:** 28 October 2004
- **Date of Addendum 1:** 08 November 2005
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<th>9</th>
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<th>X</th>
<th>Within the Community free circulation of all goods, exceptions are listed in Annex IV of Regulation 4504/2004 - 394 of 27 February 2006</th>
<th>page 14 of the EU report</th>
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<td>Licensing of deemed export/visa</td>
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<td>15</td>
<td>Inclusion of technologies</td>
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<td>EC Regulation 4504/2004 394 of 27 February 2006</td>
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<td>16</td>
<td>Inclusion of means of delivery</td>
<td>X</td>
<td>EC Regulation 1334/2000</td>
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<td>17</td>
<td>End-user controls</td>
<td>X</td>
<td>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</td>
<td>EU Regulation no. 648/2005</td>
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<td>X</td>
<td>Commission Regulation (EC) No. 1334/2000, Article 9 Advisory Board is consulted</td>
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<td>20</td>
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<td>21</td>
<td>Trans-shipment control</td>
<td>entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments*</td>
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<td>22</td>
<td>Re-export control</td>
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<td>Criminal Code, Section 177a</td>
<td>page 4 of Addendum 1</td>
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<td>Control of providing funds</td>
<td>Council Regulation (EC) No. 2580 of 27 December 2001</td>
<td>Criminal Code, Section 177a</td>
<td>page 4 of Addendum 1</td>
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<td>24</td>
<td>Control of providing transport services</td>
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<td>25</td>
<td>Control of importation</td>
<td>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</td>
<td>Criminal Code, Section 177a</td>
<td>page 5 of the report EU Regulation no. 648/2005</td>
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<td>26</td>
<td>Extraterritorial applicability</td>
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<td>Penal Code, Section 64, para 4b</td>
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<td>27</td>
<td>Other</td>
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### OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

<table>
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<tr>
<th>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?</th>
<th>National legal framework</th>
<th>Enforcement: civil/criminal penalties, and measures of implementation, etc</th>
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<td><strong>1. Border control</strong></td>
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<td>page 2 of the report&lt;br&gt;Finance Ministry: the Department to combat fraud and the Centre for risk analysis</td>
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<td><strong>2. Technical support of border control measures</strong></td>
<td>YES</td>
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<td>page 6 of the report&lt;br&gt;pages 2, 4, 5 and 6 of the report&lt;br&gt;Federal Ministry of Economics and Labour</td>
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<td><strong>3. Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology</strong></td>
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<td>X</td>
<td>page 6 of the report&lt;br&gt;page 2 of Addendum 1&lt;br&gt;1. Foreign Trade Act of 2005&lt;br&gt;2. Foreign Trade Decree&lt;br&gt;3. 1977 War Material Act</td>
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<td><strong>4. Enforcement agencies/authorities</strong></td>
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<td>YES</td>
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<td><strong>6. Licensing provisions</strong></td>
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<td>pages 2, 6 of the report&lt;br&gt;pages 2, 6 of the report&lt;br&gt;<strong>EU Regulation 1334/2000</strong></td>
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<td><strong>7. Individual licensing</strong></td>
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<td>Within the Community free circulation of all goods, exceptions are listed in Annex IV of Regulation 1504/2004 - 394 of 27 February 2006</td>
<td>14 of the EU report</td>
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<td>10 Licensing of deemed export/visa</td>
<td>1. Federal Ministry of Interior; war material 2. Federal Ministry of Economic and Labour, Division for Dual Use and Wassenaar Arrangement</td>
<td>6 of the report page 2 of Addendum 1 Government website</td>
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<td>12 Interagency review for licenses</td>
<td>Commission Regulation (EC) No. 1334/2000, Article 7: Advisory Board under Foreign Trade Act</td>
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<td>13 Control lists</td>
<td>EC Regulation 1334/2000</td>
<td>7 of the report</td>
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<td>15 Inclusion of technologies</td>
<td>EC Regulation 1504/2004 394 of 27 February 2006</td>
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<td>16 Inclusion of means of delivery</td>
<td>EC Regulation 1334/2000</td>
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<td>17 End-user controls</td>
<td>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</td>
<td>Advisory board supply information on the end-user and end-use</td>
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<td>18 Catch all clause</td>
<td>Commission Regulation (EC) No. 1334/2000, Article 9 Advisory Board is consulted</td>
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<td>20</td>
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<td>21</td>
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<td>Re-export control</td>
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<td>Criminal Code, Section 177a</td>
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<td>23</td>
<td>Control of providing funds</td>
<td>X</td>
<td>Council Regulation (EC) No. 2580 of 27 December 2001</td>
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<td>24</td>
<td>Control of providing transport services</td>
<td>X</td>
<td>Criminal Code, Section 177a</td>
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<td>25</td>
<td>Control of importation</td>
<td>X</td>
<td>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</td>
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<td>26</td>
<td>Extraterritorial applicability</td>
<td>X</td>
<td>Penal Code, Section 64, para 4b</td>
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OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

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<th>Date of Addendum 1:</th>
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<th>08 November 2005</th>
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<th>Enforcement: civil/criminal penalties, and measures of implementation, etc</th>
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2. Commission Regulation 2454/1993 (Implementing provisions to the Community Customs Code)  
3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) | YES | EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 13 Austrian Customs | page 2 of the report page 12 and 13 of the EU report Community Customs Code |
| X | 1. Foreign Trade Act of 2005  
2. Foreign Trade Decree  
3. 1977 War Material Act | X | Finance Ministry: the Department to combat fraud and the Centre for risk analysis | page 2 of the report |
| X | 1. Foreign Trade Act of 2005  
2. Foreign Trade Decree  
3. 1977 War Material Act | X | Federal Ministry of Economics and Labour | page 6 of the report page 2 of Addendum 1 |
| X | 1. Foreign Trade Act of 2005  
2. Foreign Trade Decree  
3. 1977 War Material Act  
4. EC Regulation 1334/2000  
2. Foreign Trade Act of 2005, Section 37 17 | pages 2, 4, 5 and 6 of the report page 2 of Addendum 1 |
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<td>7</td>
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<td>X</td>
<td>EC Regulation 1334/2000, Art. 21 and Annex 4: items listed in Zangger and NSG Part I lists</td>
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<td>Council Regulation (EC) No. 394 of 27 February 2006 current lists</td>
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page 4 of Addendum 1

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Exceptions

page 6 of the report

Government website

page 6 of the report

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page 14 of the EU report

EU Regulation 394/2006
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<td><strong>X</strong></td>
<td><strong>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</strong></td>
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| 18 | Catch all clause | **X** | *Commission Regulation (EC) No. 1334/2000, Article 9*  
Advisory Board is consulted | **X** | Advisory Board is consulted | [page 6 of the report](#) |
| 19 | Intangible transfers | **X** | 1. *Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii)*  
2. Foreign Trade Act of 2005 |   |   | [page 4 of Addendum 1](#) |
| 20 | Transit control | **X** | *EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14:* "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments" | **X** | Criminal Code, Section 177b | [page 7 of the report](#) |
| 21 | Trans-shipment control | **X** |   | **X** | Criminal Code, Section 177b | [page 5 of Addendum 1](#) |
| 22 | Re-export control | **X** |   | **X** | Criminal Code, Section 177b | [page 7 of the report](#)  
[page 5 of Addendum 1](#) |
| 23 | Control of providing funds | **X** | *Council Regulation (EC) No. 2580 of 27 December 2001* | **X** | Criminal Code, Section 177b | [page 5 of Addendum 1](#) |
| 24 | Control of providing transport services | **X** | *Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom Safeguards, Chap. V Arts: 25 and 26* | **X** | Criminal Code, Section 177b | [page 5 of Addendum 1](#) |
| 25 | Control of importation | **X** | 1. *EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14*  
| 26 | Extraterritorial applicability | **X** | *Penal Code, Section 64, para 4b* |   |   | [page 5 of the report](#) |
| 27 | Other |   |   |   |   |   |
### OP 6, 7 and 8 (d) - Control lists, Assistance, Information

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<th>Can information be provided on the following issues?</th>
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<td>1. Control lists - items (goods/equipment/materials/technologies)</td>
<td>X</td>
<td>EC Regulation 1334/2000 - Annexes of the EU dual-use regulations are directly applicable in Austria</td>
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<td>2. Control lists - other</td>
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<td>Exploring possibilities to provide assistance through the IAEA</td>
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<td>4. Assistance requested</td>
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<tr>
<td>5. Assistance in place (bilateral/plurilateral/multilateral)</td>
<td>X</td>
<td>Has provided bilateral and multilateral assistance on export control through the IAEA and the OPCW</td>
</tr>
<tr>
<td>6. Information for industry</td>
<td>X</td>
<td>Federal Ministry for Economic Affairs and Labour undertakes regular compliance visits to Austrian exporters; governmental awareness programme to provide advice and assistance to industry and academia</td>
</tr>
<tr>
<td>7. Information for the public</td>
<td>X</td>
<td>Information disseminated through Ministry for Economic Affairs and Labour website, publications and leaflets</td>
</tr>
</tbody>
</table>