

Ref.No. New-York-ÖV/POL/0482/2019

**Note Verbale**

The Permanent Mission of Austria to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit the updated Matrix of Austria concerning United Nations Security Council resolution 1540.

Furthermore, Austria would like to communicate the contact details of its POCs as follows.

For matters pertaining to nuclear weapons:

Mr. George-Wilhelm Gallhofer  
Head of Unit for Nuclear Weapons, IAEA, CTBTO and NPT, Ministry for Europe, Integration and Foreign Affairs, Vienna, Austria  
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For matters pertaining to biological or chemical weapons:

Mr. Wolfgang Bányai  
Head of Unit for Conventional, Chemical and Biological Weapons, Ministry for Europe, Integration and Foreign Affairs, Vienna, Austria  
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The Permanent Mission of Austria to the United Nations avails itself of this opportunity to renew to the Security Council Committee the assurances of its highest consideration.

New York, 26 August 2019

Annex:

- 1) Matrix of Austria

To  
Ambassador Dian Triansyah Djani  
Chair  
Security Council Committee established  
Pursuant to resolution 1540 (2004)  
New York



# 1540 COMMITTEE MATRIX OF AUSTRIA

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:

**Austria**

28 October 2004

08 November 2005

19 December 2007

28 July 2010

Revision: July 2019

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 27 June 1969	
2 The Treaty on the Prohibition of Nuclear Weapons (TPNW)	X	Ratification 8 May 2018	
3 Nuclear Weapons Free Zone/ Protocol(s)			
4 Convention for the Suppression of Acts of Nuclear Terrorism	X	Ratification 14 September 2006	
5 Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 22 December 1988	

6	2005 Amendment to the CPPNM		Deposit 18 September 2006	
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 13 March 1998	
8	Chemical Weapons Convention (CWC)	X	Deposit 17 August 1995	
9	Biological Weapons Convention (BWC)	X	Deposit 10 August 1973	
10	Geneva Protocol of 1925	X	Deposit 9 May 1928	
11	Other Conventions/Treaties	X	<ul style="list-style-type: none"> <li>- EURATOM Treaty</li> <li>- State Party of 16 of the 18 universal legal instruments against terrorism, including the following relevant to resolution 1540 (2004): <ul style="list-style-type: none"> <li>- International Convention for the Suppression of Terrorist Bombings (6/09/2000)</li> <li>- International Convention for the Suppression of the Financing of Terrorism (15/04/2002),</li> <li>- 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (18/06/2010)</li> <li>- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (18/06/2010)</li> </ul> </li> </ul>	
12	International Atomic Energy Agency (IAEA)	X	Since 1957	
13	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002 (acts as the Secretariat of HCOC and organizes regular meetings)	
14	Other Arrangements	X	<ul style="list-style-type: none"> <li>- Zangger Committee</li> <li>- Nuclear Suppliers Group (NSG)</li> <li>- Australia Group (AG)</li> <li>- Missile Technology Control Regime (MTCR)</li> <li>- Wassenaar Arrangement (WA)</li> <li>- Proliferation Security Initiative (PSI)</li> <li>- Global Initiative to Combat Nuclear Terrorism (GICNT)</li> </ul>	
15	General statement on non-possession of WMD	X	Austria reported not to possess weapons of mass destruction.	
16	General statement on commitment to disarmament and non-proliferation	X	EU Strategy against Proliferation of WMD	
17	General statement on non-provision of WMD and related materials to non-State actors	X	The State reported that it has a wide range of legislative measures to prevent the proliferation of WMD, including by non-State actors.	

18	Other <sup>1</sup>	X	<p>Supports non-proliferation clause in the EU third country mixed agreements - Revised Cotonou Partnership Agreement (the CPA II)</p> <ul style="list-style-type: none"> <li>- Member of: <ul style="list-style-type: none"> <li>- The European Union (EU)</li> <li>- The Organization for Security and co-operation in Europe (OSCE)</li> <li>- INTERPOL</li> <li>- International Maritime Organisation (IMO)</li> <li>- World Customs Organization (WCO)</li> <li>- World Health Organization (WHO)</li> <li>- World Organisation of Animal Health (OIE)</li> <li>- Financial Action Task Force (FATF)</li> </ul> </li> </ul>	
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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	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999, Section 1</li> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act ("Aussenwirtschaftsgesetz") 2011 as amended, Section 41 Nr. 1</li> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 41 Nr. 5</li> <li>- Penal Code, as amended, Section 177a</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10, in particular Section 81</li> <li>- Penal Code, Section 177a</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10, in particular Section 81</li> <li>- Penal Code, as amended, Section 177a</li> <li>-</li> </ul>	
2	acquire	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- The Federal Constitution, Art. 9</li> <li>- NPT Ratification Law</li> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 41 Nr. 1</li> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 201,1 as amended, Section 41 Nr. 5</li> <li>- Penal Code, as amended, Section 177a</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, Part 10, in particular Section 81</li> <li>- Penal Code, as amended Section 177a</li> </ul>	

										<b>BW:</b> – Foreign Trade Act 2011, as amended, Part 10, in particular Section 81 – Penal Code, Section 177a
3	possess	X	X	X	<b>NW:</b> – The Federal Constitution, Art. 9 – NPT Ratification Law – Penal Code, as amended, Section 177a  <b>CW:</b> – Foreign Trade Act 2011, as amended, Section 41 Nr. 4 (prohibition of possession of chemicals of cat. 1 or 2 in States not party to the CWC, by Austrian nationals or by individuals or companies resident in the federal territory) – Penal Code, as amended, Section 177a  <b>BW:</b> – Foreign Trade Act 2011, as amended, Section 41 Nr. 5 (storage and retention) – Penal Code, as amended, Section 177a	X	X	X	<b>NW:</b> Penal Code, as amended, Section 177a  <b>CW:</b> – Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81 – Penal Code, as amended, Section 177a  <b>BW:</b> – Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81 – Penal Code, as amended, Section 177a	
4	stockpile/store	X	X	X	<b>NW:</b> Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999, Section 1  <b>CW:</b> Foreign Trade Act 2011, as amended, Section 41 Nr. 1  <b>BW:</b> Foreign Trade Act 2011, as amended, Section 41 Nr. 5	X	X	X	<b>NW:</b> Penal Code, as amended, Section 177a, 177b (possession or leaving the material to someone else)  <b>CW, BW:</b> – Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81 – Penal Code, Section 177a (possession or leaving the material to someone else)	
5	develop	X	X	X	<b>NW:</b> – Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999, Section 1	X	X	X	<b>NW:</b> Penal Code, as amended, Section 177a	

				<ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 41 Nr. 1</li> <li>- Penal Code, as amended, Section 177a</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 41 Nr. 5</li> <li>- Penal Code, as amended, Section 177a</li> </ul>				<p><b>CW, BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81 (Penalties)</li> <li>- Penal Code, as amended, Section 177a</li> </ul>		
6	transport	X	X	?	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999, Section 1</li> <li>- Penal Code, as amended, Section 177b</li> <li>- European Agreement concerning the international Carriage of dangerous goods by road (ADR) (“Toxic ammunition” is barred from transportation – regarding national implementation of ADR in Austria, see below)</li> </ul> <p><b>CW:</b></p> <p>European Agreement concerning the international Carriage of dangerous goods by road (ADR)</p> <p><b>BW:</b></p> <p>European Agreement concerning the international Carriage of dangerous goods by road (ADR)</p>	X	X	X	<p><b>NW:</b></p> <p>Penal Code, as amended, Section 177b</p> <p><b>CW, BW:</b></p> <p>Penal Code, as amended, Section 177a and 12 (according to Austrian report: covered by prohibition of “possession” or as “assistance”)</p>	
7	transfer	X	X	X	<p><b>NW:</b></p> <p>Penal Code, as amended, Section 177a</p> <p><b>CW:</b></p> <ol style="list-style-type: none"> <li>1. The Federal Constitution, 2000 Art. 9 (The generally recognized rules of international law are regarded as integral parts of Federal Law)</li> <li>2. CWC ratification law</li> </ol> <p><b>BW:</b></p>	X	X	X	<p><b>NW, CW, BW:</b></p> <p>Penal Code, as amended, Section 177a</p>	

				<p>1. The Federal Constitution, Art. 9 (The generally recognized rules of international law are regarded as integral parts of Federal law)</p> <p>2. BWC Ratification Law</p>					
8	use	X	X	X	<p><b>NW:</b> Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999, Section 1</p> <p><b>CW:</b> Foreign Trade Act 2011, as amended, Section 41 Nr. 1</p> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 41 Nr. 6 (use as a method of warfare either means of riot control or incapacitating substances)</li> <li>- Implementing Act of the 1925 Geneva Protocol of 28 July 1928</li> </ul>	X	X	X	<p><b>NW:</b> Penal Code, as amended, Sections 171 and 177b, 278c (qualification as a terrorist act)</p> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81</li> <li>- Penal Code, as amended, Section 89 (Austria reports that general criminal provisions would apply, here: threats to physical safety)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10, in particular Sect. 81</li> <li>- Penal Code, as amended, Section 89, 178 (intentional release of communicable diseases)</li> </ul>
9	participate as an accomplice in abovementioned activities	X	X	X	<p><b>NW, BW, CW:</b> See prohibitions / penalties as mentioned above</p>	X	X	X	<p><b>NW, CW, BW:</b> Penal Code, as amended, Section 12</p>
10	assist in abovementioned activities	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>- See prohibitions / penalties as mentioned above</li> <li>- Foreign Trade Act, as amended, Section 22 (prohibition of “technical assistance” in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical or biological weapons, nuclear weapons / other nuclear explosive devices or in connection with the development,</li> </ul>	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 12</li> <li>- Foreign Trade Act 2011, as amended, Section 79, 82</li> </ul>



				<p>manufacture, maintenance or storage of their means of delivery)</p> <p><b>CW:</b> Foreign Trade Act 2011, as amended, Section 41 Nr. 3</p>				<p><b>CW:</b> Foreign Trade Act 2011, as amended, Part 10, in particular Section 81</p>		
11	finance abovementioned activities	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as amended</li> <li>- The Federal Constitution, Art. 9</li> <li>- Ratification Law of the International Convention for the Suppression of the Financing of Terrorism</li> <li>- Penal Code, as amended, Art. 278d (financing of terrorism; "...of an intentional endangering by nuclear energy or ionized radiation (Article 171) or a threat with it, of a unlawful use of nuclear materials or radioactive substances (Section 177b), of any other criminal offense to obtain nuclear materials or radioactive substances or of the threat to commit a theft or robbery of nuclear materials or radioactive substances aiming to force another person to an action, permission or omission")</li> </ul> <p><b>CW, BW:</b></p> <ul style="list-style-type: none"> <li>- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as amended</li> <li>- The Federal Constitution, Art. 9</li> <li>- Ratification Law of the International Convention for the Suppression of the</li> </ul>	X	X	X	<p><b>NW:</b> Penal Code, as amended, Art. 278d</p> <p><b>CW, BW:</b> Penal Code, as amended, Art. 278d, possibly 278 (3) ("...As member participates in a criminal association who commits a criminal offense within the scope of its criminal orientation or participates in its activities by providing for information or assets or in another way with the awareness that he promotes thereby the association or its</p>	

				<p>Financing of Terrorism  – Penal Code, as amended, Art. 278d  (financing of terrorism: "...of the transportation of a blasting composition or another deadly device in a public place, to a governmental or public institution or a public traffic system or services of supply or of the operation of these means aiming to cause the death or a grievous bodily injury of another person or the destruction of the place, institution or system to a high degree, as far as the destruction is appropriate to bring about a considerable economic damage</p>			criminal acts"))		
12	abovementioned activities related to means of delivery <sup>2</sup>	X	X	X	<p><b>NW, CW, BW:</b>  Foreign Trade Act 2011, as amended, Section 22 (prohibition of "technical assistance" from Austrians outside the EU or by Austrians to non-EU nationals in connection with the development, production, maintenance or storage of missiles capable of delivering chemical, biological or nuclear weapons)</p> <p><b>CW</b>  Foreign Trade Act 2011, as amended, Section 41 Nr. 1 (prohibitions refer to "chemical weapons as defined by the CWC)</p> <p><b>BW:</b>  Foreign Trade Act 2011, as amended, Section 41 Nr. 5 (b)</p>	X	X	X	<p><b>NW:</b>  Foreign Trade Act 2011, as amended, section 79</p> <p><b>CW, BW:</b>  – Foreign Trade Act 2011, as amended, Part 10, Section 81  – Penal Code, Section 177a and 12</p>
13	involvement of non-State actors in abovementioned activities	X	X	X	<p><b>NW:</b>  Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999 and Penal Code provisions as mentioned above</p> <p><b>CW/BW:</b>  Foreign Trade Act 2011, as amended, Section 41</p>	X	X	X	<p><b>NW:</b>  Penal Code, as amended, Sections 171, 177a and 177b</p> <p><b>CW/BW:</b>  – Foreign Trade Act 2011, as amended, Part 10  – Penal Code, as amended, Section 177a</p>

14	Other	X	X	X	<b>NW/CW/BW:</b> – Penal Code, as amended, Section 177a (prohibitions also covers the import, export and transit), Section 64, para 4b: extraterritorial applicability – Nuclear Non-proliferation Act (“Sicherheitskontrollgesetz”) 2013  <b>NW:</b> Nuclear Non-proliferation Act (“Sicherheitskontrollgesetz”) 2013	X	X	X	<b>NW, CW, BW:</b> Penal Code, Section 177a Section 64, para 4b: extraterritorial applicability

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 <sup>3</sup>**

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					
		N W	C W	B W*	if YES, source document	N W	C W		B W	if YES, source document
1	Measures to account for production	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</li> <li>- Nuclear Non-Proliferation Act 2013, Section 22</li> <li>- Radiation Protection Act ("Strahlenschutzgesetz"), as amended, Section 24</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 42 (licensing requirement for the development, production, acquisition, storage and retention of CWC-Schedule 1 chemicals) and 44 (Reporting requirements for CWC-Schedule 1-3 as well as other related chemicals defined by the Act)</li> <li>- Federal Act on Occupational Safety and Health Protection ("ArbeitnehmerInnenschutzgesetz"), as amended (contains reporting requirements)</li> <li>- Industrial Code ("Gewerbeordnung"), as amended (contains licensing requirements for different activities involving chemicals)</li> <li>- Regulation (EG) 1907/2006 of the European Parliament and of the Council of 18 December 2008 concerning the Registration, Evaluation and Restriction of Chemicals (REACH), as amended</li> <li>- Chemicals Act 1996, as amended</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Section 21 (control measures ), 26 (penalties)</li> <li>- Radiation Protection Act, as amended, Part V</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- Chemicals Act, as amended, Part 6</li> </ul>	

				<p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control (ECDC) (its mission includes the identification and assessment of emerging threats, including the collection of relevant data and coordination of public health services and surveillance networks)</li> <li>- Foreign Trade Act 2011, Section 42 (licensing requirement for the development, production, stockpiling, acquisition or the retention of agents, toxins, weapons, equipment or ingredients as defined by Article I of the BWC)</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- Regulation on Biological Work Material, Section 11 (reporting requirement for first use of biological material as defined)</li> <li>- Industrial Code, as amended</li> <li>-</li> </ul>			<p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- ECDC</li> <li>- The Federal Ministry of Health is responsible for contact with the ECDC and for the coordination of the Early Warning and Response System for the EU and WHO</li> <li>- The Austrian Agency for Health and Food Safety (AGES)</li> </ul>			
2	Measures to account for use	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</li> <li>- Nuclear Non-Proliferation Act 2013, Section 22</li> <li>- Radiation Protection Act, as amended, Section 24</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Sections 42, 44</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- Industrial Code, as amended</li> <li>- Regulation (EG) 1907/2006 of the European Parliament and of the Council of 18 December 2008</li> <li>- Chemicals Act 1996, as amended</li> </ul> <p><b>BW:</b></p>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Sections 21, 26</li> <li>- Radiation Protection Act, as amended, Part V</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p>	

					<ul style="list-style-type: none"> <li>- Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004</li> <li>- Foreign Trade Act 2011, as amended, Section 42 (“development” / “retention”)</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- Regulation on Biological Work Material, Section 11</li> <li>- Industrial Code, as amended</li> </ul>				<ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- ECDC</li> <li>- The Federal Ministry of Health is responsible for contact with ECDC and for the coordination of the Early Warning and Response System for the EU and WHO</li> <li>- The Austrian Agency for Health and Food Safety</li> </ul>	
3	Measures to account for storage	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</li> <li>- Nuclear Non-Proliferation Act 2013, Section 22</li> <li>- Radiation Protection Act , as amended, Section 24</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended Sections 42, 44</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- Industrial Code, as amended</li> <li>- Regulation (EG) 1907/2006 of the European Parliament and of the Council of 18 December 2008</li> <li>- Chemicals Act 1996, as amended</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004</li> <li>- Foreign Trade Act 2011, as amended, Section 42</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- Regulation on Biological Work Material, Section 11</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Sections 21, 26</li> <li>- Radiation Protection Act, as amended, Part V</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Industrial Code, as amended, Section 366</li> <li>- ECDC</li> <li>- The Federal Ministry of Health is responsible for contact with ECDC and for the coordination of the Early Warning and</li> </ul>	

				<ul style="list-style-type: none"> <li>- Industrial Code, as amended</li> </ul>				<ul style="list-style-type: none"> <li>Response System for the EU and WHO</li> <li>- The Austrian Agency for Health and Food Safety</li> </ul>	
4	Measures to account for transport	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</li> <li>- Nuclear Non-Proliferation Act 2013, Section 22</li> <li>- Radiation Protection Act , as amended, Section 24</li> <li>- EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods (implementing ADR, RID and ADN), as amended</li> <li>- Transport of Dangerous Goods Act ("Gefahrgutbefoerderungsgesetz), as amended</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Sections 42, 44 ("possession" and "transfer")</li> <li>- Federal Act on Occupational Safety and Health Protection</li> <li>- Chemicals Act 1996, as amended</li> <li>-</li> <li>- EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods (implementing ADR, RID and ADN), as amended</li> <li>- Transport of Dangerous Goods Act ("Gefahrgutbefoerderungsgesetz), as amended</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 44 ("possession")</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended</li> <li>- EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Sections 21, 26</li> <li>- Radiation Protection Act, as amended, Part V</li> <li>- Transport of Dangerous Goods Act, as amended, Part 9</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011,Part 10</li> <li>- Transport of Dangerous Goods Act, as amended, Part 9</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>- Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Part 10</li> <li>- Transport of Dangerous Goods Act, as amended, Part 9</li> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> </ul>

					goods (implementing ADR, RID and ADN), as amended – Transport of Dangerous Goods Act (“Gefahrgutbeförderungsgesetz), as amended –				
5	Other measures for accounting	X			<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>– Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation</li> <li>– Radiation Protection Act, as amended</li> </ul> <p><b>CW:</b></p> <p><b>BW:</b></p>	X			<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>Radiation Protection Act, as amended, Part V</li> </ul> <p><b>CW:</b></p> <p><b>BW:</b></p>
6	Measures to secure production	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>Nuclear Non-Proliferation Act 2013, Part 3</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>– Council Directive 98/24/EC of 7 April 1998 on the protection of health and safety of the workers from the risks related to chemical agents at work, as amended</li> <li>– Federal Act on Occupational Safety and Health Protection, as amended</li> <li>– Chemicals Act 1996, as amended</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>– Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work</li> <li>– Federal Act on Occupational Safety and Health Protection, as amended</li> <li>– Regulation on Biological Work Material as well as regulations on regional level</li> <li>– General Employees Protection Ordinance</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>– Penal Code, as amended, Section 177b</li> <li>– Nuclear Non-Proliferation Act 2013, Sections 8 (enforcement measures), 26 (penalties)</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>– Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>– Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>– Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>– Epidemics Act 1950, as amended, Part IV</li> <li>– ECDC’s bio risk expert group and related projects (see above)</li> </ul>



				<ul style="list-style-type: none"> <li>1983, as amended</li> <li>– Ordinance on Work Equipment and Tools 2000, as amended</li> <li>– Occupational Health Surveillance Ordinance, as amended</li> <li>– Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004</li> <li>–</li> <li>– Epidemics Act 1950, as amended</li> </ul>					
7	Measures to secure use	X	X	X	<p><b>NW:</b> Nuclear Non-Proliferation Act 2013, Part 3</p> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>– Council Directive 98/24/EC of 7 April 1998</li> <li>– Federal Act on Occupational Safety and Health Protection, as amended</li> <li>– Chemicals Act 1996, as amended</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>– Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000</li> <li>– Federal Act on Occupational Safety and Health Protection, as amended</li> <li>– Regulation on Biological Work Material as well as regulations on regional level</li> <li>– General Employees Protection Ordinance 1983, as amended</li> <li>– Ordinance on Work Equipment and Tools 2000, as amended</li> <li>– Occupational Health Surveillance Ordinance, as amended</li> <li>– Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004</li> <li>– Epidemics Act 1950, as amended</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>– Penal Code, as amended, Section 177b</li> <li>– Nuclear Non-Proliferation Act 2013, Sections 8, 26</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>– Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>– Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>– Federal Act on Occupational Safety and Health Protection, as amended, Section 130</li> <li>– Epidemics Act 1950, as amended, Part IV</li> <li>– ECDC’s biorisk expert group and related projects</li> </ul>

8	Measures to secure storage	X	X	X	<p><b>NW:</b> Nuclear Non-Proliferation Act 2013, Part 3</p> <p><b>CW:</b> – Council Directive 98/24/EC of 7 April 1998 – Federal Act on Occupational Safety and Health Protection, as amended – Chemicals Act 1996, as amended )</p> <p><b>BW:</b> – Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 – Federal Act on Occupational Safety and Health Protection, as amended – Regulation on Biological Work Material as well as regulations on regional level – General Employees Protection Ordinance 1983, as amended – Ordinance on Work Equipment and Tools 2000, as amended – Occupational Health Surveillance Ordinance, as amended – Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 – Epidemics Act 1950, as amended</p>	X	X	X	<p><b>NW:</b> – Penal Code, Section 177b – Nuclear Non-Proliferation Act 2013, Sections 8, 26</p> <p><b>CW:</b> – Federal Act on Occupational Safety and Health Protection, as amended, Section 130 – Chemicals Act, as amended, Part 6</p> <p><b>BW:</b> – Federal Act on Occupational Safety and Health Protection, as amended, Section 130 – Epidemics Act 1950, as amended, Part IV – ECDC’s biorisk expert group and related projects</p>	
9	Measures to secure transport	X	X	X	<p><b>NW:</b> – Nuclear Non-Proliferation Act, Part 3 – Radiation Protection Act , as amended – EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods (implementing ADR, RID and ADN), as amended – Transport of Dangerous Goods Act, as amended</p> <p><b>CW:</b> – EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous</p>	X	X	X	<p><b>NW:</b> – Penal Code, Section 177b – Nuclear Non-Proliferation Act 2013, Sections 8, 26 – Radiation Protection Act, as amended, Part V – Transport of Dangerous Goods Act, as amended, Part 9</p> <p><b>CW:</b> – Transport of Dangerous Goods Act, as</p>	

				<p>goods (implementing ADR, RID and ADN), as amended</p> <ul style="list-style-type: none"> <li>- Transport of Dangerous Goods Act, as amended</li> <li>- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures</li> <li>- Chemicals Act 1996, as amended</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- EU Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods (implementing ADR, RID and ADN), as amended</li> <li>- Transport of Dangerous Goods Act, as amended</li> <li>- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1993, as amended and as implemented in Austrian national law</li> </ul>			<p>amended, Part 9</p> <ul style="list-style-type: none"> <li>- Chemicals Act, as amended, Part 6</li> </ul> <p><b>BW:</b></p> <p>Transport of Dangerous Goods Act, as amended, Part 9</p>	
10	Other measures for securing	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Council Directive 2006/117/EURATOM of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel</li> <li>- Radiation Protection Act, as amended</li> </ul> <p><b>CW:</b></p> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Medicines Act ("Arzneimittelgesetz") 1983, as amended, and Ordinances based on this Act</li> <li>- Gene Technology Act 1994 ("Gentechnikgesetz"), as amended and Ordinances based on this Act</li> <li>- Industrial Code 1994, as amended</li> <li>- Animal Infectious Disease Act ("Tierseuchengesetz") 1909, as amended</li> <li>-</li> </ul>	X	X	<p><b>NW:</b></p> <p>Radiation Protection Act, as amended, Part V</p> <p><b>CW:</b></p> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>- Medicines Act 1983, as amended, Part XIII.</li> <li>- Gene Technology Act 1994, as amended, Part XII Industrial Code, as amended, Section 366</li> <li>- Animal Infectious Disease Act 1909, as amended, Part VIII</li> </ul>	

11	Regulations for physical protection of facilities/ materials/ transports	X		<p><b>NW:</b> Nuclear Non-Proliferation Act 2013, Part 3 (physical protection levels are based on the IAEA Guidelines and Recommendations for the physical protection of nuclear materials)</p> <p><b>CW:</b></p> <p><b>BW:</b></p>	X		<p><b>NW:</b> – Penal Code, as amended Section 177b – Nuclear Non-Proliferation Act 2013, Sections 8, 26</p> <p><b>CW:</b></p> <p><b>BW:</b></p>	
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	X	X	<p><b>NW:</b> – Nuclear Non-Proliferation Act 2013, Part 2 (registration requirement for research and development activities), Part 3 (licensing requirement for the handling of nuclear material), Part 4 (licensing requirements for exports) – Radiation Protection Act, as amended, Part II</p> <p><b>CW:</b> – Foreign Trade Act 2011, as amended, Section 42 (licensing requirement for the development, production, acquisition, storage and retention of CWC-Schedule 1 chemicals) – Regulation (EG) 1907/2006 of the European Parliament and of the Council of 18 December 2008 (registration requirement for materials) – Chemicals Act 1996, as amended – Industrial Code 1994, as amended, Section 103 (business licence required for the operation of chemical laboratories)</p> <p><b>BW:</b> – Foreign Trade Act 2011, as amended, Section 42 (licensing requirement for the development, production, stockpiling, acquisition or the retention of agents, toxins, weapons, equipment or ingredients as defined by Article I of the BWC) – Directive 2000/54/EC of the European</p>	X	X	<p><b>NW:</b> – Penal Code, as amended, Section 177b – Nuclear Non-Proliferation Act 2013, Sections 8, 26 – Radiation Protection Act, as amended, Part V</p> <p><b>CW:</b> – Foreign Trade Act 2011, as amended, Part 10 – Chemicals Act 1996, as amended, Part VI – Industrial Code, as amended, Section 366</p> <p><b>BW:</b> – Foreign Trade Act 2011, as amended, Part 10 – Federal Act on Occupational Safety and Health Protection, as amended, Section 130 – Medicines Act 1983, as amended, Part XIII. – Gene Technology Act 1994, as amended, Part XII</p>	

				<p>Parliament and of the Council of 18 September 2000</p> <ul style="list-style-type: none"> <li>- Federal Act on Occupational Safety and Health Protection, as amended, Section 92 (licensing requirement for facilities), 42 (first use of certain biological material)</li> <li>- Regulation on Biological Work Material, Section 11 (first use) Medicines Act 1983, as amended and related Ordinances Gene Technology Act 1994, as amended, and related Ordinances Industrial Code 1994, as amended, Section 94 Animal Infectious Disease Act 1909, as amended</li> </ul> <p>-</p>			<ul style="list-style-type: none"> <li>- Industrial Code, as amended, Section 366</li> <li>- Animal Infectious Disease Act 1909, as amended, Part VIII</li> </ul>			
13	Reliability check of personnel	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Section 7 (4)</li> <li>- Foreign Trade Act 2011, as amended, Sections 50, 51 (possibility for the Federal Ministry of Science, Research and Economy to request the appointment of a reliable compliance officer "Verantwortlicher Beauftragter" for areas covered by the Foreign Trade Act)</li> </ul> <p><b>CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Sections 50, 51</li> <li>- Industrial Code 1994, as amended, Sections 95, 103 (reliability check for persons applying for business licences for chemical laboratories or the production of medicines and toxins)</li> </ul>	X	X	X	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Licenses for the handling of nuclear material as defined by the Nuclear Non-Proliferation Act may only be issued under the condition that persons handling nuclear material undergo a security check in accordance with Sect. 55, 55b of the Security Police Act ("Sicherheitspolizeigesetz")</li> <li>- Foreign Trade Act 2011, as amended, Section 50 (suspension of license applications)</li> </ul> <p><b>CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Section 50 (suspension of license applications)</li> <li>- Industrial Code 1994, as amended, Section 87 (revocation of business licence if is no longer deemed reliable), 366 (operating a chemical laboratory without a business licence)</li> </ul>	
14	Measures to account for/secure/ physically protect means of delivery				<p><b>NW:</b></p> <p><b>CW:</b></p> <p><b>BW:</b></p>				<p><b>NW:</b></p> <p><b>CW:</b></p> <p><b>BW:</b></p>	

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	<ul style="list-style-type: none"> <li>- Nuclear Non-Proliferation Act 2013, Section 4, 7, 9</li> <li>- Radiation Protection Act, as amended, Section 41</li> </ul>	X	<ul style="list-style-type: none"> <li>- Federal Ministry of Science, Research and Economy: safeguards and export control</li> <li>- Ministry of the Interior: physical protection measures</li> <li>- For different aspects in the area of radiation protection: Federal Ministry of Sustainability and Tourism; Federal Ministry of Education Science and Research; Federal Ministry of Labour, Social Affairs, Health and Consumer Protection; Federal Ministry of Defence</li> </ul>	
2	IAEA Safeguards Agreements	X	Individual agreement suspended after accession to EU (now: Safeguards Agreement 78/164/Euratom and INFCIRC193 of 14 September 1973; Additional Protocol 1999/188/Euratom and INFCIRC/193/Add.8 of 12 January 2005	X	<ul style="list-style-type: none"> <li>- Safeguards Agreement: accession 31 July 1996</li> <li>- Additional Protocol: in force 30 April 2004</li> <li>- Nuclear Non-Proliferation Act 2013</li> </ul>	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Notification pursuant to GC(47)/RES/7.B1	X	PoC: Federal Ministry of Sustainability and Tourism	
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 in ITDB	X	Participates in ITDB	
6	Other Agreements related to IAEA	X	INFCIRC/254/Rev.6/Part 1 of 16 May 2003	X	Guidelines for Nuclear Transfers	

7	Additional national legislation/regulations related to nuclear materials including CPPNM				
8	Other			X	Interministerial committee: increased cooperation between licensing and enforcement authorities



**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	Foreign Trade Act 2011, as amended, Section 47 (National Authority)	X	Federal Ministry of Science, Research and Economy	
2	Reporting Schedule I, II and III chemicals to OPCW	X	Foreign Trade Act 2011, as amended, Section 47 (duties of the National Authority)	X	Austria has submitted various declarations.	
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials	X	<ul style="list-style-type: none"> <li>- Regulation (EG) 1907/2006 of the European Parliament and of the Council of 18 December 2008 concerning the Registration, Evaluation and Restriction of Chemicals (REACH), as amended</li> <li>- Chemicals Act 1996, as amended</li> </ul>	X	Chemicals Act 1996, as amended, Part 6	
5	Other					

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	Regulations for genetic engineering work	X	<ul style="list-style-type: none"> <li>- Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms</li> <li>- Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms</li> <li>- Gene Technology Act 1994, as amended as well as related Ordinances, including the Ordinance on Work with GMOs in Contained Use ("Systemverordnung 2002") which regulates issues such as risk assessments, the classification of GMOs, the necessary equipment of laboratories according to classification and scale, qualification of staff, safety aspects and the measures to be taken in case of accidents etc.</li> <li>-</li> </ul>	X	<ul style="list-style-type: none"> <li>- The Federal Ministry for Health (BMG) is in charge of any aspects concerning genetic engineering in Austria. Further competencies in this area are given to the Ministry for Education, Science and Research and the Ministry for Sustainability and Tourism</li> <li>- Gene Technology Act 1994, as amended, Section 109.</li> </ul>	
2	Other legislation/ regulations related to safety and security of biological materials	X	Directives 89/391/EC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers, as amended			
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, and 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	
		NW	CW	BW		NW	CW			BW
1	Border control	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation 2913/1992 of 12 October 1992 (Community Customs Code), as amended</li> <li>- Commission Regulation 2454/1993 of 2 July 1993 (Implementing provisions to the Community Customs Code), as amended</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation 2913/1992 of 12 October 1992, as amended, Article 13</li> <li>- Federal Customs Law Enforcement Act of 1994 ("Zollrechts-Durchfuehrungsgesetz"), as amended</li> <li>- Austrian Tax and Customs Administration</li> </ul>	
2	Technical support of border control measures	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Council Regulation No. 2913/92 of 2 July 1992, Art. 4, 13, 68</p>	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center</p>	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- 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, as amended, Art. 5</li> <li>- Foreign Trade Act 2011, as amended, Section 14, 15 (licensing provisions), 18 (prohibitions), 19 (notification requirement), 61 (register)</li> <li>- First Foreign Trade Ordinance 2011, Section 5</li> <li>- War Material Act 1977, as amended</li> </ul> <p><b>NW:</b></p> <p>Nuclear Non-Proliferation Act 2013, Section 10 (licensing requirement), 11 (notification requirement)</p>	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Foreign Trade Act 2011, as amended, Part 10</p>	

4	Enforcement agencies/authorities	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Foreign Trade Act 2011, as amended, Art. 63, 64, 84, 95</li> <li>- War Material Act 1977, as amended, Section 6</li> </ul> <p><b>NW:</b></p> <p>Nuclear Non-Proliferation Act 2013, Section 18, 25, 32</p>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Federal Ministry of Science, Research and Economy</li> <li>- Federal Ministry of Finance / Customs administration</li> </ul>
5	Export control legislation in place	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended</li> <li>- Foreign Trade Act 2011, as amended and related Ordinances (First and Second Foreign Trade Ordinances 2011, as amended)</li> <li>- War Material Act 1977, as amended</li> <li>- Sanctions Law 2010, as amended as well as various EU Regulations implementing international sanctions</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom Safeguards, as amended, Chap. IV Art. 20</li> <li>- Nuclear Non-proliferation Act 2013, Part IV</li> <li>- Radiation Protection Act, as amended, Section 10 a</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> <li>- Foreign Trade Act 2011, Part 10</li> <li>- Sanctions Law 2010, as amended, Part 3</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, Section 177b</li> <li>- Nuclear Non-Proliferation Act 2013, Part 6</li> <li>- Radiation protection Act, as amended, Part V</li> </ul>
6	Licensing provisions	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Art. 3,4,5</li> <li>- Foreign Trade Act 2011, as amended, Part 3 (non-EU States), Part 4 (intra EU)</li> <li>- War Material Act 1977, Section 1</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Nuclear Non-proliferation Act 2013, Part 4</li> <li>- The Radiation Protection Act, as amended</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> <li>- Foreign Trade Act 2011, as amended, Part 10</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, Section 177b</li> <li>- Nuclear Non-Proliferation Act 2013, Part 6</li> <li>- Radiation Protection Act, as amended, Part V</li> </ul>

7	Individual licensing	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended</li> <li>- Foreign Trade Act 2011, as amended, Parts 3, 4</li> <li>- War Material Act 1977, Section 1</li> </ul> <p><b>NW:</b></p> <p>Nuclear Non-proliferation Act 2013, Part 4</p>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> <li>- Foreign Trade Act 2011, as amended, Part 10</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, Section 177b</li> <li>- Nuclear Non-Proliferation Act 2013, Part 6</li> </ul>
8	General licensing	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Art. 9</li> <li>- Foreign Trade Act 2011, as amended, Section 16, 59</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Annexes IIa to IIc (EU General Export Authorisations)</li> <li>- Foreign Trade Act 2011, as amended, Section 60 (revocation or suspension of the right to use general licences), Part 6 (penalties for non-compliance)</li> <li>- First Foreign Trade Ordinance 2011, as amended, Section 3 (national general license), Section 16 (registration requirements)</li> </ul>
9	Exceptions from licensing	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended (intra-Community transfers do not require an authorisation, except for items listed in Annex IV, Art. 22)</p> <p><b>CW:</b></p> <p>First Foreign Trade Ordinance 2011, as amended, Section 13</p>	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Foreign Trade Act 2011, as amended, Part 10</p>
10	Licensing of deemed export/visa	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses</li> <li>- Foreign Trade Act 2011, as amended, Section 22 (prohibitions), 23 (licensing</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <p>Foreign Trade Act 2011, as amended, Part 10</p>

				requirements)					
11	National licensing authority	X	X	X	<p><b>NW/CW/BW:</b> Foreign Trade Act 2011, Sections 14, 95 War Material Act 1977, as amended, Section 11</p> <p><b>NW:</b> Nuclear Non-proliferation Act 2013, Section 9</p>	X	X	X	<p><b>NW/CW/BW:</b> Federal Ministry of Science, Research and Economy (licensing authority) Federal Ministry of Interior (war material)</p>
12	Interagency review for licenses	X	X	X	<p><b>NW/CW/BW:</b> Foreign Trade Act 2011, as amended, Section 78, 95</p> <p><b>NW:</b> Nuclear Non-proliferation Act 2013, Section 9</p>	X	X	X	<p><b>NW/CW/BW:</b> – Regarding licenses or related Ordinances: Federal Ministry of Science, Research and Economy in consultation with notably the Federal Ministry of Finances or the Federal Ministry for Europe, Integration and Foreign Affairs and with others if the issue falls within their area of competence – Regarding general matters: Advisory Board under Foreign Trade Act (consisting of representatives of different Federal Ministries, industry associations, and the Laender)</p>
13	Control lists	X	X	X	<p><b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Annex I – EU Military List / First Foreign Trade Ordinance 2011, Section 1 –</p>	X	X	X	<p><b>NW/CW/BW:</b> – Council regulation (EC) n. 428/2009 of 5 May 2009, as amended, Annex I – EU Military List</p>
14	Updating of lists	X	X	X	<p><b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5 May 2009 as amended, Art. 15, 23a, 23b – Foreign Trade Act 2011, as amended, Section 1 (para 2)</p>	X	X	X	<p><b>NW/CW/BW:</b> The list of dual-use items set out in Annex I of Regulation 428/2009 is 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” (delegated to EU</p>

								Commission). The Council regulation is automatically applicable after changes become effective.		
15	Inclusion of technologies	X	X	X	<b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Art. 2 (“dual-use items’ shall mean items, including software and technology...”) – Foreign Trade Act 2011, as amended, Section 1 –	X	X	X	<b>NW/CW/BW:</b> Foreign Trade Act 2011, as amended, Part 10	
16	Inclusion of means of delivery	X	X	X	<b>NW/CW/BW:</b> Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Annex I	X	X	X	<b>NW/CW/BW:</b> Annex I of Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, contains the items controlled by the MTCR	
17	End-user controls	X	X	X	<b>NW/CW/BW:</b> – 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 – Foreign Trade Act 2011, Section 13  <b>NW:</b> Nuclear Non-Proliferation Act 2013, Section 13	X	X	X	<b>NW/CW/BW:</b> – First Foreign Trade Ordinance 2011, as amended, Section 2 – Advisory board supply information on the end-user and end-use –	
18	Catch all clause	X	X	X	<b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Art. 4 – Foreign Trade Act 2011, as amended, Section 15, 19 – First Foreign Trade Ordinance 2011, as amended, Section 5 –	X	X	X	<b>NW/CW/BW:</b> Foreign Trade Act 2011, as amended, Part 10	
19	Intangible transfers	X	X	X	<b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended – Foreign Trade Act 2011, as amended, Section 1 (Nr. 11: definition of “export” also covers intangible transfers)	X	X	X	<b>NW/CW/BW:</b> Foreign Trade Act 2011, as amended, Part 10	
20	Transit control	X	X	X	<b>NW/CW/BW:</b> – Council Regulation (EC) n. 428/2009 of 5	X	X	X	<b>NW/CW/BW:</b> Penal Code, as amended, Section 177a	2

					<p>May 2009, as amended, Art. 6</p> <ul style="list-style-type: none"> <li>- EU Regulation no. 648 of 13 April 2005 (Security Amendment to the Community Customs Code), 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"</li> <li>- Foreign Trade Act 2011, Section 14, 15 (licensing requirements), 18 (prohibition)</li> </ul> <p><b>NW:</b> Nuclear Non-Proliferation Act 2013, Section 10</p>				<p>Foreign Trade Act 2011, Part 10</p> <p><b>NW:</b> Penal Code, as amended, Section 177b</p>	
21	Trans-shipment control	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009 as amended (would be handled either as an "export" or a "transit" as defined by the Regulation)</li> <li>- EU Regulation no. 648 of 13 April 2005 (Security Amendment to the Community Customs Code), Article 1.14</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> <li>- Foreign Trade Act 2011, Part 10</li> </ul>	
22	Re-export control	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Council Regulation (EC) n. 428/2009 of 5 May 2009, as amended, Art. 2 (defines "re-export" as an "export" for the purposes of the Regulation)</li> <li>- EU Regulation no. 648 of 13 April 2005 (Security Amendment to the Community Customs Code), Article 1.14</li> <li>- Foreign Trade Act 2011, as amended, Section 1, Nr. 11)</li> <li>-</li> </ul>	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Penal Code, as amended, Section 177a</li> <li>- Foreign Trade Act 2011, Part 10</li> </ul>	
23	Control of providing funds	X	X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as amended</li> <li>- Banking Act 1993 ("Bankwesengesetz"), as</li> </ul>		X	X	<p><b>NW/CW/BW:</b></p> <ul style="list-style-type: none"> <li>- Austrian FIU at the Criminal Intelligence Service ("Meldestelle Geldwaesche")</li> <li>- Penal Code, as amended, Art. 278d (financing of terrorism)</li> <li>- Sanctions Act 2010, as amended, Part 3</li> <li>- Banking Act 1993, as amended, Part XXII</li> </ul>	



					<p>amended, Sections 40-40d (Special obligations of due diligence for credit and financial institutions, which aim at preventing money laundering and the financing of terrorism; relevant amendments were also made to other acts regulating the financial sector, e.g. the Insurance Supervision Act, the Securities Supervision Act and the Stock Exchange Act)</p> <ul style="list-style-type: none"> <li>- Sanctions Act 2010, as amended</li> <li>- EU Regulations implementing EU restrictive measures / international sanctions (e.g. Council Regulation (EC) no. 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network, etc., as amended)</li> <li>- Criminal Intelligence Service Act, as amended, Section 4</li> </ul>				
24	Control of providing transport services				<p><b>NW:</b> <b>CW:</b> <b>BW:</b></p>				<p><b>NW:</b> <b>CW:</b> <b>BW:</b></p>
25	Control of importation	X	X	X	<p><b>NW</b> <b>CW/BW:</b> Penal Code, as amended, Art. 177a (prohibition to import WMD)</p>	X	X	X	<p><b>NW/CW/BW:</b> Penal Code, as amended, Art. 177a</p>
26	Extraterritorial applicability				<p><b>NW:</b> <b>CW:</b> <b>BW:</b></p>	X	X	X	<p><b>NW/CW/BW:</b> Penal Code, as amended, Section 64</p>
27	Other				<p><b>NW:</b> <b>CW:</b> <b>BW:</b></p>				<p><b>NW:</b> <b>CW:</b> <b>BW:</b></p>

## 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	See above (Op. 3c/d, field 13).	
2	Control lists - other	X	Common EU List of Military Equipment (regularly updated) Lists of persons / entities etc. as established by EU Restrictive Measures	
3	Assistance offered	X	<ul style="list-style-type: none"> <li>- State reports that appropriate assistance is provided in response to specific requests taking into account the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of resolution 1540 (2004)</li> <li>- State also reported that it was exploring possibilities to provide assistance through the IAEA</li> </ul>	
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)	X	Has provided bilateral and multilateral assistance on export control through the IAEA and the OPCW	
7	Work with and inform industry	X	Federal Ministry of Science, Research and Economy undertakes regular compliance visits to Austrian exporters; governmental awareness programme to provide advice and assistance to industry and academia	
8	Work with and inform the public	X	Information disseminated through the Federal Ministry of Science, Research and Economy website, publications and leaflets	
9	Point of Contact	X	Unit for Nuclear Disarmament, Non-Proliferation and Security, Federal Ministry for European and International Affairs	
10	Other <sup>4</sup>			

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