

*Permanent Mission of Brazil
to the United Nations*

New York

Nº 101

The Permanent Mission of Brazil to the United Nations presents its compliments to the Security Council Committee established pursuant to Resolution 1540 (2004) and, with reference to the Committee's Note Verbale SCA/5/20(03), circulated on 2 March 2020, has the honor to submit herewith a matrix containing updated information on the national implementation of Resolution 1540 (2004) by Brazil.

The Permanent Mission of Brazil to the United Nations avails itself of this opportunity to renew to the Security Council Committee established pursuant to Resolution 1540 (2004) the assurances of its highest consideration.

New York, 06May 2020



DRAFT 1540 COMMITTEE MATRIX

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), 1977 (2011), 2055 (2012) and 2325 (2016). 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.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions. Thus:

An “X” in any data field signifies only that the 1540 Committee considers that a State has taken the steps required, and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An “X” against any data field does not necessarily signify that a State has met in full its 1540 obligations for that data field.

A “?” in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

A “NA” (Not Applicable) in any data field signifies that the data field is not applicable to that State where through legally binding instruments States specified that they do not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an “X” or “?” against a particular data field.

State:	Federative Republic of Brazil
Date of Report:	29 October 2004
Dates of Additional Reports:	22 September 2005 22 September 2005 (Corr.1) 17 March 2006 17 December 2007 (National Submission)

Last Revised:	[Date of publication of final approved Matrix on the Committee website]
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I. OP 1 and related matters from OP 5, OP 8 (a), (b), (c) and OP10

Adherence to legally binding instruments, membership of organisations, participation in arrangements and statements made.		Relevant information (i.e. signing, deposit of instrument of 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)	Deposit 18 September 1998, ratified by the Decree 2.864 of December 7th, 1998	
2	Nuclear Weapons Free Zone/ Protocol(s)	Treaty of Tlatelolco, Deposit 29 January 1968, ratified by the Decree 1.246 of September 16th 1994	
3	International Convention for the Suppression of Acts of Nuclear Terrorism	Deposit 25 September 2009, ratified by the Decree 9.967 of August 8th 2019	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	Deposit 17 October 1985, ratified by the Decree 95 of April 16th 1991	
5	2005 Amendment to the CPPNM	Currently in the process of ratification by the Congress	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	Deposit 24 July 1998, ratified by the Decree 64 of July 2nd 1998	
7	Chemical Weapons Convention (CWC)	Deposit 13 March 1996, ratified by the Decree 2.977 of March 1 st 1999	
8	Biological Weapons Convention (BWC)	Deposit 27 February 1973, ratified by the Decree 77.374 of April 1 st 1976	
9	Geneva Protocol of 1925	Deposit 28 August 1970, ratified by the Legislative Decree 39 of July 1 st 1970	
10	1997 International Convention for the Suppression of Terrorist Bombings	Deposit 23 August 2002, ratified by the Decree 4.394 of September 26th 2002	
11	1999 International Convention for the Suppression of the Financing of Terrorism	Deposit 16 September 2005, ratified by the Decree 5.640 of December 26th 2006	

12	2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation		
13	2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf		
14	2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Signed 10 September 2010	
15	Other relevant regional legally binding instruments	Inter-American Convention Against Terrorism (Deposit 25 October 2005); Treaty on the Prohibition of Nuclear Weapons (signed on 20 September 2017)	
16	International Atomic Energy Agency (IAEA)	Since 29 July 1957	
17	Directly relevant Arrangements	Nuclear Suppliers Group (NSG): since 1996 Missile Technology Control Regime (MTCR): since 1995	
18	Statement on non-provision of WMD and related materials to non-State actors	State reports that it is fully committed to the objectives of non-proliferation of weapons of mass destruction (WMDs) and to the international efforts aimed at preventing non-State actors from gaining access to those weapons, as well as to related materials and technology.	
19	Membership in relevant international, regional or sub-regional organisations	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) The World Health Organization (WHO) The World Organisation for Animal Health (OIE) International Criminal Police Organization (INTERPOL) World Customs Organisation (WCO) - SAFE Framework International Maritime Organisation (IMO) Organization of American State (OAS) World Bank International Monetary Fund (IMF) Financial Action Task Force on Money Laundering (FATF) Financial Action Task Force of Latin America (GAFILAT) Inter-Parliamentary Union (IPU) MERCOSUR – Specialized Working Group on Illicit Traffic of Nuclear and Radioactive Materials (GTETMR) of the Meeting of	

		Ministers of Interior and Security of State Parties and Associated States	
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II. OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

National legislation which prohibits persons or entities to engage in one of the following activities and its enforcement		National legal framework					Enforcement and civil/criminal penalties			Remarks
		X / ?			Source document of national implementation law	X / ?			Source document	
		N W	C W	B W		N W	C W	B W		
1	manufacture	X	X	X	<p>NW/CW/BW: Penal Code –Decree 2.848 of 7 December 1940 as amended. Art. 278 (any hazardous substance for health)</p> <p>NW: Federal Constitution, Art. 21, XXIII Law 6.453 of 17 October 1977, Art. 20 (without proper authorization)</p> <p>CW: Legislative Decree 9 of 6 March 1996 approves the Chemical Weapons Convention (CWC) Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 (Establishes administrative and penal sanctions in case of activities prohibited by the CWC) Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Law 9.605, of 12 February 1998, Art. 56 Decree 10.030 of 30 September 2019. Art. 5 –I; Art. 45, IV.</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>	X	X	X	<p>NW/CW/BW: Law 9.605 of 12 February 1998, Art. 56 Decree 6.514 of 22 July 2008, Art. 64 Penal Code –Decree 2.848 of 7 December 1940, as amended. Art. 278 (any hazardous substance for health)</p> <p>NW: Law 6.453 of 17 October 1977, Art. 20 (without proper authorization)</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Decree 2.074 of 14 November 1996, Art. 3 -I Law 11.254 of 27 December 2005</p> <p>BW: Law 11.105 of 24 March 2005, Art. 29 (GMOs only)</p>	
2	acquire	X	X	X	<p>NW: Federal Constitution, Art. 21, para XXIII</p>	X	X	<p>NW: Law 6.453 of 17 October 1977, Art. 22 (without</p>		

				<p>Law 6.453 of 17 October 1977, Art. 22 (without proper authorization) Resolution 110/11, of 1 September 2011, issued by the National Commission for Nuclear Energy</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>			<p>proper authorization)</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Decree 2.074 of 14 November 1996. Art. 3 -I Law 11.254 of 27 December 2005</p>			
3	possess	X	X	X	<p>NW/CW/BW: Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 2</p> <p>NW: Federal Constitution, Art. 21, para XXIII Law 4.118 of 27 August 1962, Art. 40 (without proper authorization) Law 6.453 of 17 October 1977, Art 22 (without proper authorization)</p> <p>CW: Legislative Decree 9 of 20 February 1996 incorporates approves the Chemical Weapons Convention (CWC) into domestic law Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253</p>	X	X	X	<p>NW/CW/BW: Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 2</p> <p>NW: Law 4.118 of 27 August 1962, Art. 40 (without proper authorization) Law 6.453 of 17 October 1977, Art. 22 (without proper authorization)</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Decree 2.074 of 14 November 1996. Art. 3 -I Law 11.254 of 27 December 2005</p>	

					<p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>				
4	develop	X	X	X	<p>NW: Federal Constitution, Art. 21, para XXIII</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Law 13.123 of 20 May 2015, Art. 5 Decree 10.030 of 30 September 2019. Art. 5 -I</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC Law 13.123 of 20 May 2015, Art. 5</p>	X			<p>CW: Decree 2.074 of 14 November 1996. Art. 3 -I Law 11.254 of 27 December 2005 Law 9.605 of 12 February 1998</p> <p>BW: Law 13.123 of 25 May 2015, Art.27</p>
5	transport	X	X	X	<p>NW/CW/BW: Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 2</p> <p>NW: Federal Constitution, Art. 21, para XXIII Law 6.453 of 17 October 1977, Art. 22 (without proper authorization)</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, Art. 253 (without proper authorization) Law 9. 605, of 12 February 1998, Art. 56</p>	X	X	X	<p>NW/CW/BW: Law 9.605 of 12 February 1998, Art. 56 Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 2 Decree 6.514 of 22 July 2008, Art. 64</p> <p>NW: Law 6.453 of 17 October 1977, Art. 22</p> <p>CW: Penal Code - Decree 2.848 of 07 December 1940, Art. 253 (without proper authorization) 9.605 Decree 6.514 of 22 July 2008, Art. 64</p>

								BW: Law 11.105 of 24 March 2005, Art. 29 (GMOs only)	
6	transfer	X	X	X	<p>NW/CW/BW: Penal Code –Decree 2.848 of 7 December 1940, as amended. Art. 278 (any hazardous substance for health)</p> <p>NW: Federal Constitution, Art. 21, para XXIII Law 4.118 of 27 August 1962, Art. 40 (without proper authorization) Law 6.453 of 17 October 1977, Art. 20 and 22 (without proper authorization)</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Law 11.254 of 27 December 2005 Law 9.605, of 12 February 1998, Art. 56</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>	X	X	X	<p>NW/CW/BW: Law 9.605 of 12 February 1998, Art. 56 Decree 6.514 of 22 July 2008, Art. 64 Penal Code –Decree 2.848 of 7 December 1940, as amended. Art. 278 (any hazardous substance for health)</p> <p>NW: Law 4.118 of 27 August 1962, Art. 40 (without proper authorization) Law 6.453 of 17 October 1977, Art. 20 and 22 (without proper authorization)</p> <p>CW: Decree 2.074 of 14 November 1996. Art. 3 -I Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 253 Law 9.605, of 12 February 1998, Art. 56</p> <p>BW: Law 11.105 of 24 March 2005, Art. 29 (GMOs only)</p>
7	use	X	X	X	<p>NW/CW/BW: Decree 4394 of 27 September 2002 (incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law: terrorist intent)</p>	X	X	X	<p>NW/CW/BW: Law 7.347 of 24 July 1985, as amended Law 9.605 of 12 February 1998, Art 56 Decree 6.514 of 22 July 2008, Art 64 Law 13.260 of 16 March 2016 on investigative</p>

				<p>Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 2</p> <p>NW: Federal Constitution, Art. 21, para XXIII Law 6.453 of 17 October 1977, Art. 20 (without proper authorization)</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005 Law 9.605, of 12 February 1998, Art. 56 Decree 10.030 of 30 September 2019. Art. 5 -I</p> <p>BW: Decree 67.200 of 15 September 1970, which ratifies the Geneva Protocol of 1925 Penal Code – Decree 2.848 of 7 December 1940, as amended. Art. 259, 267</p>			<p>and procedural provisions for terrorist acts. Art. 2</p> <p>NW: Penal Code - Decree 2.848 of 07 December 1940 Law 6.453 of 17 October 1977, Art. 20</p> <p>CW: Decree 2.074 of 14 November 1996. Art. 3 -I Law 11.254 of 27 December 2005 Penal Code - Decree 2.848 of 07 December 1940, as amended. Art. 252 Law 9.605, of 12 February 1998, Art. 56</p> <p>BW: Heinous Crimes Law - Law 8.072 of 25 July 1990. Art 1-VII (inducement of epidemics by the release of pathogens) Penal Code - Decree 2.848 of 7 December 1940, as amended. Arts. 259, 267:</p>			
8	attempt to engage in abovementioned activities	X	X	X	<p>NW/CW/BW: Penal Code -Decree 2.848 of 07 December 1940, as amended, Art. 14 Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 5</p>	X	X	X	<p>NW/CW/BW: Penal Code -Decree 2.848 of 07 December 1940, as amended, Art. 14 Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 5</p>	
9	participate as an accomplice in abovementioned activities	X	X	X	<p>NW/CW/BW: Penal Code -Decree 2.848 of 07 December 1940, as amended, Art. 29 Decree 4394 of 27 September 2002 incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law. Art. 2</p>	X	X	X	<p>NW/CW/BW: Penal Code -Decree 2.848 of 07 December 1940, as amended. Art. 29</p>	
10	assist in abovementioned activities	X	X	X	<p>NW/CW/BW: Penal Code - Decree 2.848 of 07 December 1940, as amended, Art. 29 Decree 4394 of 27 September 2002</p>	X	X	X	<p>NW/CW/BW: Penal Code - Decree 2.848 of 07 December 1940, as amended, Art. 29 Law 13.260 of 16 March 2016 on investigative</p>	

				<p>incorporates the International Convention for the Suppression of Terrorist Bombings into domestic law Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 3</p> <p>CW: Legislative Decree 9 of 20 February 1996 approves the Chemical Weapons Convention (CWC) Legislative Decree 2.977 of 1 March 1999 promulgates the CWC Law 11.254 of 27 December 2005</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC) Legislative Decree 77.374 of 1 April 1976 promulgates the BWC</p>			<p>and procedural provisions for terrorist acts. Art. 3</p> <p>CW: Law 11.254 of 27 December 2005</p>		
11	finance abovementioned activities	X	X	X	<p>NW/CW/BW: Law 9.613 of 3 March 1998 as amended by Law 12.683 of 2012 on money laundering Law 13.810 of 8 March 2019 on terrorism financing Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 6</p>	X	X	X	<p>NW/CW/BW: Law 13810 of 8 March 2019 on terrorism financing Law 13.260 of 16 March 2016 on investigative and procedural provisions for terrorist acts. Art. 6 COAF (Council for Financial Activities Control)</p>
12	abovementioned activities related to means of delivery ¹	?	X	X	<p>NW/CW/BW: Law 7.170 (14/12/1983) Crimes against national security, Art. 12</p> <p>CW: Legislative Decree 9 of 20 February 1996 Law 11.254 of 27 December 2005</p> <p>BW: Legislative Decree 89 of 1972 approves the Biological and Toxin Weapons Convention (BWC)</p>	?	X	?	<p>NW/CW/BW: Law 7.170(14/12/1983) Crimes against national security, Art. 12</p> <p>CW: Decree 2.074 of 14 November 1996 Law 11.254 of 27 December 2005</p> <p>BW: Law 9.613 of 3 March 1998: applicability to financing BW and its means of delivery Amended by Law 12.683 of 9 July 2012</p>

				Legislative Decree 77.374 of 1 April 1976 promulgates the BWC					
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1. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

III. OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials ²

Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials		National legal and/or regulatory framework			Enforcement and civil/criminal penalties			Remarks
		X / ?			X / ?			
		N W	C W	B W *	N W	C W	B W	
1	Measures to account for production	X	X	X				<p>NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 XIV Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>CW: Legislative Decree 9 of 6 March 1996: Decree 2.074 of 14 November 1996. Art. 4</p> <p>BW: Law 11.105 of 24 March 2005 (GMOs only). Art 14 -VIII Decree 5.591 of 22 November 2005 (GMOs only). Chapter IV</p>
2	Measures to account for use	X	X	X				<p>NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 IX Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>CW: Legislative Decree 9 of 06 March 1996: Decree 2.074 of 14 November 1996. Art. 4 (research)</p>

					<p>BW: Law 11.105 of 24 March 2005 (GMOs only). Art 14 -VIII Decree 5.591 of 22 November 2005. (GMOs only). Chapter IV</p>				<p>BW: Law 11.105 of 24 March 2005. Art. 21 Decree 5.591 of 22 November 2005. Art. 70</p>	
3	Measures to account for storage	X	X	X	<p>NW: INFCIRC/435 INFCIRC/435/Mod.2 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 IX Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>CW: Decree 2.074 of 14 November 1996. Art 3-I Law 11.254 of 27 December 2005</p> <p>BW: Law 11.105 of 24 March 2005 (GMOs only). Art 14 -VIII Decree 5.591 of 22 November 2005. (GMOs only). Chapter IV</p>	X	X	X	<p>NW: Law 6.453 of 17 October 1977. Art. 22 ABACC</p> <p>CW: Decree 2.074 of 14 November 1996. Art 3-I Law 11.254 of 27 December 2005</p> <p>BW: Law 11.105 of 24 March 2005. Art. 21 Decree 5.591 of 22 November 2005. Art 70</p>	
4	Measures to account for transport	X	X	X	<p>NW/CW/BW: Resolution 5.848 of 25 June 2019, Chapter V, issued by the National Agency for Land Transportation (ANTT). Resolution 2.239 of 15 September 2011 issued by National Waterway Transport Agency (ANTAQ)</p> <p>NW: INFCIRC/435 INFCIRC/435/Mod.1 INFCIRC/435/Mod.3 Law 7.781 of 27 June 1989, Art 2 IX Resolution 013/88, of 1 August 1988, issued by the National Commission of Nuclear Energy Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p>	X	X	?	<p>NW/CW/BW: Resolution 5.848 of 25 June 2019, Chapter VI, issued by the National Agency for Land Transportation (ANTT).</p> <p>NW: Law 6.453 of 17 October 1977. Art. 22 ABACC</p>	

				<p>CW: Decree 1797, 25 January 1996 - Enforcement of the Partial Scope Treaty to Facilitate the Transportation of Hazardous Materials within Mercosur. Decree 2866, 07 December 1998 - First Additional Protocol Administrative Act 22, 19 January 2001 - Inspection of Road Transportation</p> <p>BW: Law 11.105 of 24 March 2005 (GMOs only) Decree 5.591 of 22 November 2005 Instruction 175-004, REV.B of 21 August 2017, issued by the National Civil Aviation Agency. (ANAC). Section 8.5 Ministerial Order 472, of 9 March 2009, issued by the Ministry of Health Resolution 20, of 10 April 2014, issued by National Sanitary Surveillance Agency (ANVISA).</p>			<p>CW: Decree-Law 2063, 6 October 1983 provides for fines to be applied for infringements of regulations, for the conduct of road transportation of hazardous bulks or products</p> <p>BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005</p>		
5	Measures to secure production	X		<p>NW: Law 12.731 of 21 November 2012</p>	X		<p>NW: Law 6.453 of 17 October 1977. Chapter II (on liability for nuclear damages) Law 9.605 of 12 February 1998</p>		
6	Measures to secure use	X		<p>NW: Law 12.731 of 21 November 2012 Law 7.781 of 27 June 1989, Art 2 – X (on the mandate of National Commission of Nuclear Energy)</p>	X		<p>NW: Law 6.453 of 17 October 1977. Chapter II (on liability for nuclear damages) Law 9.605 of 12 February 1998</p>		
7	Measures to secure storage	X	X	X	<p>NW/CW/BW: ISPS Code</p> <p>NW: Law 12.731 of 21 November 2012</p>	X		<p>NW: Law 6.453 of 17 October 1977. Chapter II (on liability for nuclear damages) Law 9.605 of 12 February 1998</p>	
8	Measures to secure transport	X	X	X	<p>NW/CW/BW: Regulation 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004: Complementary Instructions to Road and Railway Transportation of Dangerous Products</p>	X	X	X	

				<p>(radioactive) ISPS Code Resolution 2.239 of 15 September 2011 issued by National Waterway Transport Agency (ANTAQ)</p> <p>NW: Law 12.731 of 21 November 2012 Law 7.781 of 27 June 1989, Art 2– X (on the mandate of National Commission of Nuclear Energy) Resolution 013/88, of 1 August 1988, issued by the National Commission of Nuclear Energy</p> <p>CW: Administrative Act 22, 19 January 2001 Act 349, 10 June 2002 Instruction 1.602, 7/88 DAC Decree 96.044, 18 May 1988 Administrative Act 3 of 26 May 1995 Administrative Act 204 of 26 May 1997</p> <p>BW: Instruction 175-004, REV.B of 21 August 2017, issued by the National Civil Aviation Agency (ANAC). Ministerial Order 472, of 9 March 2009, issued by the Ministry of Health Resolution 20, of 10 April 2014, issued by National Sanitary Surveillance Agency (ANVISA).</p>				<p>NW: Law 6.453 of 17 October 1977 Law 9.605 of 12 February 1998</p> <p>CW: Decree-Law 2.063, 6 October 1983 (fines for violations of regulations, on road transportation of hazardous products)</p> <p>BW: Law 11.105 of 24 March 2005 Decree 5.591 of 22 November 2005 Normative Instruction CTNBio no 16 of 27 May 1998</p>			
9	Physical protection measures	X				X			<p>NW: Law 4.118 of 27 August 1962 Law 7.781 of 27 June 1989, Art 2 – X (on the mandate of National Commission of Nuclear Energy) Decree 9.600 of 5 December 2018. Art.5</p>	<p>NW: Decree 95 of 16 April 1991 Norm CNEN NN 2.01: Physical Protection of Nuclear Material and Nuclear Facilities</p>	
10	Personnel Reliability	X	X	X		X	X	X	<p>NW/CW/BW: Law nº 12.527 of 18 November 2011 (Access to Information Law)</p>	<p>NW/CW/BW: Law 9.605 of 12 February 1998 Decree 7724 of 16 May 2012 Decree 7845 of 14 November 2012 Norm 01/NSC of 13 June 2012 regulates security procedures to accredited personnel to access</p>	

IV. OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials (NW specific)

Measures to establish domestic controls to prevent the proliferation of NW, and their means of delivery; controls over related materials		Source document	Remarks
1	National regulatory authority	National Commission of Nuclear Energy (CNEN) (Law 4.118 of 27 August 1962)	
2	Licensing of nuclear installations/entities/ use of materials	National Commission for Nuclear Energy (CNEN) Law 7.781 of 27 June 1989, Art 2-IX	
3	IAEA Safeguards Agreements	Agreement of 13 December 1991 between Argentina, Brazil, ABACC and IAEA for the Application of Safeguards INFCIRC/435 INFCIRC/435/Mod1 INFCIRC/435/Mod2 INFCIRC/435/Mod3	
4	IAEA Code of Conduct on Safety and Security of Radioactive Sources	Expressed support	
5	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources	Expressed support	
6	IAEA Incident and Trafficking Database	Participates	
7	Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)		

8	Applying the physical protection recommendations in INFCIRC/225/Rev.5	Nuclear Regulation NN 2.01, "Physical Protection of Nuclear Materials and Facilities", issued by CNEN (National Commission of Nuclear Energy) in November 2019, based, inter alia, on INFCIRC/225/VER.5 (IAEA NSS 13).	
9	Other Agreements related to IAEA	Vienna Convention on Civil Liability for Nuclear Damage Convention on Early Notification of a Nuclear Accident Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Convention on Nuclear Safety Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)	
10	National legislation and regulations related to nuclear material including CPPNM	Decree 2.648 of 1 July 1998	

V. OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)

Measures to establish domestic controls to prevent the proliferation of CW, and their means of delivery; controls over related materials		Source document	Remarks
1	National CWC authority	National Authority, General-Coordination of Sensitive Items, Ministry of Science, Technology, Innovations and Communications. Decree 2.074 of 14 November 1996	
2	Licensing/registration of installations/facilities/ persons/entities/use/ handling of related materials	Decree 2.074 of 14 November 1996	
3	Old or abandoned chemical weapons		

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

Measures to establish domestic controls to prevent the proliferation of BW, their means of delivery; controls over related materials		Source document	Remarks
1	Licensing/registration of installations/facilities/persons/entities/use/handling of materials	National Sanitary Surveillance Agency (ANVISA).	

VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials		National legal framework					Enforcement and civil/criminal penalties					Remarks
		X / ?			Source document	X / ?			Source document			
		N W	C W	B W		N W	C W	B W				
1	Border control to detect, deter, prevent and combat illicit trafficking	X	X	X	<p>NW/CW/BW: Decree-Law 37 of 18 November 1966, as amended Decree 6.759 of 5 February 2009 (Regulates the administration of customs activities, and the inspection, control, and taxation of foreign trade operations) Consolidation of Ministerial Acts (Imports), Ministerial Act 17 of 1 December 2003, as amended. Consolidation of Ministerial Acts (Exports), Ministerial Act 12 of 3 September 2003, as amended. Law 9.605 of 12 February 1998</p>	X	X	X	<p>NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) as amended. Art. 334 Law 9.112 of 10 October 1995. Art. 6 Department of Civil Aviation, Air Force Command: enforces at airports Law 12.815 of 5 June 2013 (on ports and port installations and the activities carried out by port operators) Federal Revenue of Brazil – RFB (Customs Administration) Ministry of Economy</p> <p>BW: Brazilian Sanitary Surveillance Agency (ANVISA) International Agricultural Surveillance (VIGIAGRO)</p>			
2	Law enforcement to detect, deter, prevent and combat illicit trafficking	X	X	X	<p>NW/CW/BW: Federal Revenue and Customs Secretariat (SFR), as well as Police and Armed Forces as subsidiaries. Law 9.112 of 10 October 1995. Art. 5</p> <p>NW: National Commission of Nuclear Energy</p> <p>CW:</p>	X	X	X	<p>NW/CW/BW: Federal Revenue and Customs Secretariat (SFR) as well as Police and Armed Forces as subsidiaries Law 9.112 of 10 October 1995. Art. 5</p> <p>NW: National Commission of Nuclear Energy</p> <p>CW:</p>			

				<p>Ministry of Science, Technology, Innovations and Communications</p> <p>BW: CTNBio (on GMOs)</p>			<p>Ministry of Science, Technology, Innovations and Communications</p> <p>BW: CTNBio (on GMOs)</p> <p>Em amarelo estão órgãos e não legislação</p>		
3	Border control detection measures	X	X	X	<p>NW/CW/BW: The Ministry of Science, Technology, Innovations and Communications organizes the Course of Identification of Sensitive Goods, aimed at training border controls officers to identify commodities used in the production of WMDs</p>	X	X	X	<p>NW/CW/BW: The Ministry of Science, Technology, Innovations and Communications organizes the Course of Identification of Sensitive Goods, aimed at training border controls officers to identify commodities used in the production of WMDs</p>
4	Control of brokering								
5	Export control legislation in place	X	X	X	<p>NW/CW/BW: Federal Constitution of 1988. Art. 177 Law 9.112 of 10 October 1995 (on provisions for the export of sensitive goods and services directly linked) Decree 10.030 of 30 September 2019. Chapter III Law 9.649 of 27 May 2004. Art. 14, II, g Decree-Law 37 of 18 November 1966 Ministerial Act SECEX No. 36 of 22 November 2007 Decree 4.214 of 30 April 2002 (defines the competence of the Inter-ministerial Commission for the exports control of sensitive goods, as set out in Law No. 9,112 of October 10, 1995) Resolution CIBES No. 17 of 16 August 2012</p> <p>NW: Law 6.189 of 16 December 1974, Art. 11 Law 6.453 of 17 October 1977, Art. 25 Decree 1.861 of 12 April 1996 (Regulates Law No. 9,112 of October 10, 1995 on the export of sensitive goods and services directly linked) Administrative Act SAE/PR 61 of 12 April 1996 Resolution 23, of 18 November 2014, issued by the Inter-ministerial commission for Export</p>	X	X	X	<p>NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) Law 9.112 of 10 October 1995. Art 7 Inter-ministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures (CIBES) Resolutions</p> <p>NW: Law 6.453 of 17 October 1977, Art 25 (penalizes unauthorized export and import)</p>

				<p>Control of Sensitive Goods (CIBES) Resolution 9, of 2 April 2007, issued by the Inter-ministerial commissions for Export Control of Sensitive Goods (CIBES) Resolution 11/99, of 21 September 1999, issued by the National Commission for Nuclear Energy</p> <p>BW: Resolution 21, of 19 July 2013, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES)</p>				<p>CW: Decree 2.074 of 14 November 1996. Art 2-VII Law 11.254 of 27 December 2005 (establishes administrative and criminal sanctions for activities prohibited by the CWC)</p>		
6	Licensing provisions and Authority	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, as amended regulated by Decree 1.861 of 12 April 1996 Decree 4,214 of 30 April 2002 (establishes CIBES mandate) Inter-ministerial Commission for Export Control of Sensitive Goods (CIBES) Decree 10.030 of 30 September 2019 Regulation 49 of 16 February 2004</p> <p>NW: Law 6.189 of 16 December 1974. Art 11 National Commission for Nuclear Energy (CNEN)</p> <p>CW: Decree 2.074 of 14 November 1996. Art. 4-1</p> <p>BW: Resolution 21, of 19 July 2013, issued by the Inter-Ministerial Commission for Export Control of Sensitive Goods (CIBES).</p>	X	X	X	<p>NW/CW/BW: Penal Code (Decree-Law 2.848 of 1940) Law 9.112 of 10 October 1995 Decree 1.861 of 12 April 1996 Decree 4214 of 30 April 2002 which establishes the mandate of the Inter-Ministerial Commission for the Export Control of Sensitive Goods (CIBES) Law 6.453 of 17 October 1977. (penalizes unauthorized export and import) General-Coordination for Sensitive Items - CGBS (within the Ministry of Science, Technology, Innovations and Communications), as the Executive-Secretary of CIBES.</p> <p>BW: Ministry of Agriculture and Supply (MAPA), through the Secretariat of Agricultural Protection (SDA) Resolution 21, of 19 July 2013, issued by the Inter-Ministerial Commission for Export</p>	

									Control of Sensitive Goods - CIBES 3.2.2 b.1)	
7	Control lists of materials, equipment and technology	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, as amended. Also Inter-ministerial Regulation 631 MCT/MD - List of Sensitive Goods Resolution CIBES 25 of 2 February 2016 on the update of control lists</p> <p>NW: Decree 1.861 of 12 April 1996 regulates Law 9.112 of 10 October 1995: List of Nuclear Equipment, Material or Technology Ordinance MCTIC 1.405 of 29 December 2014: List of Dual-use Equipment and Material and Related Technology Resolution 23, of 18 November 2014, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES) (list update)</p> <p>CW: Inter-ministerial Regulation 631 MCT/MD - List of Sensitive Goods (mustard gas) Ordinance 437 and 436, of 14 June 2012, issued by the Ministry of Science, Technology, Innovations and Communications</p> <p>BW: Resolution 13, of 10 March 2010, issued by the Inter-Ministerial Commission for Export Control of Sensitive Goods (CIBES) (list update)</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art 6 Resolution CIBES 25 of 2 February 2016 on the update of control lists Inter-Ministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures</p>	
8	Intangible technology transfers	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art. 1 - 2 (provision on technical data or technical assistance)</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art. 1 - 2 (provision on technical data or technical assistance)</p>	
9	Inclusion of means of delivery	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995 Resolution CIBES, No. 17 of 16 August 2012 Resolution CIBES 25 of 2 February 2016 on the</p>	X	X	X	<p>NW/CW/BW: Resolution CIBES 17 of 16 August 2012 Resolution CIBES 25 of 2 February 2016 on the update of control lists</p>	

					update of control lists				
10	End-user controls	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art 3</p> <p>NW: Resolution 9, of 2 April 2007, issued by the Inter-ministerial commission for Export Control of Sensitive Goods (CIBES)</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art. 6</p> <p>NW: CIBES Resolution 9 of 2 April 2007- Procedures for issuing of End-User certificates during import of nuclear items</p> <p>BW: CIBES Resolution 21 of 19 July 2013</p>
11	Catch all clause	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Art 3, II) 3</p>	X	X	X	<p>NW/CW/BW: Law 9.112 of 10 October 1995, Arts. 6 and 7</p>
12	Transit control	X	X	X	<p>NW/CW/BW: Ordinance SRF 248/02, issued by the Federal Revenue of Brazil – RFB (Customs Administration)</p>				
13	Trans-shipment control	X	X	X	<p>NW/CW/BW: Decree 96.044 of 18 May 1988 Ordinance RFB 800/07, issued by the Federal Revenue of Brazil (Customs Administration)</p>				
14	Re-export control	X	X	X	<p>NW/CW/BW: Decree 1.861 of 12 April 1996, art. 14. Ordinance RFB 1702/17, issued by the Federal Revenue of Brazil (Customs Administration)</p>				
15	Control over financing of exports/transshipments that would contribute to proliferation	X			<p>NW: Law 9.112 of 10 October 1995</p>				<p>NW: Law 9.112 of 10 October 1995</p>
16	Control over services related to exports/transshipments that would contribute to proliferation including transportation	X			<p>NW: Law 9.112 of 10 October 1995</p>				<p>NW: Law 9.112 of 10 October 1995</p>

VIII. OP 7 and 8 (d) - Assistance, Work with and inform Industry and Public, and other Information

1	Assistance offered	In response to specific requests, the Brazilian Government is ready to provide assistance as appropriate to States in the Latin American and Caribbean region and other developing countries, especially Portuguese-speaking countries, lacking the legal and/or regulatory infrastructure and implementation experience required to implement the provisions set forth by the Security Council Resolution 1540.
2	Assistance Point of Contact (for assistance providers only)	Division of Disarmament and Sensitive Technologies (DDS/MRE) Ministry of External Relations dds@itamaraty.gov.br
3	Assistance requested	
4	Action taken to work with and inform industry	General-Coordination for Sensitive Items, within the Ministry of Science, Technology, Innovations and Communications (CGBS/DEAIC/SEPLA/MCTIC) and the National Commission of Nuclear Energy (CNEN) are in constant interaction with industry and the companies involved in activities related to sensitive goods and technologies, as well as with their representative associations. "Project Sciences", further nominated "National Program for Integration State Enterprise in the sensitive Areas (Pronabens)", carried out by CGBS/MCTIC and by the Brazilian Intelligence Agency (ABIN), intends to inform private and governmental sectors, as well as research institutes and academia about outreach activities to the chemical and biological industries, to nuclear-related industry and to missile-related industry. It aims at expanding its activities to all industries and governmental institutions that work with sensitive technologies. Currently, outreach activities are focusing on laboratories, research facilities and governmental institutions related to biological, nuclear and missile areas. The chemical area is focusing on academia.
5	Action taken to work with and inform the public	Relevant websites are open to public domain. On CGBS website there is information about the legislation of the Brazilian System for Export Control of Sensitive Items.
6	Point of Contact	Division of Disarmament and Sensitive Technologies (DDS/MRE), Ministry of External Relations dds@itamaraty.gov.br
7	Voluntary National Implementation Action Plan (NAP)	
8	1540 Committee visits to States	